

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF  
SOLEBURY, BUCKS COUNTY, PENNSYLVANIA,  
AMENDING CHAPTER 23 (STORMWATER  
MANAGEMENT)**

**WHEREAS**, the Pennsylvania Storm Water Management Act (Act 167) requires municipalities to “adopt or amend, and shall implement such ordinances and regulations, including zoning, subdivision and development, building code, and erosion and sedimentation ordinances, as are necessary to regulate development within the municipality in a manner consistent with the applicable watershed storm water plan and the provisions of this act”;

**WHEREAS**, Federal regulations at 40 CFR § 122.34 require the use of ordinances by small MS4s to address 1) the prohibition of unauthorized non-stormwater discharges, 2) erosion and sediment controls for construction activities involving earth disturbances of one acre or more (or disturbances less than one acre if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more), and 3) postconstruction stormwater management for new development and redevelopment projects;

**WHEREAS**, Pennsylvania Department of Environmental Protection’s (“DEP”) is directed under Act 167 to develop a model stormwater management ordinance;

**WHEREAS**, DEP recently published an updated model stormwater management ordinance;

**WHEREAS**, DEP’s intention in publishing the updated model stormwater management ordinance is that its use will satisfy both Act 167 requirements and, for MS4s, regulatory requirements as implemented through NPDES permits; however, DEP further directs that municipalities should consider requirements unique to specific county-wide or watershed-wide Act 167 Plans when developing ordinances;

**WHEREAS**, municipalities applying for National Pollutant Discharge Elimination System (“NPDES”) renewal permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (“MS4s”) must include an executed ordinance consistent with the DEP’s 2022 Model Ordinance;

**WHEREAS**, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

**WHEREAS**, the Pennsylvania Second Class Township Code authorizes the Board of Supervisors to enact regulations as may be necessary for the health, safety, and general welfare of the Township and its residents (53 P.S. Section 66506), and to enact stormwater management ordinances and to require those conducting earthmoving activities to obtain Township approval (53 P.S. Section 67704);

**WHEREAS**, the proposed amendments set forth herein are also geared toward fulfilling the Township's obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens; and

**WHEREAS**, the proposed amendments set forth herein are consistent with the DEP's 2022 model ordinance;

**WHEREAS**, the proposed amendments have been advertised, considered, and reviewed in accordance with Pennsylvania law and the Township's ordinances;

**NOW THEREFORE**, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

**I. Chapter 23** of the Township Code of Ordinances is hereby **AMENDED** as follows:

**A. ADD** new Section 23-100 as follows:

§ 23-100. Short Title.

This Ordinance shall be known and may be cited as the "Solebury Township Stormwater Management Ordinance."

**B. AMEND** Section 23-101.1. as follows:

1. **AMEND** Section 23-101.1.A. so that it reads as follows:

A. Inadequate management of accelerated stormwater runoff resulting from development and redevelopment throughout a watershed increases runoff volumes, flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, damages private property, threatens public health and safety, and increases nonpoint source pollution of water resources.

2. **AMEND** Section 23-101.1.E. so that it reads as follows:

E. A comprehensive program of stormwater management, including reasonable regulation of development and other activities causing loss of natural infiltration, is fundamental to the public health, safety welfare, and the protection of the people of the Township and all the people of the commonwealth, their resources and the environment.

3. **AMEND** Section 23-101.1.G. so that it reads as follows:

G. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a federal permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES) program.

4. **ADD** a new Section 23-101.1.I as follows:

I. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.

**C. AMEND** Section 23-102. as follows:

1. **AMEND** Section 23-102.1. so that it reads as follows:

1. The purpose of this comprehensive Stormwater Management Ordinance is to promote the public health, safety and welfare within the Township and its watersheds by minimizing the damages described in § 23-101, Subsection 1, of this chapter through provisions designed to:

2. **AMEND** Section 23-102.1.D.so that it reads as follows:

D. Manage stormwater runoff close to the source, reduce runoff volumes and mimic predevelopment hydrology by requiring a minimum of structures and relying on natural processes.

