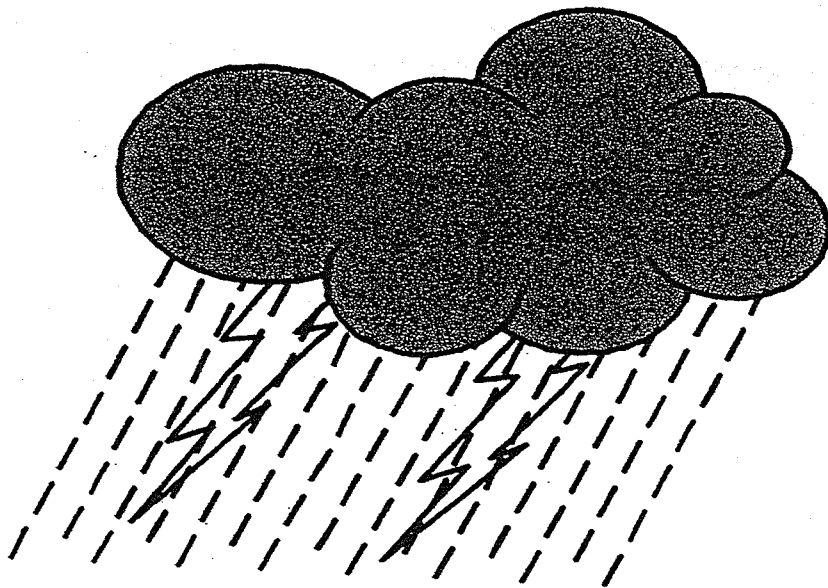


SOMERSET TOWNSHIP  
STORM WATER  
MANAGEMENT  
ORDINANCE-COXES  
CREEK ACT 167 STORM  
WATER MANAGEMENT  
PLAN



ORDINANCE NO. 05-02  
ENACTED FEB. 10, 2005

ORDINANCE No. 05-02

**STORMWATER MANAGEMENT ORDINANCE  
COXES CREEK ACT 167 STORMWATER MANAGEMENT PLAN  
SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA**

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ORDINANCE No. \_\_\_\_\_

**STORMWATER MANAGEMENT ORDINANCE  
COXES CREEK ACT 167 STORMWATER MANAGEMENT PLAN  
SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA**

**BE IT ORDAINED AND ENACTED** by the Supervisors of Somerset Township, Somerset County, Pennsylvania, and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same as follows:

**SECTION 1. Purpose**

The purpose of this Ordinance is to control stormwater in a manner consistent with the Coxes Creek Watershed Act 167 Stormwater Management Plan as adopted by Somerset County.

**SECTION 2. Definitions**

**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.

**Alteration** - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; the changing of surface conditions by causing the surface to be more or less impervious; or, earth disturbance.

**Applicant** - A landowner, developer or other person who has filed an application for approval of a Drainage Plan under Section 5 of this Ordinance.

**BMP (Best Management Practice)** - Activities, facilities, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and ground water recharge and to otherwise meet the purposes of this ordinance, including but not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters, and detention basins.

**Building Permit** - A permit or other approval issued by a municipality for construction and/or earth disturbance.

**Channel Erosion** - The widening, deepening, and headward cutting of small channels and waterways due to erosion caused by increased rate or volume of stormwater runoff.

**Conservation District** - The Somerset County Conservation District.

**Coxes Creek Watershed** - Area bounded peripherally by water parting and draining to the main stem of Coxes Creek, including subwatershed of Bromm Run, Dempsey Run, East Branch of Coxes Creek, Kimberly Run, Laurel Run, Parson Run, Rice Run, West Branch of Coxes Creek, and Wilson Creek. Refer to Exhibit A of this ordinance for a map of Coxes Creek Watershed.

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

**Development Site/Project Site** - The specific tract of land where any land development in the municipality is planned, conducted or maintained.

