

**HARBORCREEK TOWNSHIP, ERIE COUNTY, PENNSYLVANIA**  
**STORM WATER MANAGEMENT ORDINANCE**  
**ORDINANCE NO. 93-152**

**AN ORDINANCE REGULATING THE ACCELERATED  
RUNOFF OF STORM WATER RESULTING FROM  
LAND DEVELOPMENT; DEFINING TERMS;  
PROVIDING REGULATIONS, REQUIREMENTS AND  
DESIGN STANDARDS; PRESCRIBING PROCEDURES,  
PENALTIES AND VIOLATIONS.**

Ordained and enacted by the Board of Supervisors of Harborcreek Township, Erie County, Pennsylvania under the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and the Second Class Township Code, Act 69 of 1933, as amended.

**ARTICLE I**

**GENERAL PROVISIONS**

**Section 101. Title**

This Ordinance shall be known and may be cited as the “Harborcreek Township Storm Water Management Ordinance”.

**Section 102. Statement of Findings**

The Board of Supervisors of Harborcreek Township finds that:

- A. Inadequate management of accelerated runoff of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to soil erosion and sedimentation, overtaxes the carrying capacity of streams and storm drainage facilities, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge and threatens public health and safety.
  
- B. A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of Harborcreek Township and all of the people of the Commonwealth, their resources and the environment.

### **Section 103. Purpose**

The purpose of this Ordinance is to promote the public health, safety and welfare of the residents of the Township and of the Commonwealth by minimizing the damages described in Section 102.A. of this Ordinance by implementing provisions designed to:

- A. Control accelerated runoff and soil erosion and sedimentation problems at their source by regulating activities which cause such problems.
- B. Utilize and preserve the desirable existing natural drainage systems.
- C. Encourage the recharge of groundwaters, if appropriate.
- D. Maintain the existing flows and quality of streams and watercourses in Harborcreek Township and of the Commonwealth.
- E. Preserve and restore the flood carrying capacity of the streams within the Township.
- F. Provide for proper maintenance of all permanent storm water management structures which exist or are constructed in Harborcreek Township.

### **Section 104. Effective Date**

This Ordinance shall become effective five (5) days following its adoption and shall remain in effect until modified or rescinded by the Board of Supervisors of Harborcreek Township.

### **Section 105. Applicability**

Individual activities meeting specified criteria may qualify for exemption from plan submission and permitting requirements, as discussed in Section 402 of this Ordinance. The following activities are included within the scope of this Ordinance:

- A. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.), and construction of new buildings or additions to existing buildings, and earthmoving activities involving over two (2) acres in conjunction with the following activities: semi-public/institutional, commercial and industrial land development.
- B. Land development of, and additions to, mobile home parks, planned residential developments and multiple dwellings.
- C. Major subdivisions and development of such.
- D. Diversion or piping of any natural or man-made stream channel.
- E. Installation of storm water management systems or appurtenances thereto.

### **Section 106. Severability**

If any provision, sentence, clause, section or part of the Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Harborcreek Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included therein.

### **Section 107. Compatibility with Other Requirements**

Permits and approvals issued pursuant to this Ordinance do no relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning the regulation of storm water or soil erosion or sedimentation control are contained in another code, rule, act or ordinance, the more stringent regulation shall apply.

### **Section 108. Municipal Responsibility and Liability**

The provisions within this Ordinance are designed to fulfill the purpose cited in Section 103 of this Ordinance. The degree of protection sought by the requirements of this Ordinance for the present and future residents and land owners in Harborcreek Township is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with the requirements herein will provide freedom from inconvenience, conflicts, danger or damages.

The filing of a Drainage Plan by an applicant or the approval of such Plan by Harborcreek Township shall not cause the Township to become liable or responsible for the Plan; the applicant is certifying and is ultimately responsible for the Plan. Also, the Township shall not incur any responsibility for any success or failure as a result of the implementation of such Plan. Therefore, this Ordinance shall not create liability on the part of individual members of the Board of Supervisors, or any officer, appointee or employee of Harborcreek Township for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

### **Section 109. Repealer**

All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herein with, be and the same are hereby repealed.