3. **AMEND** Section 23-102.1.J. so that it reads as follows:

J. Meet water quality requirements under state law, including regulations at 25 Pa. Code, Chapter 93.4a, to protect, maintain, reclaim, and restore the "existing and designated uses" of the waters of this

Commonwealth; and maintain the level of water quality to support those use in all streams, and to protect and maintain water quality in "special protection" streams.

4. **ADD** a new Section 23-102.1.K. as follows:

K. Preserve and restore the flood-carrying capacity of streams and natural drainage systems.

5. **RE-NUMBER** previous Sections 23-102.1.K. through 23-102.1.O. as Sections 23-102.1.L. through 23-102.1.P.

**D. AMEND** Section 23-105. as follows:

1. **AMEND** Section 23-105.1.B. so that it reads as follows:

B. Agricultural activity when operated in accordance with a conservation plan, nutrient management plan, requirements of 25 Pa Code Chapter 102, or erosion and sedimentation control plan approved by the Bucks County Conservation District. Construction of new and/or expansion of existing buildings, structures, and/or impervious surfaces (including associated earth disturbance) shall be subject to the provisions of this chapter unless exempt pursuant to § 23-105, Subsection 2, or exempt from the Storm Water Management Act (35 P.S. § 680.1 et seq.) because the structure qualifies as a "high tunnel" under 35 P.S. §§ 680.4 and 680.11(c).

2. **AMEND** Section 23-105.1.C. so that it reads as follows:

C. Forest management and timber operations following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and operating according to the requirements of 25 Pa Code Chapter 102, and which have a zoning permit approval by the Township.

3. **AMEND** Section 23-105.1.D. so that it reads as follows:

D. Public road replacement, replacement paving, repaving and/or driveway/road maintenance (without expansion).

4. **AMEND** Section 23-105.2. so that it reads as follows:

2. Stormwater Peak Rate Control Exemption. All regulated activities as described in § 23-104 of this chapter shall comply with the stormwater management requirements hereof (refer to Part 3) except those activities listed in "Stormwater Management Peak Rate

Exemption Criteria" table. Those activities listed in "Stormwater Management Peak Rate Exemption Criteria" tables below are, to the extent stated herein, exempt from peak rate control provisions of § 23-302 but are subject to compliance with §§ 23-305 and 23-306 when located within the Delaware River (South) Watershed, and volume control requirements of § 23-307 when located within the Neshaminy Creek Watershed. Any regulated activities that meet the exemption criteria established in this section are exempt from stormwater management plan submission requirements of Part 4 of this chapter. This requirement shall apply to the total development even if development is to take place in phases. The starting point from which to consider tracts as "parent tracts" is the original effective date of this Ordinance, January 25, 2009. All impervious surface area constructed on or after January 25, 2009, shall be considered cumulatively. Impervious surface existing on the "parent tract" prior to the original date of adoption of this chapter shall not be considered in cumulative impervious area calculations for exemption purposes. An exemption shall not relieve an applicant from implementing such stormwater control measures and erosion control measures as are necessary to protect health, safety and property.

5. **AMEND** the table title for Section 23-105.2.A. so that it reads as follows:

Table 23-105-1 Stormwater Management Peak Rate Exemption Criteria.

6. **AMEND** Section 23-105.4. so that it reads as follows:

4. The Township, upon request by an applicant, may grant an exemption from the provisions of this chapter for a project qualifying under § 23-105, Subsection 2. If an exemption is granted, the Township may require the developer to pay a fee in an amount established by separate resolution of the Board of Supervisors to the Municipal Stormwater Management Capital Fund. The Township may deny or revoke any exemption pursuant to this Section at any time for any project that the Township believes may pose a threat to public health and safety or the environment.

**E. ADD a** new Section 23-107. as follows:

§23-107. Repealer.

Any other ordinance provision(s) or regulation of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

**F. ADD a** new Section 23-108. as follows:

§23-108. Severability.

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

**G. ADD** a new Section 23-109. as follows:

§23-109. Erroneous Permit.

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.

**H. ADD** a new Section 23-110. as follows:

§23-110. Waivers.

A. If the Municipality determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Municipality may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to Section 23-110, paragraphs B and C.