**Downslope Property Line** - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

**Erosion** - The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

**Erosion & Sedimentation Control Plan (E & S Plan)** - Written, site-specific plan prepared in accordance with the requirements of 25 Pa. Code, Chapter 102, as associated with earth disturbance activities.

**Existing Condition/Pre-Development Condition** - The initial condition of a project site prior to the proposed development.

**Forest Management Operations** - Planning and activities necessary for the management of forest land. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

**Ground Water Recharge** - Replenishment of existing natural underground water supplies.

**Impervious Surface** - A surface that prevents the percolation of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

**Land Development** - (i) 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 buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leasehold, condominiums, building groups or other features; (ii) a subdivision of land.

**Land/Earth Disturbance** - Any activity involving grading, tilling, digging, or filling of ground, or stripping of vegetation, or any other activity that causes any alteration to the natural condition of the land.

**Municipality** - Somerset Township, Somerset County, Pennsylvania.

**Nonpoint Source Pollution** - Pollution that enters a watery body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

**Open Channel** - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full (for computational purposes).

**Outfall** - Point where water flows from a conduit, stream, or drain.

**PADEP** - The Pennsylvania Department of Environmental Protection.

**PADEP Erosion and Sediment Pollution Control Program Manual (PADEP E & S Manual)** - PADEP Document No. 363-2134-008 dated March 13, 2000, with an effective date of April 15, 2000.

**Peak Discharge** - The maximum rate of stormwater runoff from a specific storm event.

**Pennsylvania Handbook of Best Management Practices For Developing Areas (PA Handbook For Developing Areas)** - Document dated November 14, 1997; and prepared under the guidance of the Pennsylvania Association of Conservation Districts, Inc.; the Keystone Chapter, Soil and Water Conservation Society; the Pennsylvania Department of Environmental Protection; and the Natural Resources Conservation Service.

**Person** - An individual, partnership, association, corporation, or other entity.

**Post-Development Condition** - The condition of the site after completion of construction established by the subdivision or land development plans and termination of requirements for implementation of the associated E & S Plan.

**Project Site** - The specific tract of land where any land development in the municipality is planned, conducted or maintained.

**Runoff** - Any part of precipitation that flows over the land surface.

**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 Pollution** - The placement, discharge or introduction of sediment into the waters of the Commonwealth.

**Somerset County Subdivision & Land Development Ordinance** - The Ordinance as adopted by the Somerset County Board of Commissioners on December 16, 1997, with an effective date of January 1, 1998.

**Stormwater** - The total amount of precipitation reaching the ground surface.

**Stormwater Management Plan** - The plan for managing stormwater runoff adopted by County as required by the Act of October 4, 1978, P.L. 864 (Act 167), known as the "Stormwater Management Act."

**Subdivision** - The division or re-division 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. The definition does not include 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 dwellings.

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

**Watercourse** - A stream of water, river, brook, creek, or a channel or ditch for water, whether natural or manmade.

**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.

**Water Quality Requirements** - As defined under state regulations - protection of designated and existing uses (refer to Pa. Code, Chapters 93 and 96):

- a. Each stream segment in Pennsylvania has a "designated use," such as "warm water fishes" or "potable water supply" or "Trout Stocking," which is listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- b. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Land development must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- c. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After land development these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates. Therefore, discharges to surface waters must be designed and managed to protect the stream bank, stream bed and structural integrity of the waterway, to prevent these impacts.

**Wetland** - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ferns, and similar areas.

### **SECTION 3. Applicability**

The following activities are subject to the provisions of this Ordinance:

- Land Development
- Subdivision

### **SECTION 4. Stormwater Management Requirements**

**Section 4.1** - The following general requirements apply to all activities regulated by this Ordinance:

- a. Stormwater runoff - The character of stormwater runoff must be managed in a manner which prevents injury to human health, the environment, safety, or other property. Such measures are to assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities. Such measures are to manage the quantity, velocity, and direction of resulting stormwater runoff in a manner which otherwise adequately protects human health, the environment, and property from possible injury.
- b. Erosion and sedimentation - Measures to prevent accelerated erosion and resulting sedimentation must, at a minimum, meet the standards of the Conservation District.
- c. Water quality - The character of stormwater runoff must be managed in a manner that protects the Water Quality Requirements of waters of the Commonwealth. Such measures are to include consideration to protection of existing groundwater recharge conditions and protection from non-point source pollution.

