

ORDINANCE NO. 2011- / - /

**BOROUGH OF RED LION
YORK COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF RED LION, YORK COUNTY, PENNSYLVANIA, IMPOSING A 4.20 MILL TAX FOR GENERAL REVENUE PURPOSES UPON ALL REAL PROPERTY SITUATE WITHIN THE BOROUGH FOR CALENDAR YEAR 2011, PROVIDING FOR A DISCOUNT IF PAID WITHIN TWO MONTHS OF THE DATE OF THE TAX NOTICE, PROVIDING A PENALTY FOR FAILURE TO MAKE PAYMENT WITHIN FOUR MONTHS OF THE DATE OF THE TAX NOTICE, AUTHORIZING THE TAX COLLECTOR OF THE BOROUGH TO ISSUE TAX CERTIFICATIONS AND TO CHARGE A FEE FOR THE ISSUANCE OF THE SAME, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 1302(a) of the Borough Code [53 P.S. § 46302 (a)] authorizes the council of the borough, by ordinance, to levy and collect annually a tax not to exceed thirty (30) mills for general borough purposes; and

WHEREAS, Section 1310 of the Borough Code [53 P.S. § 46310] requires the council of the borough to annually adopt an ordinance levying the tax for the fiscal year; and

WHEREAS, the borough council deems it to be in the best interests of the citizens of Red Lion Borough to enact an ordinance imposing a 4.20 mill tax for general revenue purposes upon all real property situate within the borough; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of the Borough of Red Lion, and it is hereby enacted and ordained, in lawful session assembled, as follows:

SECTION 1. REAL ESTATE TAX LEVY. A tax for general borough purposes is hereby levied upon all real property situate within the Borough of Red Lion, York County, Pennsylvania, for the calendar year 2011 at the rate of 4.20 mills on the dollar on the valuation thereof assessed for county purposes.

SECTION 2. DISCOUNT. All taxpayers subject to the payment of the tax imposed by Section 1., above, shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount thereof within two (2) months after the date of the notice.

SECTION 3. PENALTY. All taxpayers who shall fail to make payment of the whole amount of the tax imposed by Section 1., above, for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) of the whole amount thereof.

SECTION 4. PREPARATION OF DUPLICATES. The proper officers of the Borough are hereby authorized and directed to prepare and issue proper duplicates of taxes assessed and deliver the same to the tax collector of the Borough of Red Lion, York County, Pennsylvania.

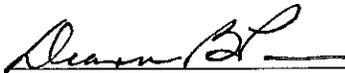
SECTION 5. TAX COLLECTOR CERTIFICATION. The tax collector of the borough is hereby authorized to issue a certification concerning the status of taxes imposed under this ordinance to any person requesting the same, and is authorized to charge a fee in the amount of Twenty Dollars (\$20.00) for the certification.

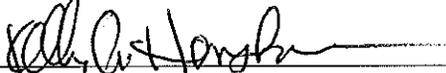
SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment and approval.

ENACTED AND ORDAINED, this *10th* day of *January*, 2011, by the Borough Council of the Borough of Red Lion

ATTEST:

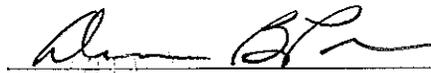
BOROUGH COUNCIL OF THE BOROUGH OF
Red Lion:

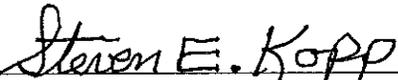

Borough Secretary

By: 
Borough Council President

APPROVED, this *10th* day of *January*, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

ORDINANCE NO. 2011-4-2

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)
TO SET PENALTIES BY RESOLUTION

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

SECTION 1. Chapter 15 (Motor Vehicles and Traffic) Part 5 (Snow and Ice Emergencies) of the Red Lion Borough Code of Ordinances shall be amended to include the following Section:

Section 15-504. Violations and penalties.

Any person, corporation, partnership, company, firm, association, or other entity who shall violate the provisions of the Part shall, upon conviction thereof, be sentenced to pay a fine, as set by Resolution and as amended from time to time, for parking and other violations, as provided by the Vehicle Code, or such other fines and costs as shall be provided under the applicable provisions of the Vehicle Code, which may be in effect at the time of commission of the offense, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days.

SECTION 2. Chapter 15 (Motor Vehicles and Traffic) Part 6 (Metered Parking) of the Red Lion Borough Code of Ordinances shall be amended to include the following Sections:

Section 15-607. Reports of Violations; Notice of Violation.

2. The police officer or other parking enforcement person making the report shall also place upon such vehicle a notice to the owner or driver thereof that such vehicle has been parked in violation of a provision of this Part, and informing the owner or driver, as the case may be, that if he will report to the office of the Mayor or Borough Manager or Assistant Borough Manager within 48 hours of the time and issuance of the notice and pay, for the use of the Borough, a sum to be set by Resolution and as amended from time to time, that action will save the violator from prosecution and from payment of the fine and costs prescribed in this Part.

Section 15-608. Violations and penalties.

1. Any person who violates any provision of this Part except for § 15-606.D shall, for every such violation, upon conviction, be sentenced to pay a fine, as set forth by Resolution and as amended from time to time, and the costs of prosecution, provided that if any such person appears at the Borough office within 48 hours after the time shown on the notice, as provided in § 15-607 of the Part, and makes the necessary payment, that payment shall be in lieu of the penalties prescribed by this subsection.

2. Any person who violates any provision of § 15-606.D shall, upon conviction, be sentenced to pay a fine, as set by Resolution and as amended from time to time, and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

SECTION 3. This Ordinance shall be effective five (5) days after adoption.

SECTION 4. Any Ordinance conflicting or inconsistent with this Ordinance is repealed to the extent of such conflict or inconsistency.

ENACTED AND ORDAINED, this 11th day of April, 2011 by the Borough Council of the Borough of Red Lion

ATTEST:


Borough Secretary

BOROUGH COUNCIL OF THE BOROUGH OF
RED LION:

By: 
Borough Council President

APPROVED, this 11th day of April, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

ORDINANCE NO. 2011- 5- 3

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 1 (ADMINISTRATION AND GOVERNMENT) PART 2
(APPOINTED OFFICIALS) TO ADDRESS SCHOOL CROSSING GUARDS

WHEREAS, Section 46127 of the Pennsylvania Borough Code, 53 P.S. § 45101 et. seq., provides that upon request of the board of school directors of the school district in which a borough is located, the borough council may appoint school crossing guards; and

WHEREAS, the borough council may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards; and

WHEREAS, the purpose of this Ordinance is to authorize the Board of School Directors for the School District of Red Lion [“the District”] to assume the hiring and oversight of the school crossing guards in the Borough of Red Lion [“the Borough”]; and