### **Section 110. Soil Erosion and Sedimentation Control Ordinance**

All major subdivisions, minor subdivisions (if appropriate) and any public/private, institutional, commercial or industrial land development shall have a Soil Erosion and Sedimentation Control Plan and/or Permit. This plan shall be prepared by the developer in accordance with current State law (25 PA Code Chapter 102 Erosion and Sediment Control, Rules and Regulations as amended) and approved by the Erie County Conservation District. An approved plan shall be fully implemented during construction of the major subdivision, minor subdivision (if appropriate) and any public/private institutional, commercial or industrial land development.

**ARTICLE II**  
**DEFINITIONS**

**Section 201. Definition of Terms**

Any words or phrases which are important to the substances of this Ordinance, which are not in common usage, or which may be unclear or subject to interpretation are defined below. In this Ordinance, a number of definitions are taken from the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

**Accelerated Erosion:** The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

**Agriculture:** Any farming use involving the commercial growing of plants including fruits, vegetables, grains, grasses, flowers, shrubs, trees, etc.

**Animal Raising and Care:** Any farming use involving the commercial raising of animals which are utilized to supply food or clothing products, breeding stock, pets, etc. (which may include animal care); or the commercial care of animals including stables, kennels, animal hospitals, etc.

**Cistern:** An underground reservoir or tank for storing rainwater.

**Conservation District:** The Erie County Conservation District.

**Culvert:** A structure with appurtenant works which carries a stream under or through an embankment or fill.

**Design Storm:** The magnitude of precipitation from a storm event measured in probability of occurrence (e.g. 50 year storm) and duration (e.g. 24 hour), and used in computing storm water management control systems.

**Detention Basin:** A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**Developer:** A person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes the activities covered by this Ordinance.

**Diversion Terrace:** A channel and a ridge constructed to a predetermined grade across a slope, and designed to collect runoff from slopes which are subject to erosion.

**Drainage Easement:** A right granted by a land owner to a grantee, allowing the use of private land for storm water management purposes.

**Drainage Plan:** The detailed report, including all necessary maps, narratives, calculations, etc., documenting the proposed storm water management facilities and controls, if any, to be used for the proposed development site, the contents and requirements for which are described in Section 403 of the Ordinance.

**Dwelling, Single Family:** A detached building arranged or used for occupancy by one family and having a habitable floor area of at least eight hundred (800) square feet.

**Dwelling, Two Family:** A building arranged or used as a residence for two families living independently of each other and doing their own cooking therein, including flats, duplexes, etc., and having a habitable floor area of at least six hundred (600) square feet per dwelling unit.

**Dwelling, Multiple:** A building arranged or used as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, group houses, condominiums, townhouses, etc. and having a habitable floor area of at least four hundred (400) square feet per dwelling unit.

**Engineer:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the municipal engineer for Harborcreek Township.

**Erosion:** The removal of soil particles by the action of water, wind, ice, or other geological agents.

**Groundwater Recharge:** Replenishment of existing natural underground water supplies.

**Impervious Surfaces:** A surface which prevents the percolation of water into the ground.

**Infiltration Structures:** A structure designed to direct runoff into the ground (trench drains, seepage pits, seepage trench, etc.).

**Land Development:** Any of the following activities: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) A subdivision of land; (3) Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

**Land Disturbance:** Any activity involving grading, tilling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

**Mobile Home:** A transportable, single family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Mobile Home Park:** A parcel or contiguous parcels of land which had been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Peak Discharge:** The maximum rate of flow of water at a given point and time resulting from a specified storm event.

**Planned Residential Development (PRD):** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk or type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Harborcreek Township Zoning Ordinance.

**Return Period:** The average interval in years over which a storm event of a given magnitude can be expected to recur. For example, the twenty five (25) year return period rainfall or runoff event would be expected to recur on the average of once every twenty five (25) years.

**Right-Of-Way:** Land reserved, by the subdivider on a subdivision plat, for the use of a public or private road, street, alley or crosswalk which furnishes physical access to adjacent properties, and furnishes space for public utility systems, sidewalks, and shade trees.