**Section 4.2** - No approval of any subdivision plan or land development plan, or issuance of any building or occupancy permit, or the commencement of any earth disturbance activity at a project site in the Coxes Creek Watershed, shall proceed until a Drainage Plan, as defined in Section 5 of this Ordinance, is

submitted to and approved by, as evidenced by written notice from, the municipality, except that the following activities are exempt from requirements of the preparation of a Drainage Plan:

- a. Land disturbances associated with existing dwelling.
- b. Development activities involving less than 5,000 square feet of impervious surface when the project site is less than 1.0 acre.
- c. Development activities involving less than 10,000 square feet of impervious surface when the project site is equal to or greater than 1.0 acre.
- d. Minor Subdivision as defined in the Somerset County Subdivision & Land Development Ordinance.
- e. Agriculture when operating in accordance with practices recommended by the Conservation District.
- f. Forest management operations completed in accordance with an E & S Plan.

**Section 4.3** - The following permit requirements apply to certain land development activities, and must be met prior to municipal approval of subdivision plans or land development plans, or issuance of building or occupancy permits, where applicable:

- a. All earth disturbance activities subject to the standards and possible permit requirements by the PADEP under regulations at 25 Pa. Code, Chapter 102.
- b. Work within waterways, any construction located in or adjacent to surface water of the Commonwealth, including wetlands, or any facility which may constitute a dam subject to permit, subject to the standards and possible permit requirements by the PADEP under regulations at 25 Pa. Code, Chapter 105.
- c. Any stormwater management facility that would be located on a state highway right-of-way subject to the standards and possible permit requirements of the Pennsylvania Department of Transportation (PennDOT).

## **SECTION 5. Drainage Plan Requirements**

**Section 5.1** - A Drainage Plan shall be prepared, except for exempted activities, for subdivision and land development activities. The Drainage Plan shall be prepared under the supervision of, and certified by, a Registered Professional Engineer or Surveyor.

**Section 5.2** - The Drainage Plan shall include the following:

- a. Plan drawings reflecting the proposed land development and/or subdivision activity.
- b. Stormwater runoff computations and descriptive narrative. Runoff computations shall be completed using either the Rational Method or the NRCS Soil Cover Complex Method, and shall be completed using standard engineering practices as established in the PADEP E & S Manual or the PA Handbook for Developing Areas. Stormwater runoff computations shall compare pre-development runoff conditions with post-development runoff conditions and shall demonstrate, at a minimum, that post-development peak discharge does not exceed pre-development peak discharge for the 2-year, 10-year, and 25-year storm events. If structures

are required to attenuate post-development peak runoff, then computations demonstrating adequacy of design for the structures shall be provided.