WHEREAS, the District has approved a resolution requesting the authority to assume the hiring and oversight of the school crossing guards.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

SECTION 1. Chapter 1 (Administration and Government) Part 2 (Appointed Officials) of the Red Lion Borough Code of Ordinances shall be amended to include the following new Section:

E. School Crossing Guards

1-240 School Crossing Guards.

a. The Borough Council of Red Lion hereby allows the School District of Red Lion to assume hiring and oversight of school crossing guards. The school crossing guards shall not come within the civil service provisions, nor shall they fall under the bargaining unit of the School District nor be considered an employee as defined under Section 1101-A of the Act of March 10, 1949, known as the “Public School Code of 1949”, or a school employee as defined under 24 PA C.S. Section 8102 (relating to definitions), or under any plans hereafter effective.

b. The School District shall assume the cost of compensation and benefits, including fixing such compensation or benefits, if any, of the school crossing guards. The School District and the Borough shall each pay one-half of the compensation, equipment costs and mutually agreed upon trainings. The Borough shall reimburse the School District for its share of the compensation, equipment costs and mutually agreed upon trainings.

c. The School District shall notify the Borough Council of those hired to serve as school crossing guards.

d. The School District shall be responsible for providing any necessary training and assistance for the crossing guards from the appropriate police department or other source.

SECTION 2. This Ordinance shall be effective five (5) days after adoption.

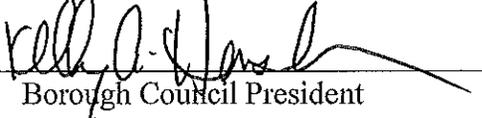
SECTION 3. Any Ordinance conflicting or inconsistent with this Ordinance is repealed to the extent of such conflict or inconsistency.

ENACTED AND ORDAINED, this 9th day of May, 2011, by the Borough Council of the Borough of Red Lion

ATTEST:

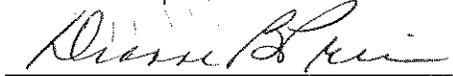

Borough Secretary

BOROUGH COUNCIL OF THE BOROUGH OF
RED LION:

By: 
Borough Council President

APPROVED, this 9th day of May, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

RED LION BOROUGH

ORDINANCE NO. 2011-07-04

**AN ORDINANCE AMENDING CHAPTER 18 "SEWERS
AND SEWAGE DISPOSAL" OF THE RED LION
BOROUGH CODE OF ORDINANCES**

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Red Lion, York County, Pennsylvania, and it is hereby enacted and ordained, in lawful session assembled, that Chapter 18 of the Red Lion Borough Code of Ordinances ("Code"), is hereby amended as follows:

SECTION 1. Section 18-101 of the Code is hereby amended to replace the existing definition with the following:

Sewer System – all facilities, as of any particular time, for collecting, pumping, treating, and disposing of sanitary sewage and industrial wastes, situate in or adjacent to this Borough and owned by the Authority.

SECTION 2. Section 18-102 of the Code is hereby amended by adding the following subsections:

B. The Authority has been created by the Borough and is the owner and operator of all publicly-owned sanitary sewer collection and treatment systems in the Borough. The Borough hereby grants authority to the Authority to, from time to time, promulgate its own rules and regulations and procedures for operation, as set forth in its articles of incorporation, bylaws and governing laws, all of which are binding on the Borough and which are incorporated and adopted herein.

C. The Borough and Authority shall have the right of access at reasonable times to any part of any improved property served by the sewer system as shall be required for the purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the Authority through the sewer system.

SECTION 3. Section 18-103 of the Code is hereby amended by adding the words "the Authority or" between the words "established by" and "this Borough".

SECTION 4. Section 18-108 of the Code is hereby amended to replace the existing section with the following:

No person shall uncover, connect with, make any opening into or use, alter, or disturb in any manner any sewer or sewer system without first obtaining a permit, in writing, from the Authority.

SECTION 5. Section 18-109 of the Code is hereby amended to replace the existing section with the following:

Application for a permit required under § 18-108 shall be made by the owner of the improved property to be served. The owner of each improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this Part.

SECTION 6. Section 18-121 of the Code is hereby amended to replace the existing section with the following:

All building sewers and connections shall be constructed and installed in accordance with the Authority's Rules and Regulations and Construction and Materials Specifications currently in existence and as may be amended from time to time hereafter.

SECTION 7. Part 2 of the Code is hereby repealed in its entirety and shall be marked as "Reserved" for future use.

SECTION 8. Section 18-401 of the Code is hereby amended to add new definitions or replace existing definitions with the following:

Best Management Practices or BMP's: Shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices not limited to but including management plans, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Food Service Facility or Facility: Shall mean any food service facility which prepared and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, snack bars, grills, catering services, butchers and all other food service facilities not listed above.

Grease Interceptor: Shall mean a device located inside or outside a food service facility designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Indirect Discharge or Discharge: Shall refer to the introduction of pollutants into the Wastewater Treatment Facility from a non-domestic source.

Instantaneous Limited: Shall refer to the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Pass-Through: Shall mean a discharge, which exits the Wastewater Treatment Facility into the waters of the United States in quantities or concentrations, which, along or in conjunction with other discharges, is a violation of the Wastewater Treatment Facility's NPDES permit, including an increase in the magnitude or duration of a violation.

Pretreatment Requirements: Shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Significant Noncompliance (SNC): (1) Shall mean any instance of noncompliance with pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules and regulatory deadlines) for which the Industrial User is liable for enforcement, including penalties. The following is the criteria used to determine SNC:

(a) Violations of wastewater discharge limits:

- 1) Chronic violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit, average limit instantaneous limit in a 6 month period (any magnitude of exceedence) of a pretreatment standard or requirement.
- 2) Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit, average limit, or instantaneous limit by more than the TRC in a 6 month period (any magnitude of exceedence) of a pretreatment standard or requirement.
 - (i) The multiplier for BOD, TSS, fats, oils and grease is 1.4.
 - (ii) The multiplier for all other pollutants (except pH) is 1.2.
- 3) Any other violation(s) of an effluent limit average, daily maximum or instantaneous limit that the control authority believes has caused, alone or in combination with other discharges, Interference or Pass-through or endangers the health of Borough or Springettsbury Township personnel or the public.

4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones for starting and completing construction and attaining final compliance by 90 days or more after the schedule date.

(c) Failure to provide reports for compliance schedules, self-monitoring reports or categorical standards within 45 days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the Borough or Springettsbury Township considers to be significant.

(2) For an industrial user that is in SNC, the Authority must report the information to the approval authority as part of the pretreatment performance summary of industrial user compliance, list the industrial user in the largest daily newspaper as having significant violations and address SNC through appropriate enforcement action that may include administrative fines or document in a timely manner the reasons for withholding enforcement.