B. Waivers or modifications of the requirements of this Ordinance may be approved by the Municipality if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.

C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Municipality unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.

**I. AMEND** Section 23-201. as follows:

1. **ADD** a new Section 23-201.F.

2. **ADD** the following definitions:

**FEMA**

Federal Emergency Management Agency.

**GREEN INFRASTRUCTURE**

Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

**QUALIFIED PROFESSIONAL**

Any person licensed by the Pennsylvania Department of State or otherwise qualified by law and trained to perform work required by this Chapter. Qualified Professionals include Professional Engineers, Registered Landscape Architects, and Professional Land Surveyors.

**RIPARIAN BUFFER**

A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.

**SEDIMENT**

Soils or other materials transported by surface water as a product of erosion.

**STATE WATER QUALITY REQUIREMENTS**

The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

**USDA**

United States Department of Agriculture.

3. **AMEND** the following definitions so that they read as follows:

**BMP (BEST MANAGEMENT PRACTICE)**

Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one or two broad categories or measures: "structural" or "nonstructural." In this chapter, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to

small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

#### CONSERVATION DISTRICT

Bucks County Conservation District. A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

#### DESIGN STORM

The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., fifty-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems. Also see Return Period.

#### DETENTION VOLUME

The volume of runoff that is captured and released into the Waters of the Commonwealth at a controlled rate.

#### DEVELOPMENT SITE (SITE) – SEE PROJECT SITE

#### EARTH DISTURBANCE (OR EARTH DISTURBANCE ACTIVITY)

A construction or other human activity which disturbs and destabilizes the surface of the land including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance; building construction; and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

#### EXISTING CONDITIONS

The dominant land cover during the 5 year period immediately preceding a proposed regulated activity.

#### FOREST MANAGEMENT/TIMBER OPERATIONS

Planning and associated activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silviculture treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

#### HYDROLOGIC SOIL GROUP (HSG)

Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSG's (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D.

#### IMPERVIOUS SURFACE (OR IMPERVIOUS AREA)

Surfaces which prevent the infiltration of water into the ground. All buildings, parking areas, driveways, roads, sidewalks, swimming pools and any areas containing concrete, asphalt, packed stone, compacted soils or other equivalent surfaces shall be considered impervious within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall be classified as impervious surfaces.

#### LOW-IMPACT DEVELOPMENT (LID)

Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

#### NRCS

USDA Natural Resource Conservation Service (previously SCS).

#### PERVIOUS AREA (or PERVIOUS SURFACE)

Any area not defined as impervious.

#### PROJECT SITE

The specific tract of land where any regulated activity in the Township is planned, conducted, or maintained.

#### RETENTION VOLUME/REMOVED RUNOFF

The volume of runoff that is captured and not released directly into the surface waters of the Commonwealth during or after a storm event.

#### STORMWATER

Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

#### STORMWATER MANAGEMENT SITE PLAN

The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Chapter. Stormwater Management Site Plan may also be designated as SWM Site Plan throughout this Chapter.

#### SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt.

#### WATERS OF THE COMMONWEALTH

Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

#### WATERSHED

Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

4. **STRIKE** the following definitions:

#### DESIGN PROFESSIONAL (QUALIFIED)

**J. AMEND** Section 23-301. as follows:

1. **AMEND** Section 23-301.1. so that it reads as follows:

1. All applicants proposing regulated activities within the Township which do not fall under the exemption criteria contained within § 23-105 of this chapter shall submit a stormwater management site plan consistent with this chapter to the Township for review. These criteria shall apply to the total proposed development even if development is to take place in stages. (Refer definition of "impervious surface" within § 23-201 of this chapter).

2. **AMEND** Section 23-301.2.C. so that it reads as follows:

C. To the maximum extent practicable, incorporate the techniques for low impact development practices (e.g., protecting existing trees, reducing area of impervious surface, cluster development and protecting open space) and methods described in the Pennsylvania Stormwater Best Management Practices Manual, Pennsylvania Department of Environmental Protection (PADEP) no. 363-0300-002 (2006). If methods other than green infrastructure and LID methods are proposed to achieve the volume and rate controls required under this chapter, the SWM Site Plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.