- c. Groundwater recharge computations and descriptive narrative. Groundwater recharge computations shall be completed using standard engineering practices as established in the PA Handbook for Developing Areas. Recharge computations shall demonstrate that any net increase in stormwater runoff volume (i.e., post-development runoff volume minus pre-development runoff volume) from the 2-year, 24-hour storm is recharged to groundwater. Alternately, recharge computations shall justify why any net increase in stormwater runoff volume cannot be recharged to groundwater at the project site.
- d. Written plan for post-construction, long-term operation and maintenance of all permanent stormwater management facilities including designation of parties responsible for operation and maintenance activities, detailed descriptions of maintenance activities, and inspection frequency (minimum annual inspection shall be required).
- e. E & S Plan prepared in accordance with the requirements of 25 Pa. Code, Chapter 102, including copy of written notification from the Conservation District approving same.
- f. For projects involving innovative practices for stormwater management involving application of Best Management Practices (BMPs), narrative and computations for proposed BMPs. BMPs can be as detailed in the PA Handbook for Developing Areas or other industry accepted sources. Incentives/credits for implementation of innovative practices are identified in **Exhibit B**.
- g. For land development activities involving an earth disturbance in excess of one acre, copy of individual or general NPDES Permit for control of stormwater during construction as provided by the Conservation District and/or the PADEP. If disturbance involves in excess of one acre but an NPDES Permit is determined not to be required by the Conservation District or PADEP, then a copy of written documentation from the Conservation District or the PADEP indicating same shall be provided.
- h. For land development involving waterways, any construction located in or adjacent to waters of the Commonwealth including wetlands, or any facility which may constitute a dam subject to permit, as defined under regulations at 25 Pa. Code, Chapter 105, copy of permit(s) from the PADEP authorizing same.
- i. For projects involving any stormwater management facility that would be located on a state highway right-of-way subject to the approval of PennDOT, evidence of written approval of same from PennDOT shall be provided.

**Section 5.3 - Completed Drainage Plans**, accompanied by the requisite fees as identified in Section 7 of this Ordinance, are to be submitted to the municipality for approval. Submittal of the Drainage Plan shall include an executed Drainage Plan Submittal Form as provided in **Exhibit C** of this Ordinance. The municipality shall notify the applicant within fifteen (15) business days of its decision regarding a submitted Drainage Plan. An approval of the Drainage Plan shall be in the form of written notice from the municipality to the applicant. A disapproval of an applicant's Drainage Plan shall be in the form of a written notice from the municipality to the applicant containing the reasons for the disapproval.



## SECTION 6. Inspections

The applicant shall notify the municipality two (2) business days prior to the commencement of any activity covered by this Ordinance so that appropriate inspections to insure compliance with this ordinance can be made.

The applicant shall notify the municipality of completion of construction of stormwater management facilities within thirty (30) calendar days of completion of the construction. The notice of completion shall include submittal of three (3) copies of as-built documentation of constructed stormwater management facilities. As built documentation shall include a revised Drainage Plan meeting all requirements of Section 5 of this Ordinance with specific statement that the Drainage Plan accurately represents the constructed facilities, and shall be prepared under the supervision of, and certified by, a Registered Professional Engineer or Surveyor.

## SECTION 7. Fees

Fees imposed under this Ordinance are provided in **Exhibit D** to this Ordinance.

## SECTION 8. Financial Guarantees

In order to insure that any required stormwater management controls are properly installed, operated, and maintained, the applicant shall provide a financial guarantee of a type acceptable to the municipality as defined in **Exhibit E** to this Ordinance.

## SECTION 9. Enforcement and Penalties

This section includes penalties for violations of this Ordinance:

- a. Duly authorized representatives of the municipality have the right to enter private property at reasonable times to investigate any condition associated with this ordinance.
- b. Anyone violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$1,000.00 for each violation, recoverable with costs, or imprisonment of not more than thirty (30) days, or both. Each day that the violation continues shall be a separate offense. In addition, the municipality 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.

ORDAINED AND ENACTED this 10 day of <sup>February</sup>~~January~~, 2005.

SOMERSET TOWNSHIP SUPERVISORS:

Attest:

(SEAL)

Secretary

Supervisor

Supervisor

Supervisor

Stormwater Management Ordinance  
Somerset Township, Somerset County, PA

**SECRETARY'S CERTIFICATE**


I, **JACK W. BIANCOTTI**, Secretary for the Board of Supervisors of **SOMERSET TOWNSHIP**, Somerset County, Pennsylvania, do hereby certify:

1. The undersigned is duly elected and qualified and acting Secretary of the Supervisors of Somerset Township, and as such, the minute books, ordinances and resolutions and other books of said Township are in my possession and custody.