**Runoff:** The part of precipitation which flows over the land.

**Sediment:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

**Sediment Basin:** A barrier, dam, retention or detention basin designed to retain sediment.

**Seepage Pit/Seepage Trench:** An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

**Semi-Pervious Surface:** A surface such as stone, rock, concrete or other materials which permits some vertical transmission of water.

**Storm Sewer:** A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

**Storm Water Management Plan:** The Plan for managing storm water runoff developed by Erie County as required by Act 167 of 1978 and, more specifically, Volumes 1, 6, 9, 10, 12, 13 and 14 of that Plan, as amended and supplemented.

**Subdivider:** A person who is the registered owner, or authorized agent of the registered owner, of land to be subdivided.

**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, partition by the court for distribution to heirs or devisees, 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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

For the purpose of this Ordinance, the term “subdivision” also includes any development of a parcel of land, (for example, as a shopping center, an industrial park, or a multiple dwelling project), which involves installation of streets and/or alleys, even though the streets and alleys may not be dedicated immediately to public use and the parcel may not be divided immediately for purposes of conveyance, transfer or sale.

**Subdivision, Major:** A subdivision containing eight (8) lots or more requiring the submission by the subdivider and approval by the governing body (either conditional or final) of Preliminary and Final Subdivision Plans, and/or any subdivision involving a new street right-of-way.

**Subdivision, Minor:** A subdivision containing less than eight (8) lots served by an existing public street wherein the governing body may waive the requirements of submitting a Preliminary Subdivision Plan provided the Final Subdivision Plan meets all the requirements of the Harborcreek Township Subdivision Regulations.

**Swale:** A low lying stretch of land which gathers or carries surface water runoff.

**Township:** The Township of Harborcreek, Erie, County, Pennsylvania.

**Watercourse:** Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**ARTICLE III**  
**STORM WATER MANAGEMENT REQUIREMENTS**

**Section 301, General Requirements**

This section contains general criteria for storm water management including a listing of possible control methods or techniques.

- A. Maintenance of Natural Drainageways – All natural streams, channels, swales, drainage systems and/or of surface water concentration shall be maintained in their existing condition unless an alteration is approved by Harborcreek Township.

Storm drainage systems shall be provided in order to permit unimpeded flow of natural watercourses except as modified by storm water detention facilities or open channels consistent with this Ordinance.

All encroachment activities shall comply with the requirements of Chapter 105 (Dam Safety and Waterway Management) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources and shall have a permit as may be required by said agency.

- B. Methods of Storm Water Runoff Detention and Control – The following is a listing of detention and control methods which may be utilized in storm water management systems if appropriate. The choice of control techniques is not limited to the ones appearing on this list.

1. Detention basins
2. Roof-top storage
3. Parking lot ponding
4. Seepage pits, seepage trenches or other infiltration devices
5. Porous pavement and concrete lattice block surfaces
6. Grassed channels and vegetated strips
7. Cisterns and underground reservoirs
8. Routed flow over grass or swale
9. Decreased impervious area coverage

- C. Design – The applicant is urged to consult a private engineer or surveyor and the Erie County Conservation District (located at 12723 Route 19, Waterford, Pennsylvania) for assistance in the selection and design of control methods.

- D. Drainage Easements – Where a subdivision is traversed by a watercourse(s), there shall be provided a drainage easement conforming substantially with the line of such watercourse(s). The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on the calculations made in

conformance with Section 303 of the Ordinance for the 100-year return period runoff and to provide a freeboard allowance of one-half (0.5) foot above the design water surface level (minimum of 20 feet). The terms of the easement shall prohibit excavation, the placing of fill or structures, shrubbery, trees, fences and any other alterations which may adversely affect the flow of storm water within any portion of the easement, without prior approval of the Township.

- E. Soil Erosion and Sedimentation Control – All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control soil erosion and sedimentation shall at a minimum meet the approval of the Erie County Conservation District and the Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources and shall have a permit as may be required by said agency. The Township shall not give final approval to the subdivision or land development plan until the Conservation District has reviewed such a plan and deemed it adequate. A copy of the plan shall be submitted to the Township.
- F. Approval by Other Agencies – Any drainage facilities required by this Ordinance that are located on State rights of way shall be subject to approval by the Pennsylvania Department of Transportation. Also, approval by the Pennsylvania Department of Environmental Resources shall be secured when required.
- G. Deeding of Property – When considered by the Board of Supervisors to be in the best interest of the Township, storm water detention and appurtenant facilities shall be deeded to Harborcreek Township as approved by the Township’s solicitor.