3. **AMEND** Section 23-301.5. so that it reads as follows:

5. No approval of any subdivision or land development plan, or issuance of any building, zoning, erosion and sedimentation control and grading, or occupancy permit; or the commencement of any earth disturbance at a project site within the Township, shall proceed until the requirements of this part are met, including approval of a stormwater management site plan under § 23-401 and a permit under PADEP regulations, where applicable.

4. **AMEND** Section 23-301.6. so that it reads as follows:

6. Erosion and sediment control during regulated activities shall be addressed as required by § 23- 311.

5. **STRIKE** previous Section 23-301.7. and **REPLACE** it with Section 23-301.7. as follows:

7. Rate controls must be addressed as required by § 23-302, unless the project receives peak rate exemption pursuant to § 23-105.

6. **STRIKE** previous Section 23-301.8. and **REPLACE** it with Section 23-301.8 as follows:

8. Volume controls (e.g. water quality volume, recharge/infiltration volume) for all watersheds shall be addressed pursuant to § 23-303, unless more stringent requirements are specified for individual watersheds (as identified in § 23-305, § 23-306 and/or § 23-307), in which case the more stringent requirement(s) shall apply.

7. **AMEND** Section 23-301.24. so that it reads as follows:

24. All stormwater runoff shall be pretreated for water quality prior to discharge to surface or groundwater as required by this chapter.

**K. AMEND** Section 23-303. as follows:

1. **AMEND** the Title of Section 23-303. so that it reads as follows:

§ 23-303. Volume Controls and Stormwater Management Implementation Provisions (Performance Standards and Best Management Practices).

2. **ADD** a new Section 23-303.1. as follows:

1. **General Standards for Volume Controls.** The requirements of Subsection 1.A and 1.B below apply to all watersheds. In the event that individual watershed volume requirements listed in this section or Sections 23-305 thru 23-307 of this chapter result in a required volume that differs from the volume control requirements of this section, BMP design must comply with the greater volume control requirement, as applicable. The green infrastructure and low impact development practices provided in the BMP Manual shall be utilized for all regulated activities wherever possible. Water volume controls shall be implemented using the Design Storm Method in Subsection 1.A or the Simplified Method in Subsection 1.B below. For regulated activity areas of one acre or less that do not require hydrologic routing to design the stormwater facilities, this Part establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology and other factors

A. The Design Storm Method (CG-1 in the BMP Manual<sup>4</sup>) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.

1. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24 hour duration precipitation.

2. For modeling purposes:

a. Existing (predevelopment) non-forested pervious areas must be considered meadow in good condition.

b. 20% of existing impervious area, when present, shall be considered meadow in good condition in the model for existing conditions.

B. The Simplified Method (CG-2 in the BMP Manual<sup>4</sup>) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to

regulated activities greater than one acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:

1. Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
  2. At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
  3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
  4. This method is exempt from the requirements of § 23-302, Rate Controls
3. **RE-NUMBER** previous Sections 23-303.1. through 23-303.7. as Sections 23-303.2. through 23.303.8.
4. **AMEND** Section 23-303.2.A. so that it reads as follows:
- A. Runoff Volume Standard. Post-development stormwater runoff volume being discharged from any regulated activity shall not exceed pre-development stormwater runoff volume being discharged for up to the two-year frequency rainfall (for each watershed on-site). An alternative standard is allowed in this chapter where it can be demonstrated that due to existing natural site conditions [refer to Subsection 2A(2)], substantial infiltration and recharge are not occurring, predevelopment, resulting in greater than anticipated runoff volume.
5. **AMEND** Section 23-302.2.A.(4) so that it reads as follows:
- (4) If the applicants professional engineer can demonstrate based upon site specific soil testing to the satisfaction of the Township that due to existing soil, bedrock, water table or other conditions on the parcel, that such a standard is not achievable on the site (all or in part), the standard contained in § 23-303, Subsection 2C, shall apply.
6. **AMEND** Section 23-303.2.C. so that it reads as follows:
- C. If it is determined to the satisfaction of the Township that the volume standard set forth in § 23-303, Subsection 2A, cannot be achieved, then

the peak rate standards are modified so that post-development peak rate discharges from the site for all storms up to the ten-year storm must be equal to or less than 75% of the design peak rates permitted within § 23-302.