2. The foregoing **Ordinance** is a true and correct Ordinance of the Township, duly and regularly adopted by the Supervisors of Somerset Township, Somerset County, Pennsylvania, at its regular monthly meeting held on the 10<sup>th</sup> day of February, 2005, which said meeting was at all times open to the public, due notice of which was given as required by law, and at said meeting a quorum of the said Supervisors was present and participating and did vote in majority for adoption of the foregoing Ordinance.

3. Further, said Ordinance was duly advertised according to law before said regular monthly meeting and said ordinance was duly adopted after such proper advertisement, and duly recorded in the ordinance book of said Township and said Ordinance has not been amended, modified or rescinded and is still in full force and effect.

**ATTEST:**

  
\_\_\_\_\_  
**JACK W. BIANCOTTI**, Secretary for  
Somerset Township Supervisors

(SEAL)

Dated: Feb 10, 2005

# Exhibit A - Map of Coxes Creek Watershed

Base Map  
Coxes Creek Watershed  
Somerset County, PA

Act 167

Stormwater Management Plan

Figure 1

## Map Legend:

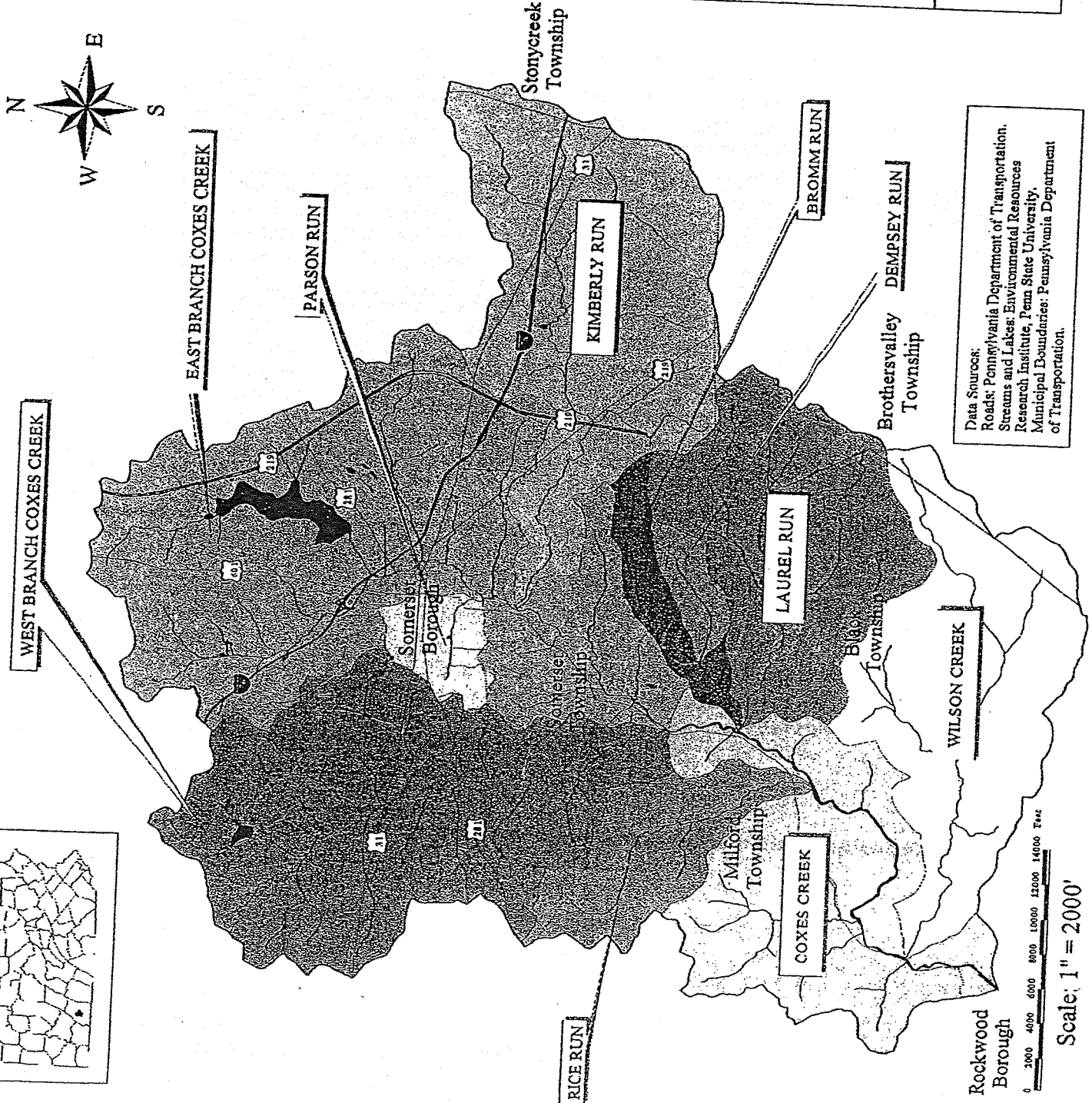
- Major State Routes
- Minor State Routes
- Other Roads
- Municipal Boundaries
- Streams
- Surface Water
- Watershed Basins
- BROMM RUN
- COXES CREEK
- DEMPSEY RUN
- EAST BRANCH COXES CREEK
- KIMBERLY RUN
- LAUREL RUN
- PARSON RUN
- RICE RUN
- WEST BRANCH COXES CREEK
- WILSON CREEK