SECTION 9. Section 18-403 of the Code is hereby amended to add new or replace the following subsections:

1. Industrial user permits.

A. All industrial users proposing to contribute to the public sanitary sewage system shall make application for an industrial user permit. All existing significant industrial users contributing to the public sanitary sewage system at the time of the adoption of this article shall obtain an industrial user permit within 90 days after the effective date of this article. The users required to apply for an industrial user permit shall complete and file with Springettsbury Township an industrial user permit application form approved by Springettsbury Township, accompanied by a nonrefundable processing fee to be set through a resolution of the Board of Supervisors. Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the public sanitary sewage system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information including, but not limited to:

3. Terms and Conditions of Industrial Use Permits.

A. Industrial user permits shall contain at least the following terms and conditions:

- (1) Maximum discharge flow rate
- (2) Term of Permit
- (3) Statement of non-transferability
- (4) Definitions
- (5) Effluent limits, including Best Management Practices (if necessary), based on applicable Pretreatment Standards
- (6) General limitations
- (7) Specific limitations
- (8) Special Conditions
- (9) Self monitoring and reporting requirements (including sampling, reporting, notification and record keeping)
- (10) Notification requirements for slug discharges
- (11) Statement of applicable civil and criminal penalties
- (12) Reopener clause
- (13) Compliance schedules (if required)

SECTION 10. Section 18-404 of the Code is hereby amended to add or replace the following subsections:

2. *General Prohibitions.* No person shall discharge to public sanitary sewage system any of the following:

- (Q) Trucked waste, except at points designated by Springettsbury Township.
- (R) Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives.

3. *Specific Prohibitions.* No person shall discharge to the public sanitary sewer system any sanitary sewage, industrial wastes or trucked industrial waste containing the following measured pollutants:

- (G) Wastes that have a BOD₅ or total suspended solids or total phosphate as P or other pollutant concentration that causes interference with the treatment processes.
- (I) Any wastes which contain the following substances in solution or suspension in concentration exceeding those presented in the following table:

Maximum Permissible Concentrations

<u>Substance</u>	<u>Daily Composite (mg/l)</u>	<u>Grab Sample (mg/l)</u>
Arsenic (As)	0.75	
Cadmium (Cd)	0.02	
Chromium (Cr)	0.8	

Copper (Cu)	1.4	
Cyanide (Total)	N/A	0.7
Lead (Pb)	0.39	
Mercury (Hg)	0.001	
Molybdenum (Mo)	0.9	
Nickel (Ni)	3.0	
Selenium (Se)	1.2	
Silver (Ag)	0.31	
Zinc (Zn)	2.60	

5. *Sampling.* When required by the pretreatment administrator, any person discharging to the public sanitary sewage system any industrial wastes, combined industrial wastes, food service facility waste or sanitary sewage, shall install a suitable sampling manhole, a sanitary connection fitting into the service lateral for sampling, or manholes, flow metering chambers, flow monitoring equipment, pH monitoring equipment and other appurtenances on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Such manhole or manholes or metering chamber shall be accessible, safely located and secure and shall be constructed in accordance with plans approved by the pretreatment administrator.

- A. The sampling manhole, sanitary connection fitting, manholes, or metering chamber shall be installed by such person at his expense and shall be maintained by him so as to be safe and accessible to the pretreatment administrator or his designated representative at all times. The construction and maintenance of such manholes or metering chamber shall be mandatory for significant industrial users and, if deemed necessary by the pretreatment administrator, flows from such manhole or metering chamber shall be continuously monitored, transmitted and recorded by means of an approved recording device.
- B. The sampling procedure for the determination of unacceptable sanitary sewerage and industrial waste specified in this section shall be as follows:
 - 1. Oil and grease
 - 2. Free chlorine
 - 3. Temperature
 - 4. Closed cup flashpoint
 - 5. pH
 - 6. Total cyanide
 - 7. Phenols
 - 8. 1,1,1, - Trichloroethane
 - 9. Chloroform
 - 10. Trichloroethylene
 - 11. Tetrachloroethylene
 - 12. Toluene

13. Ethylbenzene
14. Benzene
15. Vinyl chloride
16. Carbon tetrachloride shall be by grab sample only

The remaining substances referenced in Subsection 3 (Specific Prohibitions) shall be by a daily composite sample, except for those parameters listed under Subsection 3 that may be determined by either a daily composite sample or on a grab sample (subject to the concentrations stated for each type of sample).

SECTION 11. Section 18-405 of the Code is hereby amended to add or replace the following subsections:

4. *Administrative Fine.* Notwithstanding any other section of this article, any user, or waste hauler or waste generator who is found to have violated any provision of this article or an industrial user permit, or a commercial/industrial discharge permit, or an order issued hereunder, or is found to be in significant noncompliance (SNC) may be fined in an amount no less than One Thousand Dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. All fine money shall be made payable to Red Lion Borough. Springettsbury Township shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property.

(1) Industrial users who desire to dispute such fines must file a request before Springettsbury Township to reconsider the fine within 10 working days of being notified of the fine. Red Lion Borough shall include as part of the notice an administrative fine, a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal. Where Springettsbury Township believes the request has merit, it shall convene a hearing on the matter within 15 working days of receiving the request from the user.

(2) Anyone assessed an administrative fine shall have 30 days to pay the proposed fine in full or, if the user wishes to contest either the amount of the fine or the fact of the violation, the user must file an appeal of the action. All appeals are to be made pursuant to the instructions included in the notice of administrative fine assessment. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the fine.

6. *Injunctive Relief.* Whenever a user has violated or continues to violate the provisions of this article, an industrial user permit or a commercial/industrial discharge permit or an order issued hereunder, the Pretreatment Administrator, through counsel, may petition the court for the issuance of a preliminary or permanent injunction (or both,

as may be appropriate), which restrains or compels the activities on the part of the user. The Pretreatment Administrator shall have such remedies to collect all fees incurred by Springettsbury Township as a result of this petition as it has to collect other sewer service charges, including a request for payment of costs and attorney fees as may be authorized by law.