**L. AMEND** Section 23-304. as follows:

1. **AMEND** Section 23-304.2.E. so that it reads as follows:

E. Volume controls (e.g. water quality volume, recharge/infiltration volume) for all watersheds shall be addressed pursuant to § 23-303, unless more stringent requirements are specified for individual watersheds (as identified in § 23-305, § 23-306 and/or § 23-307), in which case the more stringent requirement(s) shall apply.

2. **STRIKE** Section 23-304.2.F.

3. **RE-NUMBER** previous Sections 23-304.2.G. through 23-304.2.K. as Sections 23-304.2.F. through 23-304.2.J.

**M. AMEND** Section 23-310. as follows:

1. **AMEND** Section 23-310.3. so that it reads as follows:

3. All calculations consistent with this chapter using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms according to the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 rain data corresponding to the Doylestown rain gage, as presented in Table 23-A-1 of Appendix 23-A of this chapter. The SCS Type 11 rainfall curve data from NOAA is listed in Figure 23-A-1 in Appendix 23-A of this chapter. This data may also be directly retrieved from the NOAA Atlas 14 website: [https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=pa](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=pa). If a hydrologic computer model such as PSRM or HEC-1/HEC-HMS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours.

2. **AMEND** Section 23-310.7. so that it reads as follows:

7. For the purposes of existing conditions flow rate determination, undeveloped land and existing impervious surfaces shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number (CN) or rational "C" value (e.g., forest), as listed in Table 23-A-24 or 23-A-37 in Appendix 23-A of this part. Wooded areas shall use a ground cover of "woods in good condition."

An area shall be considered wooded if there is a contiguous canopy of trees existing over an area of 1/4 acre or more.

**N. AMEND** Part 4. as follows:

1. **AMEND** the Title of Part 4. so that it reads as follows:

Part 4. STORMWATER MANAGEMENT SITE PLAN REQUIREMENTS

**O. AMEND** Section 23-401. as follows:

1. **AMEND** the Title of Section 23-401. so that it reads as follows:

§ 23-401. Stormwater Management Site Plan General Requirements.

2. **AMEND** Section 23-401. so that it reads as follows:

For any of the activities regulated by this chapter, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any

land disturbance activity may not proceed until the property owner or developer or his/her agent has received written approval of a stormwater management site plan from the Township.

**P. AMEND** Section 23-402. as follows:

1. **AMEND** the Title of Section 23-402. so that it reads as follows:

§ 23-402. Stormwater Management Site Plan Contents and Requirements.

2. **AMEND** Section 23-402.1. so that it reads as follows:

1. The stormwater management site plan shall consist of all applicable calculations, maps and plans. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All stormwater management site plan materials shall be submitted to the Township in a format that is clear, concise, legible, neat and well organized; otherwise, the stormwater management site plan shall be disapproved and returned to the applicant.

3. **AMEND** Section 23-402.2. so that it reads as follows:

2. The following items shall be included in the stormwater management site plan:

4. **AMEND** Section 23-402.2.A.(1) so that it reads as follows:

(1) An assessment of the anticipated additional runoff based on the design storm and post- development condition and utilizing the calculation procedures required in §§ 23-303 thru 23-307.

5. **AMEND** Section 23-402.2.E.(2) so that it reads as follows:

(2) General description of permanent stormwater BMPs and management techniques, including construction specifications of the materials to be used for stormwater management facilities. If BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate, and water quality controls of this Part, written justification for use of these BMPs must be submitted.

6. **AMEND** Section 23-402.2.F.(25) so that it reads as follows:

(25) The following signature block for the design engineer:

"(Design engineer), on this date (date of signature), has reviewed and hereby certifies that the stormwater management site plan meets all design standards and criteria of the Solebury Township Stormwater Management Ordinance."