Prepared For:

Somerset County Commissioners  
300 North Center Avenue  
Suite 500  
Somerset, PA 15501  
(814) 445-1544  
October, 2003



Grouse & Company of  
Somerset, LLC  
332 South Lynn Avenue  
Somerset, PA 15501  
Telephone: (814) 445-7084  
Fax: (814) 443-2743



## Exhibit B - Incentives/Credits for Innovative Stormwater Management

Stormwater Credit	Description
<b>Natural Area Conservation</b>	Conservation of natural areas such as forest, wetlands, or other sensitive areas in a protected easement thereby retaining their pre-development hydrologic and water quality characteristics. Using this credit, a designer may subtract conservation areas from total site area when computing the required water quality volume. Additionally, the post-development curve number (CN) for these areas may be assumed to be forest in good condition.
<b>Disconnection of Rooftop Runoff</b>	Credit is given when rooftop runoff is disconnected and then directed over a pervious area where it may either infiltrate into the soil or filter over it. Credit is typically obtained by grading the site to promote overland flow or by providing bioretention on single-family residential lots. If a rooftop area is adequately disconnected, the impervious area may be deducted from the total impervious cover. Additionally, the post-development CNs for disconnected rooftop areas may be assumed to be forest in good condition.
<b>Disconnection of Non-Rooftop Runoff</b>	Credit is given for practices that disconnect surface impervious cover by directing it to pervious areas where it is either infiltrated or filtered through the soil. As with rooftop runoff, the impervious area may be deducted from the total impervious cover thereby reducing the required water quality volume.
<b>Stream Buffer Credit</b>	Credit is given when a stream buffer effectively treats stormwater runoff. Effective treatment constitutes capturing runoff from pervious and impervious areas adjacent to the buffer and treating the runoff through overland flow across a grass or forested area. Areas treated in this manner may be deducted from total site area in calculating and may contribute to meeting requirements for groundwater recharge.
<b>Grass Channel (Open Section Roads)</b>	Credit may be given when open grass channels are used to reduce the volume of runoff and pollutants during smaller storms. Use of grass channels will automatically meet the minimum groundwater recharge requirement. If designed according to appropriate criteria, these channels may meet water quality criteria for certain types of residential development.
<b>Environmentally Sensitive Rural Development</b>	Credit is given when a group of environmental site design techniques are applied to low density or rural residential development. This credit eliminates the need for structural practices to treat both the required recharge volume and water quality volume. The designer must still address the channel protection volume, the overbank protection and overbank/extreme flood event requirements for all roadway and connected impervious surfaces.