12. *Civil Penalties and Costs.*

- A. Before assessing a civil penalty or costs, Springettsbury Township shall provide the violator with a written notice of proposed assessment citing the ordinance provision, permit or regulation violated with an offer to conduct an assessment hearing to evaluate the violation and the amount of the penalty or cost. Said notice shall contain an explanation of the right to a hearing and the right to appeal from the assessment made.
- E. A civil penalty may be assessed whether or not the violation was willful. The amount of the penalty shall not be less than One Thousand Dollars (\$1,000.00) per day per violation; provided, however, that any industrial user who shall violate Springettsbury Township's pretreatment standards and/or the requirements of Springettsbury Township's approved pretreatment program may be assessed a penalty not to exceed Twenty-five Thousand Dollars (\$25,000.00) per day per violation as provided in the Publicly Owned Treatment Works Penalty Law. In determining the amount of the penalty, the hearing officer shall consider the following:

SECTION 12. Section 18-406, "Reporting Requirements" of the Code is hereby amended to add or replace the following subsections:

7. *Notification of Spills and Slug Loads.* All users shall notify Springettsbury Township immediately by phone or in person upon any planned or unplanned discharge of wastes of a strength or character unusual for the discharger or in violation of the discharger's industrial user permit or any other regulations set forth in this article. This report is to be followed within 10 working days of the day of the occurrence by a detailed written statement sent to the pretreatment administrator describing the cause and characteristics of the discharge and measures that are being taken to prevent further similar discharges. Such notification shall not relieve the user from any liability which may be incurred as a result of the discharge.

8. *Hazardous Waste Discharges.*

- D. In the case of any new regulations under § 3001 of RCRA, identifying additional characteristics of hazardous wastes or listing any additional substances as a hazardous waste, the user must notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste

authorities of the discharge of such substance within 90 days of the effective date of such regulations.

11. *Record Keeping Requirements.* Any industrial user or waste generator subject to reporting requirements shall be required to retain for a minimum of 3 years any records of monitoring activities, results and documentation associated with Best Management Practices. Springettsbury Township shall retain all reports that it receives from industrial users and waste generators for a minimum of 3 years. Any record of monitoring activities and results shall be made available for inspection and copying by the pretreatment administrator or his duly authorized representatives.

12. *Federal Requirements.* Upon the promulgation of any federal standards or requirements (including, but not limited to, Federal Categorical Pretreatment Standards for any particular industrial subcategory found at 40 CFR Chapter 1, Subchapter N, Parts 405-471), the Federal Standards or requirements shall immediately supersede the limitations imposed under this article if the federal standards are more stringent than the limitations imposed under this article. Any user or waste generator which is subject to federal categorical standards is required to comply with all standards and requirements in accordance with § 307 of the Clean Water Act.

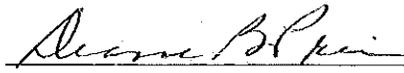
18. *Notice of Changed Discharge Requirements.* Each user shall notify the Pretreatment Administrator of any planned significant changes to the User's operations or systems which might alter the nature, quality, volume or constitute a slug load, as defined in Section 18-401 of this ordinance of its wastewater at least 45 days before the change.

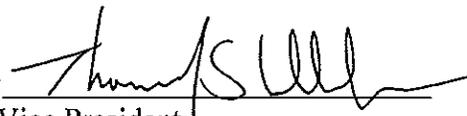
SECTION 13. This ordinance shall become effective immediately upon enactment and approval.

ENACTED AND ORDAINED by the Council of the Borough of Red Lion, York County, Pennsylvania, this 11th day of July, 2011.

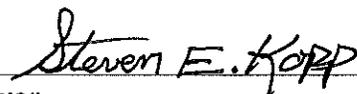
Attest:

RED LION BOROUGH COUNCIL


Secretary

By: 
Vice President

APPROVED/DISAPPROVED this 11th day of July, 2011.


Mayor

ORDINANCE NO. 2011-07-05

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 21 (STREETS AND SIDEWALKS) PART 1 (STREET AND SIDEWALKS) AND PART 2 (OPENINGS AND EXCAVATIONS) TO PROVIDE FOR CONDITION FOR UTILITY LINES AND PAYMENT FOR WORK DONE BY THE BOROUGH AND NEW PROVISIONS FOR OPENING AND EXCAVATIONS

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

SECTION 1. Chapter 21 (Street and Sidewalks) Part 1 (Street and Sidewalk Lines) of the Red Lion Borough Code of Ordinances shall be amended to include the following Section:

§21-116. Conditions for Laying and Extending Utility Lines.

No new water, sewer or gas main shall hereafter be laid or constructed and no existing water or gas main shall be extended in any of the streets of the Borough until the exact location thereof and the plan therefore shall have been first approved by the Borough Manager.

§21-117. Payment for Work Done by Borough.

Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefore under the provisions hereof within 30 days after a bill therefore is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough in the manner provided by law for the collection of municipal claims.

§21-118. Applicability.

The provisions of this Part shall not apply to laying sidewalks or curbs.

SECTION 2. Chapter 21 (Street and Sidewalks) Part 2 (Opening and Excavations) of the Red Lion Borough Code of Ordinances shall be replaced in its entirety with the following:

§21-201. Definitions.

The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

Applicant—any person who makes application for a permit

Borough—the Borough of Red Lion, County of York, Commonwealth of Pennsylvania

Emergency—any unforeseen circumstance which calls for immediate action

Manager—the Borough Manager of the Borough of Red Lion or his authorized deputy, representative, or inspector.

Permittee—any person who has been issued a permit and has agreed to fulfill all the terms of this Part.

Person—any natural person, partnership, firm, association, utility, or corporation

Street—includes the entire right-of-way of a public street, public highway, public alley, public way, public road, or public easement within the Borough, but shall not mean or include any State highway or any continuation of State highway within the Borough.

§21-202. Permit Required.

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Borough without first securing a permit therefore, as hereinafter provided

§21-203. Application for Permit.

Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay to the Borough a permit fee in the amount fixed according to a schedule established pursuant to resolution. The applicant is also required to follow the requirements of specifications for excavation, backfill and pavement restoration in the Red Lion Borough streets, established by resolution of the Borough Council.

§21-204. Street Opening Limited.

Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size or depth thereof and the time within which the work for which the permit is granted to be completed.

§21-205. Responsibility for Defects Occurring Within Two Years

If within 2 years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling and/or surface restoration by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving.

§21-206. Permits Nontransferable.

Permits issued under this Part are not transferable from one person to another, and the work shall be carried out only at the location specifically designated in the permit.

§21-207. Revocation of Permits.

1. Any permit issued under this Part to may be revoked by the Manager after notice for:
 - A. Violation of any condition of the permit.
 - B. Violation of any provision of this Part or any other applicable ordinance or law relating to the work.
 - C. The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

2. Written notice of such violation shall be served upon the person to whom the permit was granted or to his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery or by United States Mail, addressed to such person to be notified.

§21-208. Responsibility of Permit Holder for Certain Work; Right of Borough to Do Certain Work; Charges Therefore.

In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Manager, be unsatisfactory and the same shall not be corrected in accordance with his/her instructions within the time fixed by the Borough, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 20 percent, to the applicant.

§21-209. Emergency Openings.

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus to commence an excavation to remedy such condition before securing a permit; provided, that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Part are fully complied with. If any such emergency conditions shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Borough, after such notice as it shall deem necessary under the circumstances of the particular case, may proceed to do the work necessary and required by such emergency and charge the same on the basis of costs plus 20 percent to such owner or person.