**Section 302. Storm Water Management Criteria**

- A. Generally, the post-development flow rates shall not exceed those corresponding to the pre-development condition (i.e. “no additional runoff”). However, there may be circumstances regarding a particular development where it would be in the best interest of the Township and the residents of the Township and of the Commonwealth to waive this requirement. This would be particularly true of developments occurring in relatively close proximity to Lake Erie. The implementation of this requirement shall be at the discretion of the Township and its Engineer.
- B. Hydrologic and hydraulic analyses to be performed in accordance with this Ordinance shall conform in general with all applicable and recognized state and federal acts, codes, manuals and references, such as the Pennsylvania Storm Water Management Act (Act 167), methodologies as published by the Pennsylvania Department of Transportation, American Society of Civil Engineers, etc.

**Section 303. Design Methodologies and Requirements**

In addition to the applicable and recognized state and federal acts, codes, manuals and references, the design, construction and maintenance of all storm water management facilities shall be in general conformance with the guidelines contained herein.

- A. Design of storm interception and collection systems shall be based on the peak runoff for each drainage area.
- B. Peak runoff shall be determined by the Rational formula for developed lands with less than 200 acres in drainage area. An alternative method, for purposes of comparison, may be submitted for review.

For areas over 200 acres in drainage area, the peak runoff shall be determined using a recognized and appropriate hydrologic analysis technique (e.g. Soil Conservation Service method). The Township Engineer should be consulted regarding the selection and approval of an acceptable method.

- C. The runoff coefficient will be a composite figure to better represent the actual site conditions. The following guidelines shall be utilized to determine the appropriate runoff coefficient:

<b><u>Type of Drainage Area</u></b>	<b><u>Runoff Coefficient</u></b>
Business	0.80
Residential:	
Single-family areas	0.30 – 0.50
Multi-units; detached	0.40 – 0.60
Multi-units; attached	0.60 – 0.75
Industrial	0.60 – 0.90
Parks, cemeteries	0.10 – 0.25
Playgrounds	0.20 – 0.35
Railroad yard areas	0.20 – 0.40
Unimproved areas	0.10 – 0.30
Streets, parking areas	0.85 – 0.95
Roofs:	
Slope 0-10%	0.75 – 0.90
Slope > 10%	0.90 – 0.95
Lawns, sandy soil:	
Flat, 2%	0.05 – 0.10
Average, 2% to 7%	0.10 – 0.15
Steep, > 7%	0.15 – 0.20
Lawns, heavy soil:	
Flat, 2%	0.13 – 0.17
Average, 2% to 7%	0.18 – 0.22
Steep, > 7%	0.25 – 0.35

\* Use of coefficient shall be verified and approved by the Township Engineer

- D. The system will be designed based on the 10-year flood frequency, for the collection and conveyance systems, and the 2, 10, 25, and 100-year flood frequencies for the storage and detention systems. The developer shall only be responsible for providing outlet control structure(s), to assure that the maximum rate of storm water runoff for the post-development condition is no greater than those calculated for the pre-development conditions for the 2, 10, 25 and 100-year flood frequencies.

If additional storage and/or more restricted outflow rates are required by the Township, the developer shall cooperate with the Township in achieving such results, however, the developer will only be financially responsible for the impacts of the proposed developments.

- E. All calculations using the Rational method shall use rainfall intensities consistent with the appropriate times of concentration and return periods and the Intensity-Duration-Frequency curves for the Erie area, which are included in PennDOT Design Manual Part 2.
- F. Catch basins will be spaced at appropriate locations so as to prevent localized flooding during the design storm. Catch basins shall be spaced no further apart than 400 feet.
- G. Sizing of storm sewers for gravity flows will be derived from the Manning formula or other acceptable method.
- H. Discharging storm water off of the property and on to an existing facility may require supporting calculations, including hydraulic grade line calculations, as deemed necessary by the Township Engineer, to prove the adequacy of the downstream facilities. The developer, subject to Township approval, may elect to upgrade existing downstream facilities to accommodate the generated runoff.
- I. If some or all of the post-development storm water is to be detained on site, the storm duration selected shall be the one which yields the most critical conditions. A trial and error procedure may be required to arrive at such critical conditions by balancing high peak duration storms with corresponding high volumes.
- J. Supporting calculations for storm water detention system shall reflect the basic relationship as follows:

$$\text{Rate of inflow} - \text{Rate of outflow} = \text{Rate of change of storage}$$