EXHIBIT C  
DRAINAGE PLAN APPLICATION FORM – SHEET 1 of 3

*[This exhibit presents an example only. The Model Ordinance and Exhibits should be developed by Municipal Officials with close coordination of the Solicitor for the municipalities.]*

**PART A - GENERAL INFORMATION**

**A.1 Landowner Information (Consistent with recorded deed for parcel):\***

Owner:

Address:

Telephone Number:

\*Attach additional sheets for additional landowners if applicable.

**A.2 Applicant Information (If different from landowner):**

Name:

Address:

Telephone Number:

**A.3 Drainage Plan Preparer & Certifying Engineer or Surveyor:**

Name:

Address:

Telephone Number:

**EXHIBIT C**  
**DRAINAGE PLAN APPLICATION FORM – SHEET 2 of 3**

*[This exhibit presents an example only. The Model Ordinance and Exhibits should be developed by Municipal Officials with close coordination of the Solicitor for the municipalities.]*

**PART B – DEVELOPMENT DATA & OWNER CERTIFICATION**

B.1 Name and brief description of development activity and proposed use of site:

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B.2 Somerset county tax map number(s) of parcel being divided or developed:

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B.3 County 911 address or mailing address for parcel:

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B.4 Directions to site:

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B.5 Site data:

Total acreage of parcel: \_\_\_\_\_

Proposed disturbed acreage: \_\_\_\_\_

E&S Plan approval date and SCD project number: \_\_\_\_\_

Water supply system: \_\_\_\_\_

Sewer disposal system: \_\_\_\_\_

Length of new streets to be constructed: \_\_\_\_\_

Water encroachment approval date and project number (If applicable): \_\_\_\_\_

Wetlands encroachment approval dates project number (If applicable): \_\_\_\_\_

PennDOT occupancy approval date and project number (If applicable): \_\_\_\_\_

B.6 Owner Certification:

Upon signing this application, the owner does hereby grant permission to the municipality, their staff, and/or their agent(s) to enter upon the above-mentioned parcels for the purposes of site-inspection(s) until such time as the application is formally withdrawn; or if development activities are implemented, so long as developed facilities exist.

Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

**EXHIBIT E**  
**REQUIREMENTS FOR FINANCIAL GUARANTEES BY**  
**OPERATIONS AND MAINTENANCE AGREEMENT**

*[This exhibit presents an example only. The Model Ordinance and Exhibits should be developed by Municipal Officials with close coordination of the Solicitor for the municipalities.]*

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_, (hereinafter the "Landowner"), and \_\_\_\_\_, Somerset County, Pennsylvania, (hereinafter "Municipality");

**WITNESSETH**

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the and records of \_\_\_\_\_ County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Drainage Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMP's) and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

BMP – "Best Management Practices." Activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Model Stormwater Management Ordinance, including but not limited to infiltration

trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

WHEREAS, the Municipality requires, through the implementation of the plan, that stormwater Management BMP's as required by said Plan and the Model Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns. and

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality, the Municipality or its representative may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.



5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality. In the event that a claim is asserted against the Municipality, its designated representatives or employees, the Municipality shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.
8. The Municipality shall inspect the BMP(s) at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Somerset County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

\_\_\_\_\_

(SEAL)

For the Landowner:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_ (City, Borough, Township)

County of Somerset, Pennsylvania

I, \_\_\_\_\_, a Notary Public in and for the  
County and State aforesaid, whose commission expires on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that \_\_\_\_\_  
whose name(s) is/are signed to the foregoing Agreement bearing date of the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the  
same before me in my said County and State.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ day, of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
(SEAL)