**Q. AMEND** Section 23-403. as follows:

1. **AMEND** the Title of Section 23-403. so that it reads as follows:

§ 23-403. Stormwater Management Site Plan Submission.

2. **AMEND** Section 23-403.1. so that it reads as follows:

1. For all activities regulated by this chapter, the steps below shall be followed for submission of the stormwater management site plan to the Township. For any activities that require a PADEP joint permit application and regulated under 25 Pa. Code, Chapter 102, "Erosion and Sediment Control," Chapter 105, "Dam Safety and Waterway Management," or Chapter 106, "Floodplain Management," of PADEP's rules and regulations, require a PADOT highway occupancy permit, or require any other permit under applicable local, state or federal regulations, the permit(s) shall be part of the plan submission.

3. **AMEND** Section 23-403.1.B. so that it reads as follows:

B. The number of copies (minimum of three) of the stormwater management site plan required to be submitted to the Township administrative staff shall be determined by resolution of the Board of Supervisors.

**R. AMEND** Section 23-404. as follows:

1. **AMEND** the Title of Section 23-404. so that it reads as follows:

§ 23-404. Stormwater Management Site Plan Review.

2. **AMEND** Section 23-404.1. so that it reads as follows:

1. The Township Engineer shall review the stormwater management site plan for consistency with the adopted Watershed Act 167 Stormwater Management Plan, this chapter, and applicable Township ordinances. The Township shall require receipt of a complete plan, as specified in this chapter.

3. **AMEND** Section 23-404.2. so that it reads as follows:

2. The Township Engineer shall review the stormwater management site plan for any subdivision or land development against the Township Subdivision and Land Development Ordinance [Chapter 22] provisions not superseded by this chapter.

4. **AMEND** Section 23-404.3. so that it reads as follows:

3. For activities regulated by this chapter, the Township Engineer shall notify the Township Secretary in writing, whether the stormwater management site plan is consistent with Township ordinances and other relevant regulations. Should the stormwater management site plan submitted by the applicant be determined to be consistent with Township ordinances and other relevant regulations, the Township Engineer will forward a review letter to the applicant with a copy to the Township Secretary.

5. **AMEND** Section 23-404.4. so that it reads as follows:

4. For regulated activities specified in §§ 23-104, Subsection 4E, F, and J of this chapter, the Township Engineer shall notify the Township Secretary in writing whether the stormwater management site plan is consistent with this chapter and forward a copy of the review letter to the developer. Any disapproved stormwater management site plan may be revised by the developer and resubmitted consistent with this chapter.

6. **AMEND** Section 23-404.5. so that it reads as follows:

5. The Township shall not approve any subdivision or land development or regulated activities specified in §§ 23-104, Subsection 4A and B of this chapter if the stormwater management site plan has been found to be inconsistent with the adopted Watershed Act 167 Stormwater Management Plan. All required permits from PADEP must be obtained prior to, or as a requirement of, final approval.

7. **ADD** a new Section 23-404.6. as follows:

6. For any SWM Site Plan that proposes to any BMPs other than green infrastructure and LID practices to achieve the volume and rate controls required by this Part, the Township will not approve the SWM Site Plan unless it determines that green infrastructure and LID practices are not practicable.

8. **RE-NUMBER** previous Sections 23-404.6. through 23-404.8. as Sections 23-404.7. through 23-404.9.

9. **AMEND** Section 23-404.7. so that it reads as follows:

7. The Township Building Permit Office shall not issue a building permit for any regulated activity specified in § 23-104 of this chapter if the stormwater management site plan has been found to be inconsistent with this chapter, as determined by the Township Engineer, or without considering the comments of the Township Engineer. All required permits from PADEP must be obtained prior to issuance of a building permit.

10. **AMEND** Section 23-404.8. so that it reads as follows:

8. The developer shall be responsible for completing an "as-built survey" of all stormwater management BMPs included in the approved stormwater management site plan. The as-built survey and an explanation of any discrepancies with the design plans shall be submitted to the Township Engineer for review. In no case shall the Township approve the as-built survey until the Township receives a copy of an approved declaration of adequacy, highway occupancy permit from the PADOT District Office, and any applicable permits from PADEP.