- K. The design of any detention system shall be verified by routing the design storm hydrograph through the proposed system. Recognized and acceptable methods, other than the standard Rational method, shall be utilized for the routing procedures.
- L. Multi-stage outlet may be used for detention basins in order to provide discharge control for different storm frequency events provided that siltation facilities precede storm water entry to the detention basin.
- M. All storm water detention facilities shall provide a minimum one foot freeboard above the maximum pool elevation associated with the 100-year runoff events.
- N. To ensure that the detention system will not become a health hazard or a public nuisance, means will be provided to drain the system(s) completely.
- O. Any detention system which requires a Dam Safety Permit from the Pennsylvania Department of Environmental Resources shall be designed consistent with the provisions of the Dam Safety and Encroachments Act and the PaDER Chapter 105 Rules and Regulations.
- P. Storm flows in excess of the ten (10) – year storm event and up to and including the 100-year storm event flows must be adequately conveyed to the storm water detention facility via an adequately sized storm sewer system, swale, channel or combination of the above without endangering the public’s health, safety and welfare and without causing property damages or injuries.

**ARTICLE IV**  
**DRAINAGE PLAN REQUIREMENTS**

In order to assess whether the developer will meet the minimum requirements of the Storm Water Management Act, a Drainage Plan submission shall be reviewed by the Township and the Conservation District.

**Section 401. General Requirements**

Prior to the final approval of subdivision plats through the administration of the Harborcreek Township Subdivision Ordinance, the issuance of a zoning/building permit through the administration of the Harborcreek Township Zoning Ordinance, or the commencement of any other land disturbance activity, the owner, subdivider or developer or his agent shall submit a Drainage Plan to Harborcreek Township for approval.

**Section 402. Exemptions**

This section contains exemptions for activities which the Township has determined to be usually insignificant in their storm water impact or which are being carried out under a plan prepared by the Conservation District, or which are following other conservation plans which will meet the requirements of the Storm Water Management Act. Although these activities are exempt from the plan preparation requirements of this Ordinance, they shall otherwise manage storm water in the manner intended in the Storm Water Management Act.

The following activities are generally exempt from the plan preparation provisions of this Ordinance:

- A. Normal maintenance and repair of impervious or semi-pervious surfaces (highway, streets, roads, etc.), and earthmoving activities involving two (2) acres or less which are under the jurisdiction of the Commonwealth of Pennsylvania or Harborcreek Township.
- B. Construction of, and additions to, existing and proposed single family dwellings and two family dwellings involving individual lots of two (2) acres or less.
- C. Minor subdivisions and development of such, depending upon specific project plans.
- D. Agriculture and animal raising and care activities which are not under the jurisdiction of the Conservation District.

### **Section 403. Drainage Plan Contents**

Some or all of the following items shall be included in the Drainage Plan in relationship to the magnitude of the project as determined by the Township and the Conservation District.

#### A. General

1. General description of project.
2. General description of soil erosion and sedimentation controls.
3. General description of storm water controls to be implemented both during and after development.
4. Expected project time schedule, including anticipated start and completion dates.
5. Training and experience of person(s) preparing the plan.

#### B. Map(s) of the project area showing:

1. The location of the project relative to highways, property lines, or other identifiable landmarks.
2. Existing contours at intervals of two (2) feet. In areas of steep slopes (greater than 15%), five (5) foot contour intervals may be used.
3. Streams, lakes, ponds or other bodies of water within the project area, or which will be affected by runoff from the project.
4. Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
5. Location of proposed underground utilities, sewers and water lines.
6. An overlay showing soil types and boundaries.
7. Proposed changes to land surface and vegetative cover.
8. Areas to be cut or filled.
9. Proposed structures, roads, paved areas and buildings.
10. Final contours at intervals of two (2) feet. In areas of steep slopes (greater than 15%), five (5) foot contour intervals may be used.