§21-210. Bond Requirements.

Each applicant shall provide the Borough with a surety bond for faithful performance as stipulated in §21-211.C. The Borough shall have the right to require a bond in an amount as set from time to time by resolution of the Borough Council if in the opinion of the Manager the extent of work to be accomplished under the permit warrants greater bond coverage. Said bond must be written by a reputable surety company licensed to do business in the Commonwealth of Pennsylvania and must be approved by the Borough Solicitor as to form.

§21-211. Default in Performance.

Whenever the Manager shall find that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Manager to be reasonably necessary for the completion of such work.

§21-212. Restrictions Regarding Trees and Shrubbery.

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Borough may prescribe.

§21-213. Notices of Improvements.

When the Borough shall improve or pave any street, the Manager shall first give notice to all persons owning property abutting on the street about to be paved or improved and to all public utility companies operating in the Borough, and all such persons and utility companies shall do all work which would necessitate excavation of the street within 30 days from the giving of such notice. The time may be extended if permission has been requested in writing and has been approved by the Manager.

§21-214. Restrictions Regarding Trees and Shrubbery.

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Borough may prescribe.

§21-215. Permittee Responsibilities for Future Relocation of Work.

If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structures covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

§21-219. Violations and Penalties.

Borough Council may, by resolution from time to time, set fines for violation of the provisions of this Section of the Code of Ordinances of Red Lion Borough:

A. Failure to secure a permit shall constitute a violation, and upon conviction, the offender shall pay a fine of \$500 plus costs.

B. Failure to make a timely application for a permit as outlined in this Part shall constitute a violation, and upon conviction, the offender shall pay a fine of \$250 plus costs.

C. Failure for violating the standards or criteria set forth for making a street cut or opening and the restoration shall constitute a violation, and upon conviction, the offender shall pay a fine of \$500 plus costs in addition to any costs the Borough may expend to correct the restoration.

SECTION 3. This Ordinance shall be effective five (5) days after adoption.

SECTION 4. Any Ordinance conflicting or inconsistent with this Ordinance is repealed to the extent of such conflict or inconsistency.

ENACTED AND ORDAINED, this 11th day of July, 2011, by the Borough Council of the Borough of Red Lion

ATTEST:


Borough Secretary

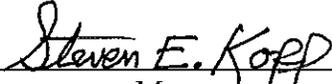
BOROUGH COUNCIL OF THE BOROUGH OF
RED LION:

By: 
Borough Council Vice President

APPROVED, this 11th day of July, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

ORDINANCE NO. 2011-07-06

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 10 (HEALTH AND SAFETY) PART 2 (GRASS, WEEDS, AND
OTHER VEGETATION) AND PART 3 (NUISANCES) TO AMEND THE NOTICE
REQUIREMENTS

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

SECTION 1. Chapter 10 (Health and Safety) Part 2 (Grass, Weeds, and Other Vegetation) of the Red Lion Borough Code of Ordinances shall be amended to include the following Section:

Section 10-203. Notice; Authority of Borough.

The Borough Council or any officer or employee of the Borough designated thereby for the purpose is hereby directed to give notice, by personal service or by United States mail, to the owner and occupant, as the case may be, or by posting such notice upon the premises, whereon grass, weeds, or other vegetation is growing or remaining in violation of the provisions of §10-201, directing and requiring such occupants and/or owner to remove, trim, or cut such grass, weeds, or vegetation so as to conform to the requirements of this Part within 5 days after issuance of such notice. Only on such notice for any growing season is sufficient under this Section. At any time after the notice pursuant to this Section is given, the penalty authorized by this Part may be imposed each time any grass, weeds, or other vegetation is growing or remaining on the premises in violation of this Part. Further, if any violation is not corrected within 5 days, a new violation occurs and there shall be an additional penalty imposed pursuant to this Part. In case any person, firm, or corporation shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim, cut, or destroy such grass, weeds, or vegetation, and the cost thereof, with an additional amount of 10 percent, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm, or corporation in the manner provided by law. After an owner or occupant, as the case may be, is given one notice pursuant to this Section, no further notice is required for subsequent violations of this Part.

SECTION 2. Chapter 10 (Health and Safety) Part 3 (Nuisances) of the Red Lion Borough Code of Ordinances shall be amended to include the following Section:

Section 10-303. Removal or Abatement of Nuisances.

Any person who creates, continues, causes, maintains, or permits to exist any nuisance at any place within the Borough shall, within 10 days after notice from the Borough Council or any officer or employee of the Borough designated thereby for the purpose to do so, remove or abate that nuisance. Notice shall be by personal service, United States mail to the owner or by posting

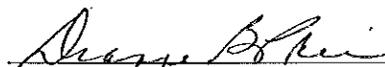
such notice upon the premises. If that person fails, neglects, or refuses to abate the nuisance within the time limit, the Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, the Council shall collect the cost and expense of the abatement or removal from the person who created, continued, caused, or maintained the nuisance and/or permitted it to exist, that person having failed, neglected, or refused to remove or abate the nuisance, with an additional amount of 10 percent, in the manner provided for the collection of municipal claims, or by an action in assumpsit. The cost and expense may be in addition to any penalty imposed under §10-304 of this Part.

SECTION 3. This Ordinance shall be effective five (5) days after adoption.

SECTION 4. Any Ordinance conflicting or inconsistent with this Ordinance is repealed to the extent of such conflict or inconsistency.

ENACTED AND ORDAINED, this 11th day of July, 2011, by the Borough Council of the Borough of Red Lion

ATTEST:

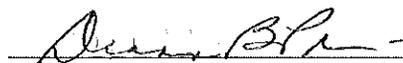

Borough Secretary

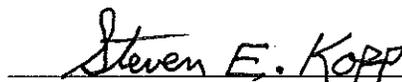
BOROUGH COUNCIL OF THE BOROUGH OF
RED LION:

By: 
Borough Council Vice President

APPROVED, this 11th day of July, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

ORDINANCE NO. 2011-8-7

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC)
PART 9 (SCHEDULES) TO PROHIBIT PARKING DURING CERTAIN HOURS ON
MARTIN STREET

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

SECTION 1. Chapter 15 (Motor Vehicles and Traffic) Part 9 (Schedules) of the Red Lion Borough Code of Ordinances shall be amended to include the following Section:

Section 15-917. Schedule XVI: Parking Prohibited Certain Hours.

Name of Street	Side	Hours/ Days	Location
Martin Street	North	7 a.m. to 4 p.m./Monday through Friday while school is in session	from South Charles Street to School Court

SECTION 2. This Ordinance shall be effective five (5) days after adoption.