11. **AMEND** Section 23-404.9. so that it reads as follows:

9. The Township's approval of a stormwater management site plan shall be valid for a period not to exceed two years. If stormwater management facilities included in the approved stormwater management site plan have not been constructed, or if an as-built survey of these facilities has not been approved within this two-year time period, then the Township may consider the stormwater management site plan disapproved and may revoke any and all permits. Stormwater management plans that are considered disapproved by the Township shall be resubmitted in accordance with § 23-407 of this chapter.

**S. AMEND** Section 23-405. as follows:

1. **AMEND** Section 23-405. so that it reads as follows:

A set of stormwater management site plans approved by the Township shall be on file at the site throughout the duration of the development activity. Periodic inspections may be made by the Township or designee during development activities.

**T. AMEND** Section 23-406. as follows:

1. **AMEND** Section 23-406. so that it reads as follows:

It shall be unlawful for any person to undertake any development activity on any property except as provided for in the approved stormwater management site plan and pursuant to the requirements of this chapter. It shall be unlawful to alter or remove any BMP required by the stormwater management plan pursuant to this chapter or to allow the property to remain in a condition which does not conform to the approved stormwater management site plan.

**U. AMEND** Section 23-408. as follows:

1. **AMEND** Section 23-408.1. so that it reads as follows:

1. A modification to a submitted stormwater management site plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the stormwater management site plan as determined by the Township Engineer, shall require a resubmission of the modified stormwater management site plan consistent with § 23-403 of this chapter and be subject to review as specified in § 23-404 of of this chapter.

2. **AMEND** Section 23-408.2. so that it reads as follows:

2. A modification to an already approved or disapproved stormwater management site plan shall be submitted to the Township, accompanied by the applicable review. A modification to a stormwater management site plan for which a formal action has not been taken by the Township shall be submitted to the Township, accompanied by the applicable Township review fee.

**V. AMEND** Section 23-409. as follows:

1. **AMEND** Section 23-409. so that it reads as follows:

An occupancy permit shall not be issued unless the stormwater management facilities approved for the site have been installed and found satisfactory to the Township Engineer.

**W. AMEND** Section 23-501. as follows:

1. **AMEND** Section 23-501.2. so that it reads as follows:

2. During any stage of the work, if the Township Engineer determines that temporary or permanent erosion and sedimentation control or stormwater management BMPs are not being implemented in accordance with the approved stormwater management site plan and this chapter, the Township shall revoke any existing permits until a revised stormwater management site plan is submitted and approved, as specified in this chapter.

**X. AMEND** Section 23-601. as follows:

1. **AMEND** the Title of Section 23-601. so that it reads as follows:

§ 23-601. Stormwater Management Site Plan Review Fee.

**Y. AMEND** Section 23-602. as follows:

1. **ADD** a new Section 23-602.C. as follows:

C. Attendance at meetings.

2. **RE-NUMBER** previous Sections 23-602.C. through 23-602.F. as Sections 23-602.D. through 23-602.G.

3. **AMEND** Section 23-602.F. so that it reads as follows:

F. Final inspection upon completion of the stormwater management facilities and stormwater management improvements presented in the stormwater management site plan.

**Z. AMEND** Section 23-702. as follows:

1. **AMEND** Section 23-702.6. so that it reads as follows:

6. The Board of Supervisors, upon recommendation of the Township Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management site plan. The Board of Supervisors reserves the right at anytime to accept the ownership and operating responsibility for any or all of the stormwater BMPs. The right of the Township to accept ownership in the future shall be stated in the maintenance agreement (refer to § 23-704).

**AA. AMEND** Section 23-704. as follows:

1. **AMEND** Section 23-704.1. so that it reads as follows:

1. Prior to final approval of the stormwater management site plan, the applicant shall sign and record an O&M agreement prepared and approved by the Township Solicitor covering all stormwater control facilities that are to be privately owned. The form and substance of the agreement shall be consistent with the agreement in Appendix 23-M of this chapter.