**EXHIBIT C**  
**DRAINAGE PLAN APPLICATION FORM – SHEET 3 of 3**

*[This exhibit presents an example only. The Model Ordinance and Exhibits should be developed by Municipal Officials with close coordination of the Solicitor for the municipalities.]*

**PART C – APPLICATION CHECKLIST and PROFESSIONAL CERTIFICATE**

**C.1 Application checklist:**

Yes    No    N/A

- ☐ ☐ ☐ Plan drawings per Ordinance Section 5.2.A.
- ☐ ☐ ☐ Stormwater runoff computation and descriptive narrative per Ordinance Section 5.2.B.
- ☐ ☐ ☐ Groundwater recharge computations and descriptive narrative per Ordinance Section 5.2.C.
- ☐ ☐ ☐ Written plan for post-construction, long-term operation and maintenance of all permanent stormwater management facilities per Ordinance Section 5.2.D.
- ☐ ☐ ☐ E&S Plan and written notification from the Conservation District approving same per Ordinance Section 5.2.E.
- ☐ ☐ ☐ Narrative and computations for proposed BMPs per Ordinance Section 5.2.F.
- ☐ ☐ ☐ For projects involving an earth disturbance in excess of one acre, copy of NPDES Permit for Control of Stormwater During Construction per Ordinance Section 5.2.G.
- ☐ ☐ ☐ If disturbance involves in excess of one acre but an NPDES Permit is determined not to be required by the Conservation District or PADEP, then a copy of written documentation from the Conservation District or the PADEP indicating same per Ordinance Section 5.2.G.
- ☐ ☐ ☐ For projects involving encroachment of waterways, wetlands, or dams subject to permit(s) as defined under regulations at 25 Pa. Code Chapter 105, copy of permit(s) from the PADEP authorizing same per Ordinance Section 5.2.H.
- ☐ ☐ ☐ For projects involving encroachments to State highway right-of-way subject to PennDOT occupancy permit(s), copy of permit(s) from PennDOT authorizing same per Ordinance Section 5.2.I.

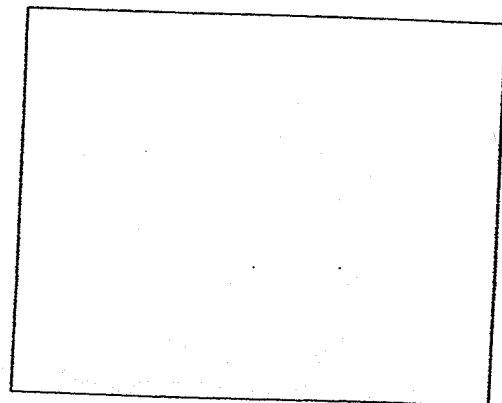
**C.2 Professional Certification:**

I hereby certify that the Drainage Plan was prepared by myself, or under my direct supervision and further certify that the Drainage Plan meets all design standards and criteria of the Ordinance.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Date



SEAL

**EXHIBIT D  
FEE SCHEDULE**

***[This exhibit presents an example only. The Model Ordinance and Exhibits should be developed by Municipal Officials with close coordination of the Solicitor for the municipalities.]***

- D.1 Drainage Plan Application Fee ..... \$100.00
- D.2 Drainage Plan Review Fee – Initial Review ..... \$ 50.00  
(Review to be completed by engineer for municipality.  
To be submitted with application).
- D.3 Drainage Plan Review Fee – Supplemental Reviews ..... \$ 25.00  
(Review by engineer for municipality of supplemental  
information submitted by applicant in response to written  
disapproval of an application).
- D.4 Drainage Plan – Construction Inspection Fee ..... \$ 25.00  
(Applicant shall notify the municipality two business  
days prior to any construction related to the Drainage  
Plan per Section 6 of the Model Ordinance).
- D.5 Drainage Plan – Completion Notification Fee ..... \$ 25.00  
(To be submitted with documentation of completion  
of construction per Section 6 of the Ordinance.  
Fee to cover review of documentation by engineer  
for the municipality).