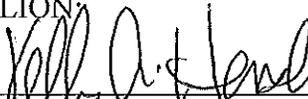
SECTION 3. Any Ordinance conflicting or inconsistent with this Ordinance is repealed to the extent of such conflict or inconsistency.

ENACTED AND ORDAINED, this 8th day of August, 2011, by the Borough Council of the Borough of Red Lion

ATTEST:


Borough Secretary

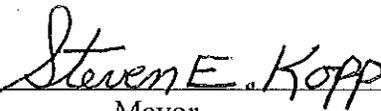
BOROUGH COUNCIL OF THE BOROUGH OF RED LION

By: 
Borough Council President

APPROVED, this 8th day of August, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

**RED LION BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE 2011-11-08

AN ORDINANCE OF THE BOROUGH COUNCIL OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 24, PART 1, ENTITLED "EARNED INCOME AND NET PROFIT TAX" OF THE CODE OF ORDINANCES BY DELETING THE EXISTING TEXT OF CHAPTER 24, PART 2 IN ITS ENTIRETY AND, IN LIEU THEREOF, ADOPTING THE FOLLOWING LEGISLATION TO LEVY AND IMPOSE A TAX FOR GENERAL REVENUE PURPOSES ON EARNED INCOME AND NET PROFITS OF RESIDENTS AS WELL AS NON-RESIDENTS DERIVING INCOME FROM WITHIN RED LION BOROUGH; REQUIRING THE FILING OF TAX RETURNS; REQUIRING EMPLOYERS TO REGISTER, WITHHOLD AND REMIT TAXES AND FILE TAX RETURNS, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, INCLUDING COLLECTION OF AND PROSECUTION OF DELINQUENT ACCOUNTS AND COSTS THEREOF; AND IMPOSING PENALTIES FOR VIOLATIONS OF SUCH ORDINANCE.

WHEREAS, the Borough Council of Red Lion Borough is authorized to enact ordinances to levy a tax for general revenue purposes on earned income and net profits of residents of Red Lion Borough and certain non-residents, to require the filing of tax returns, to provide for the administration and collection of such taxes, and to impose penalties for violations of such Ordinances pursuant to the Local Tax Enabling Act, 53 P.S. §6924.101 et seq. (hereinafter the "Act") and other applicable law; and

WHEREAS, due to the enactment of the Act of General Assembly of July 2, 2008 (P.L. 197) and known as Act No. 32, it is necessary to enact this Ordinance to conform the local income tax currently levied on earned income and net profits by the municipality with Act 32 and to do so within the time frame set forth therein.

WHEREAS, after due advertisement of and public hearing on this Ordinance as required by law, the Borough Council of Red Lion Borough finds adoption of this Ordinance to be necessary to comply with Act 32 and in the best interest of the health, safety and general welfare of its residents.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, by virtue of the power and authority vested in the same, as follows:

Section 1. Short Title.

This Ordinance shall be known as the "Red Lion Borough Earned Income and Net Profits Tax Ordinance," referred to herein as "Ordinance."

Section 2. Intent and Applicable Rules.

It is the intent and purpose of this Ordinance to include all of the applicable language and provisions of 53 P.S. 6924.501 et. seq., the Act of General Assembly of July 2, 2008 (P.L. 197) and known as Act No. 32, as may be amended and supplemented from time to time. In all enforcement of the administration of this Ordinance, the language and intent of the Act, as amended, shall take precedence.

The tax imposed by this Ordinance shall be collected and administered in accordance with:
1) all applicable laws and regulations; and 2) regulations, policies and procedures adopted by the TCC or Tax Officer. This includes any regulations, policies and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. 1937.

Section 3. Definitions.

All words and phrases shall have the meanings as set forth in Act 32, as amended. The following words and phrases, when used in this Ordinance shall have the meanings ascribed to them as follows:

BUSINESS – An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, association or any other entity.

BUSINESS ENTITY – A sole proprietorship, corporation, joint-stock association or company, partnership, limited partnership, limited liability company, association, business trust, syndicate or other commercial or professional activity organized under the laws of this Commonwealth or any other jurisdiction.

CORPORATION – A corporation or joint-stock association organized under the laws of the United States, the Commonwealth of Pennsylvania or any other state, territory, foreign country or dependency. This term shall include an entity which is classified as a corporation for Federal income tax purposes.

CURRENT YEAR – The calendar year for which the tax is levied.

DEPARTMENT – The Pennsylvania Department of Community and Economic Development or successor agency charged with any duties under the Act, as may be amended and supplemented.

DOMICILE – The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for

domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

EARNED INCOME – The compensation as required to be reported to or as determined by the Pennsylvania Department of Revenue under section 303 of the act of March 4, 1971 (P.L. 6, No. 2), known as the “Tax Reform Code of 1971,” and rules and regulations promulgated under that section. For purposes of earned income, employee business expenses are allowable deductions as determined under Article III of the “Tax Reform Code of 1971.” The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

EARNED INCOME AND NET PROFITS TAX – The tax levied herein by municipality on earned income and net profits. Also referred to as “tax” herein.

EMPLOYER – A person, business entity or other entity employing one or more persons for a salary, wage, commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purposes of penalties hereunder, this term includes a corporate officer.

MUNICIPALITY – A city of the second class, city of the second class A, city of the third class, borough, town, township of the first class or township of the second class. For purposes of this Ordinance, such term shall mean Red Lion Borough, York County, Pennsylvania.

NET PROFITS – The net income from the operation of a business, except corporations as required to be reported to or as determined by the Department of Revenue under section 303 of the act of March 4, 1971 (P.L. 6, No. 2), known as the “Tax Reform Code of 1971,” and rules and regulations in promulgated under such section. The term does not include income: a) which is not paid for services provided; and b) which is in the nature of earnings from an investment. Further, the term shall not include:

- A. Any gain on the sale of farm machinery;
- B. Any gain on the sale of livestock held twelve months or more for draft, breeding or dairy purposes; and
- C. Any gain on the sale of other capital assets of the farm.

NONRESIDENT – A person, partnership, association or other entity domiciled outside of the municipality.

PERSON or INDIVIDUAL – A natural person.

PRECEDING YEAR – The calendar year before the current year.

RESIDENT – A person, partnership, association or other entity domiciled in the municipality.

SUCCEEDING YEAR – The calendar year following the current year.

TAX BUREAU – A public nonprofit entity established by a TCC for the administration and collection of earned income and net profits tax.

TAX COLLECTION COMMITTEE (herein referred to as “TCC”) – The committee established to govern each TCD for the purpose of income tax collection. This term shall include a joint tax collection committee.

TAX COLLECTION DISTRICT (herein referred to as “TCD”) – The York Tax Collection District as established under Act.