C. Soil erosion and sedimentation controls

1. The staging of all earthmoving activities described, including cuts and fills, streets, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational areas, other structures, etc.
2. The type, location and extent of all soil erosion and sedimentation control measures shown on a map and described, including all calculations, assumptions and criteria used in designing the controls, and a schedule for their implementation.

D. Storm water management controls

1. All storm water management controls shown on a map and described, including:
  - a. Groundwater recharge methods such as seepage pits, beds, trenches. When these structures are used, the locations of septic tank infiltration areas and wells should be shown.
  - b. Other control devices or methods such as rooftop storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.
  - c. Schedule for installation of the control measures and devices.
2. All calculations, assumptions and criteria used in the design of the control devices or methods should be shown.

E. Maintenance program

A maintenance program for all storm water management control facilities should be included. This program should include the proposed ownership of the control facilities and detail the financial responsibility for any required maintenance.

**Section 404. Drainage Plan Submission**

- A. The Drainage Plan shall be accompanied by the requisite fee, as set forth in Article VII of this Ordinance.
- B. Three copies of the completed Drainage Plan shall be submitted to the Township.

- C. A certification from the person(s) preparing the Drainage Plan must accompany the Drainage Plan stating that the Drainage Plan meets all design standards and criteria of the Harborcreek Township Storm Water Management Ordinance. Any and all provisions of the Ordinance which are not to be met and complied with must be identified.

**Section 405. Drainage Plan Approval**

- A. Depending on the magnitude of the project, Harborcreek Township will forward a copy of the Drainage Plan to the Conservation District for review.
- B. Depending on the magnitude of the project, the Township may direct its Engineer to review the Drainage Plan and any comments from the Conservation District, who, after doing so shall recommend whether the Plan be approved, disapproved, or revised.
- C. Harborcreek Township shall notify the applicant within forty-five (45) days from receipt of a complete Drainage Plan submission of its decision.
- D. A disapproval shall contain the reasons for disapproval and a listing of the Plan deficiencies.
- E. Failure of Harborcreek Township to render a decision within the forty-five (45) day time limit shall be deemed an approval.

**Section 406. Modification of Approved Plans**

A modification to an approved Drainage Plan which involves a change in control methods or techniques, or which involves a relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the approved application, as determined by the Township, or its Engineer, shall be approved under the procedures contained in Section 405 of this Ordinance. The Township shall notify the applicant when such Plan modification is required.

**ARTICLE V**  
**PERMIT REQUIREMENTS AND PROCEDURES**

**Section 501. Permit Requirements**

All land disturbance activities as specified in Section 105 of this Ordinance, except those specifically exempt from Drainage Plan requirements by Section 402 of this Ordinance, shall be conducted only after the issuance of a land disturbance permit.

**Section 502. Land Disturbance Activities as Part of the Subdivision and/or Zoning Ordinances**

The applicant shall obtain the required land disturbance permit after obtaining the required Drainage Plan approval as specified in Article IV of this Ordinance. This land disturbance permit will be issued by Harborcreek Township concurrently with final subdivision plat approval or the issuance of a zoning/building permit.

**Section 503. Other Land Disturbance Activities**

The applicant shall obtain the required land disturbance permit after obtaining the required Drainage Plan approval as specified in Article IV of this Ordinance. This land disturbance permit will be issued by Harborcreek Township when the plan is approved.

**Section 504. Modification of Plans**

A modification to an approved Drainage Plan, when required under Section 406 of this Ordinance, shall require a new land disturbance permit. The permit shall be issued following approval of the revised Drainage Plan.

**Section 505. Application for Permit**

All applications for permits required by this Ordinance shall be made on forms supplied by Harborcreek Township. Such application shall provide a brief description of the storm water management controls and the land disturbance activity. This application shall become part of the Drainage Plan submission required by Article IV of this Ordinance.

**Section 506. Expiration and Renewal**

In deciding whether to renew an expired permit, Harborcreek Township will consider whether conditions in the project area, or requirements of the Drainage Plan have changed. The applicant must only resubmit the permit application form for consideration. No additional plan submittal or engineering review would be required.