**BB. AMEND** Section 23-801. as follows:

1. **AMEND** Section 23-801.1. so that it reads as follows:

1. Any drain or conveyance, whether on the surface or subsurface, that allows non-stormwater discharge including, but not limited to, sewage, processed wastewater and wash water to enter a regulated small MS4 or to enter the surface waters of the Commonwealth is prohibited.

2. **AMEND** Section 23-801.2. so that it reads as follows:

2. No person shall allow, or cause to allow, stormwater discharges into a regulated small MS4, or discharges into waters of the Commonwealth, which are not composed entirely of stormwater, except (1) as provided in Subsection 3 below and (2) discharges authorized under a state or federal permit.

3. **AMEND** Section 23-801.3. so that it reads as follows:

3. The following discharges are authorized unless they are determined to be significant contributors to pollution of a regulated small MS4 or to the waters of the Commonwealth:
4. **AMEND** Section 23-801.3.A. so that it reads as follows:
  - A. Discharges or flows from firefighting activities.
5. **AMEND** Section 23-801.3.B. so that it reads as follows:
  - B. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
6. **AMEND** Section 23-801.3.C. so that it reads as follows:
  - C. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
7. **AMEND** Section 23-801.3.D. so that it reads as follows:
  - D. Diverted stream flows and springs.
8. **AMEND** Section 23-801.3.E. so that it reads as follows:
  - E. Non-contaminated pumped groundwater and water from foundation and footing drains and crawl space pumps.
9. **AMEND** Section 23-801.3.F. so that it reads as follows:
  - F. Non-contaminated HVAC condensation and water from geothermal systems.
10. **AMEND** Section 23-801.3.G. so that it reads as follows:
  - G. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
11. **AMEND** Section 23-801.3.H. so that it reads as follows:
  - H. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.
12. **STRIKE** Sections 23-801.3.I. through 23-801.3.O.

**CC. AMEND** Section 23-803. as follows:

1. **AMEND** the Title of Section 23-803. so that it reads as follows:

§ 23-803. Roof Drains and Sump Pumps.

2. **AMEND** Section 23-803.1. so that it reads as follows:

1. Roof drains and sump pumps shall discharge to infiltration areas or vegetative BMPs, wherever feasible; and to the maximum extent practicable, satisfy the criteria for disconnected impervious areas (DIAs).

3. **AMEND** Section 23-803.2. so that it reads as follows:

2. Roof drains and sump pumps shall not be connected to streets through the curb or to sanitary sewers; and shall only be connected to storm sewer or swales (located within an easement) when designed as part of a stormwater BMP.

**DD. AMEND** Section 23-903. as follows:

1. **AMEND** Section 23-903.1. so that it reads as follows:

1. The Board of Supervisors is hereby authorized and directed to enforce all of the provisions of this chapter. All inspections regarding compliance with the stormwater management site plan shall be the responsibility of the Township Engineer or other qualified persons designated by the Township as directed by the Board of Supervisors.

2. **AMEND** Section 23-903.1.A. so that it reads as follows:

A. A set of stormwater management site plans approved by the Township shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Township or designee during construction.

3. **AMEND** Section 23-903.1.B. so that it reads as follows:

B. Adherence to Approved Plan. It shall be unlawful for any person, firm or corporation to undertake any regulated activity under § 23-104 on any property except as provided for in the approved stormwater management site plan and pursuant to the requirements of this chapter. It shall be unlawful to alter or remove any control structure required by the stormwater management site plan pursuant to this chapter or to allow

the property to remain in a condition which does not conform to the approved stormwater management site plan.

## **II. Partial Repealer**

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

## **III. Severability**

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

## **IV. Effective Date**

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

**ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

BOARD OF SUPERVISORS OF SOLEBURY  
TOWNSHIP, BUCKS COUNTY,  
PENNSYLVANIA

\_\_\_\_\_  
Mark Baum Baicker, Chair

\_\_\_\_\_  
John Francis, Vice-Chair

\_\_\_\_\_  
Hanna Howe, Member

\_\_\_\_\_  
Robert A. McEwan, Member

\_\_\_\_\_  
Kevin Morrissey, Member

Attest:

\_\_\_\_\_  
Catherine Cataldi, Township Secretary