TAX OFFICER – A political subdivision, public employee, tax bureau, county, excluding a county of the first class, or private agency which administers and collects earned income and net profits for one or more TCD. Unless otherwise specifically provided, for purposes of the obligations of an employer, the term shall mean the Tax Officer or tax collector for the TCD within which the employer is located, or if an employer maintains workplaces in more than one TCD, the Tax Officer for each such TCD with respect to employees principally employed therein.

TAXPAYER – A person or business required hereunder to file a return of earned income or net profits or to pay a tax thereon.

Section 4. Imposition of tax.

A. A tax of One (1%) percent for general revenue purposes is hereby imposed on earned income and net profits earned by residents of the municipality.

B. A tax of One (1%) percent for general revenue purposes is hereby imposed on earned income and net profits earned by nonresidents, exclusive of domestic servants and Maryland residents.

C. The earned income and net profits tax levied under this Ordinance shall be applicable to earned income received and to net profits earned during the period beginning January 1 of the current year and ending December 31 of the current year or for taxpayer fiscal years beginning in the current year. The earned income and net profits tax shall continue in force on a calendar year or taxpayer fiscal year basis without the need for annual enactment or re-enactment, unless the rate of the tax is subsequently changed. For a taxpayer whose fiscal year is not a calendar year, the Tax Officer shall establish deadlines for filing, reporting and payment of taxes which provide time periods equivalent to those provided for a calendar year taxpayer.

Section 5. Declaration and payment of tax.

A. Application.

1. Income taxes shall be applicable to taxable income earned or received based on the method of accounting used by the taxpayer in the period beginning January 1 of the current year and ending December 31 of the current year; except that taxes imposed for the first time and changes to existing tax rates shall become effective on January 1 or July 1, as specified in this Ordinance, and the tax shall continue in force on a calendar year or taxpayer fiscal year basis, without annual reenactment, unless the rate of the tax is subsequently changed.

2. For a taxpayer whose fiscal year is not a calendar year, the Tax Officer shall establish deadlines for filing, reporting and payment of taxes which provide time periods equivalent to those provided for a calendar year taxpayer.

B. Partial domicile. The taxable income subject to tax of a taxpayer who is domiciled in a political subdivision for only a portion of the tax year shall be an amount equal to the taxpayer's taxable income multiplied by a fraction, the numerator of which is the number of calendar months during the tax year that the individual is domiciled in the political subdivision, and the denominator of which is 12. A taxpayer shall include in the numerator any calendar month during which the taxpayer is domiciled for more than half the calendar month. A day that a taxpayer's domicile changes shall be included as a day the individual is in the new domicile and not the old domicile. If the number of days in the calendar month in which the individual lived in the old and new domiciles are equal, the calendar month shall be included in calculating the number of months in the new domicile.

C. Declaration and payment.--Except as provided in subsection (A)(2), taxpayers shall declare and pay income taxes as follows:

1. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the resident Tax Officer, a final return showing the amount of taxable income received during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax due on the taxable income, the amount of tax paid, the amount of tax that has been withheld under section 7 below and the balance of tax due. All amounts reported shall be rounded to the nearest whole dollar. At the time of filing the final return, the taxpayer shall pay the Tax Officer the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

2. i. Every taxpayer making net profits shall, by April 15 of the current year, make and file with the Tax Officer a declaration of the taxpayer's estimated net profits during the period beginning January 1 and ending December 31 of the current year, and shall pay to the Tax Officer in four equal quarterly installments the tax due on the estimated net profits. The first installment shall be paid at the time of filing the declaration, and the other installments shall be paid on or before June 15 of the current year, September 15 of the current year and January 15 of the succeeding year, respectively.

ii. Any taxpayer who first anticipates any net profit after April 15 of the current year, shall make and file the declaration required on or before June 15 of the current year, September 15 of the current year or December 31 of the current year, whichever date next follows the date on which the taxpayer first anticipates such net profit, and shall pay to the Tax Officer in equal installments the tax due on or before the quarterly payment dates that remain after the filing of the declaration.

iii. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the Tax Officer a final return showing the amount of net profits earned or received based on the method of accounting used by the taxpayer during the period beginning January 1 of the current year, and ending December 31 of the current year, the total amount of tax due on the net profits and the total amount of tax paid. At the time of filing the final return, the taxpayer shall pay to the Tax Officer the balance of tax due or shall make demand for refund or credit in the case of overpayment. Any taxpayer may, in lieu of paying the fourth quarterly installment of the estimated tax, elect to make and file with the Tax Officer on or before January 31 of the succeeding year, the final return.

iv. The Department, in consultation with the Department of Revenue, shall provide by regulation for the filing of adjusted declarations of estimated net profits and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration required under this subsection anticipates additional net profits not previously declared or has overestimated anticipated net profits.

v. Every taxpayer who discontinues business prior to December 31 of the current year, shall, within 30 days after the discontinuance of business, file a final return as required under this Ordinance and pay the tax due.

3. Every taxpayer who receives any other taxable income not subject to withholding under Section 512(3) of the Act shall make and file with the resident Tax Officer a quarterly return on or before April 15 of the current year, June 15 of the current year, September 15 of the current year, and January 15 of the succeeding year, setting forth the aggregate amount of taxable income not subject to withholding by the taxpayer during the three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year, and December 31 of the current year, respectively, and subject to income tax, together with such other information as the Department may require. Every taxpayer filing a return shall, at the time of filing the return, pay to the Tax Officer the amount of income tax due. The Department shall establish criteria under which the Tax Officer may waive the quarterly return and payment of the income tax and permit a taxpayer to file the receipt of taxable income on the taxpayer's annual return and pay the income tax due on or before April 15 of the succeeding year.
4. The TCC may, by regulation, waive the requirements for a quarterly return and payment of income tax under specified circumstances, including those instances where a taxpayer's annual taxable income is less than a specified amount.

Section 6. Registration.

A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the municipality, having imposed a tax on earned income or net profits within its municipal boundaries who employs one or more persons, other than domestic servants, for a salary, wage commission or other compensation who has not previously registered shall within fifteen (15) days after becoming an employer, register with the Tax Officer or other designated Tax Officer, his/her or its name and address and such other information as the Department or Tax Officer may require.

B. Every employer shall require each new employee to complete a certificate of residency form, which form shall be an addendum to the Federal Employee's Withholding Allowance Certificate (Form W-4 or successor form). An employer shall also require any employee who changes their address or domicile to complete a certificate of residency form, which forms are available from the Department or the Tax Officer upon request. The purpose of said form shall be to help identify the political subdivision where an employee lives and works.