- A. All earth disturbance permits shall expire two (2) years from the date of issuance unless construction is commenced prior to this date.

- B. A renewal of an expired land disturbance permit may be issued by Harborcreek Township following a resubmittal of the permit application form, and its approval by the Township or its Engineer.
- C. The refusal of Harborcreek Township to reissue an expired land disturbance permit shall contain the reasons for such refusal.

**Section 507. Suspension and Revocation**

- A. Any permit issued under this Ordinance may be suspended or revoked by Harborcreek Township for:
  - 1. Non-compliance with or failure to implement any provision of the permit.
  - 2. A violation of any provision of this Ordinance or any other applicable law, ordinance, rule or regulation of Harborcreek Township.
  - 3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, or which endangers the life or property of others.
- B. A suspended permit shall be reinstated by Harborcreek Township when:
  - 1. The Township, or its Engineer, has inspected and approved the corrections to the storm water management control measure(s), or the elimination of the hazard or nuisance, and/or:
  - 2. Harborcreek Township is satisfied that the violation of the ordinance, law, rule or regulation has been corrected.
- C. A permit which has been revoked by Harborcreek Township cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

**ARTICLE VI**  
**INSPECTIONS**

**Section 601. Schedule of Inspections**

Some or all of the following items shall be included in the inspection schedule in relationship to the magnitude of the project as determined by the Township, or its Engineer as appropriate.

- A. The Township may inspect all phases of development of the site, including but not limited to:
  - 1. Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary storm water management and soil erosion control facilities.
  - 2. Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
  - 3. During construction of the permanent storm water facilities at such times as specified by the Township Engineer.
  - 4. Upon completion of permanent storm water management facilities, including established ground covers and plantings.
  - 5. Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved Drainage Plan and permit.
- B. No work shall begin on a subsequent stage until the preceding stage has been inspected and approved.
- C. It is the responsibility of the permittee to notify Harborcreek Township in advance of the completion of each identified phase of development.
- D. Any portion of the work which does not comply with the approved Plan must be corrected by the permittee. No work may proceed on any subsequent phase of the Drainage Plan, the subdivision or land development or building construction until the required corrections have been made.
- E. If at any stage of the work, it is determined that the soil or other conditions are not as stated or shown in the approved application, work must be stopped and existing permits may be suspended until a revised Plan is submitted and approved, as required by Section 406 of this Ordinance.

**ARTICLE VII**  
**FEES AND EXPENSES**

**Section 701. General**

Land disturbance permit fees covering costs to Harborcreek Township for minimum plan reviews, permit issuance and inspections shall be established annually by resolution of the Harborcreek Township Board of Supervisors. Depending on the magnitude of the project, additional fees may be required as determined by the Board of Supervisors for engineering and/or solicitor costs. No permit to begin any work on the project shall be issued until the requisite fees have been paid.

**Section 702. Modification of Plans**

If it is determined that a modification to the existing Drainage Plan is required under Section 406 of this Ordinance, a new land disturbance permit shall not be issued until the additional fees have been paid by the applicant.

**Section 703. Expenses Covered by Fees**

The fees payable by an applicant may cover the following items:

- A. The review of the Drainage Plan.
- B. The site inspection.
- C. The inspection of required controls and improvements during construction.
- D. The final inspection upon completion of the controls and improvements required in the Drainage Plan.
- E. Any additional work required to enforce the permit provisions, correct violations, and assure the completion of stipulated remedial actions.
- F. Any fees in relation to the review of the Conservation District, the preparation of plans by a private engineer or surveyor, or by any other agency, shall be the responsibility of the owner, subdivider or developer.

## **ARTICLE VIII**

### **FINANCIAL GUARANTEES AND MAINTENANCE**

#### **Section 801. Performance Guarantees**

A performance guarantee(s) acceptable to Harborcreek Township which will ensure installation of the required storm water management controls may be required before final approval of a subdivision plat or the issuance of any zoning/building permit or of any land disturbance permit. The performance guarantee required shall be in the amount of one hundred ten percent (110%) of the estimated costs of constructing such improvements. Each guarantee shall be reviewed by the Township Solicitor. The applicant shall not be released from the guarantee until all control measures are completed and found to be satisfactory to Harborcreek Township.

#### **Section 802. Maintenance Guarantees**

A maintenance guarantee(s) acceptable to Harborcreek Township will be required for those facilities which the Township intends to accept maintenance responsibility. This guarantee is designed to protect Harborcreek Township in the event that the facilities are not properly installed and do not function satisfactorily, and would be in effect for a period of five (5) years following the Township's acceptance of the facilities. The maintenance guarantee required shall be in the amount of ten percent (10%) of the estimated costs of constructing such improvements. Each facility will be considered on an individual basis in determining the most appropriate and effective method regarding the ownership and maintenance responsibilities of the storm water management facilities. Each guarantee shall be reviewed by the Township Solicitor.

#### **Section 803. Maintenance by Private Entity**

In cases where it is determined that permanent control facilities are to be owned by a private entity (such as a homeowner's association), such entity shall be responsible for maintenance. A legally binding agreement between the entity and Harborcreek Township shall be made providing for maintenance of all permanent control facilities, and allowing inspection by the Township of all such facilities deemed critical to the public welfare at any reasonable time.

#### **Section 804. Maintenance by Individual Lot Owners**

- A. When storm water management control measures are located on an individual lot, and when it is determined that they are the responsibility of the landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.

- B. If Harborcreek Township determines at any time that any permanent storm water management control facility has been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Harborcreek Township Board of Supervisors may cause the work to be done and lien all costs against the property, if they so desire.

**ARTICLE IX**  
**ENFORCEMENT, PENALTIES AND APPEALS**

**Section 901. Right-Of-Entry**

Upon presentation of proper credentials, duly authorized representatives of Harborcreek Township may enter at reasonable times upon any property within Harborcreek Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.

**Section 902. Notification**

In the event that an owner, subdivider, developer or his agent fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit issued thereunder, Harborcreek Township shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a reasonable time limit for correction of this violation(s). Upon failure to comply within the time specified, the owner, subdivider, developer or his agent shall be subject to the penalty provisions of this Ordinance.

**Section 903. Penalties**

Anyone violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) for each violation, recoverable with costs, or imprisonment of not more than 30 days, or both. Each day that the violation continues shall constitute a separate offense.

In addition, Harborcreek Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

**Section 904. Appeals**

Any person aggrieved by any decision of Harborcreek Township may appeal to the Erie County Court of Common Pleas within forty five (45) days of that decision.

**ARTICLE X**

**APPENDIX**

**Section 1001. File Documents**

The following documents are made a part of this Ordinance by reference and are kept on file by the Township Secretary:

Storm Water Management Plan for Erie County, Volume 1 entitled “Lake Erie and Elk Creek Watersheds” along with the following volumes:

- Volume 6: Fourmile Creek Subwatershed
- Volume 9: Sixmile Creek Subwatershed
- Volume 10: Mill Creek Subwatershed
- Volume 12: Sevenmile Creek Subwatershed
- Volume 13: Eightmile Creek Subwatershed
- Volume 14: Twelvemile Creek Subwatershed

Chapter 105 – Dam Safety and Waterway Management, as amended, of Title 25 Rules and Regulations of the Pennsylvania Department of Environmental Resources; and

“Storm Water Management Guidelines” of the Pennsylvania Department of Environmental Resources as same may be adopted from time to time.

ENACTED AND ORDAINED into an Ordinance this 3<sup>rd</sup> day of March, 1993 by the Board of Supervisors of Harborcreek Township of Erie County, Pennsylvania in Lawful Session duly assembled.

HARBORCREEK TOWNSHIP SUPERVISORS

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Donna L. Mindek, Chairperson

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David K. Bossart, Supervisor

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Marvin L. Akerly, Supervisor

ATTEST:

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Eleanor H. Musgrave, CMC, Secretary

I hereby certify that the foregoing ordinance was advertised in the Erie Times News on February 16, 1993, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the Harborcreek Township Board of Supervisors held on March 3, 1993.

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Eleanor H. Musgrave, CMC,  
HARBORCREEK TOWNSHIP SECRETARY