Section 7. Filing and Payment of Tax by Employer; Withholding

A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the municipality imposing a tax on earned income or net profits within the municipality who employs one or more persons, exclusive of domestic servants and Maryland residents, for a salary, wage, commission or other compensation shall deduct at the time of payment thereof the greater of the employee's resident tax or the employee's nonresident tax imposed by this Ordinance on the earned income due to his employee or employees and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a quarterly return and pay to the Tax Officer the amount of taxes deducted during the preceding quarterly periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. Such return, unless otherwise agreed upon between the Tax Officer and employer, shall show the name and social security number of each such employee, the compensation of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total compensation of all such employees during such preceding quarterly period and the total tax deducted therefrom and paid with the return as well as any other information prescribed by the Department or the Tax Officer.

B. Any employer who, for two (2) of the preceding four (4) quarterly periods, has failed to deduct the proper tax or any part thereof or who has failed to pay over the proper amount of tax to the Tax Officer may be required by the Tax Officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the Tax Officer on or before the last day of the month succeeding the month for which the tax was withheld.

C. Notwithstanding the provisions of (A) above, the provisions of this paragraph (C) shall apply if any employer has more than one (1) place of employment in more than one (1) TCD. Within

thirty (30) days following the last day of each month, the employer may file the return required by paragraph (A) above and pay the total amount of tax due from employees in all work locations during the preceding month to the Tax Officer for either the TCD in which the employer's payroll operations are located or as determined by the Department. The return and tax deducted shall be filed and paid electronically. The employer must file a notice of intention to file combined returns and make combined payments with the Tax Officer for each place of employment at least one (1) month prior to filing its first combined return or making its first combined payment. This paragraph shall not be construed to change the location of an employee's place of employment for purposes of nonresident tax liability.

D. On or before February 28 of the succeeding year, every employer shall file with the Tax Officer or other designated Tax Officer to whom tax, which has been deducted, has been remitted as required herein:

1. An annual return showing the total amount of compensation paid, the total amount of tax deducted, the total amount of tax paid to the Tax Officer for the period beginning January 1 of the current year and ending December 31 of the current year, and any other information prescribed by the Department.
2. An individual withholding statement which may be integrated with the Federal Wage and Tax Statement (Form W-2 or successor form), for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee's name, address and Social Security number, the amount of compensation paid to the employee during said period, the amount of tax deducted, the numerical code prescribed by the Department representing the TCD where payments required herein were remitted and any other information required by the Department or the Tax Officer and the amount of tax paid to the Tax Officer. Every employer shall furnish two copies of the individual return to the employee for whom it is filed.

E. Every employer who discontinues business prior to December 31 of the current year shall, within thirty (30) days after the discontinuance of business, file the returns and withholding statements hereinabove required and pay the tax due.

F. Except as otherwise provided for in Section 511 of the Act, every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which the employer is required to withhold to the extent that such taxes have not been recovered from the employee. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax of from complying with the requirements of this Ordinance relating to the filing of declarations and returns.

G. No employer shall be required to deduct or withhold taxes, file returns or pay taxes with regard to residents of Maryland.

Section 8. Powers and duties of Tax Officer.

A. It shall be the duty of the Tax Officer to collect and receive the taxes, fines and penalties imposed by this Ordinance. It shall also be the Tax Officer's duty to keep a record showing the amount of tax received from each taxpayer paying the tax and the date of such receipt.

B. Each Tax Officer, before entering upon official duties, shall give and acknowledge a bond to the TCC appointing such Tax Officer. The bond provided shall be subject to the requirements set forth in the Act.

C. The Tax Officer shall comply with all resolutions, policies and procedures adopted by the tax collection committee and shall comply with all regulations adopted by the Department under the Act.

D. The Tax Officer shall refund, on petition of and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses to the extent that such expenses are not paid by the taxpayer's employer.

E. The Tax Officer and agents designated by him/her/it are hereby authorized to examine the books, papers and records of any employer or of any taxpayer or of any person whom the Tax Officer reasonably believes to be an employer or taxpayer in order to verify the accuracy of any declaration or return or, if no declaration or return was filed, to ascertain the tax due. Every employer and every taxpayer and every person whom the Tax Officer reasonably believes to be an employer or taxpayer is hereby directed and required to give to the Tax Officer or to any agent designated by him any means, facilities and opportunity for such examination and investigations as are hereby authorized. Such examination or audits shall be conducted by the Tax Officer and any agents designated by the Tax Officer shall be conducted in accordance with 53 Pa. C.S.A., Chapter 84, Subchapter "C" (relating to the local taxpayers bill of rights).

F. Any information gained by the Tax Officer, his/her/its agents or by any other official or agent of the taxing district as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Ordinance shall be and remain confidential, except for official purposes and except in accordance with a proper judicial order or as otherwise provided by law.

G. The Tax Officer is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year, provided that any filing, reporting or payment dates shall provide time periods equivalent to those time periods set forth for taxpayers whose fiscal year coincides with a calendar year.

Section 9. Suit for collection of tax.

A. The Tax Officer may sue in the name of the political subdivision within the TCD for the recovery of taxes due and unpaid under this Ordinance.

B. Any suit brought to recover the tax imposed by this Ordinance shall be begun within three (3) years after: 1) such tax is due or 2) the declaration or return has been filed, or 3) a redetermination of compensation or net profits by the Pennsylvania Department of Revenue whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

1. Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of this Ordinance, there shall be no limitation.
2. Where an examination of the declaration or return filed by any person or of other evidence relating to such declaration or return in the possession of the Tax Officer reveals a fraudulent evasion of taxes, there shall be no limitation.
3. Where any person has deducted taxes under the provisions of this Ordinance and has failed to pay the amounts so deducted to the Tax Officer or where any person has willfully failed or omitted to make the deductions required by this Ordinance, there shall be no limitation.
4. Where an employer has intentionally failed to make deductions required by this Ordinance.
5. In the case of substantial understatement of tax liability of twenty-five (25%) percent or more and no fraud, suit shall be begun within six (6) years.

C. The Tax Officer may sue for recovery of an erroneous refund, provided that such suit is begun two (2) years after making such refund, except that the suit may be brought within five (5) years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

D. This section shall not be construed to limit the municipality from recovering delinquent taxes by any other means provided by the Act. Further, nothing set forth herein shall be construed to limit a Tax Officer, a TCD or political subdivision from recovering delinquent taxes by any other means provided by the Act.

Section 10. Interest and penalties.

A. Except as may be provided for in (B) below, in the event any tax imposed in this Ordinance is not paid when due, interest shall accrue at the same rate a taxpayer is required to pay to the Commonwealth as provided in Section 806 of the act of April 9, 1929 (P.L. 343, No. 176), known as the Fiscal Code, or such successor legislation, on the amount of said tax and an additional penalty of One (1%) percent of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected but the amount of penalty shall not exceed Fifteen (15%) percent in the aggregate. Where an action is brought for the recovery of tax, the taxpayer liable for the tax shall, in addition, be liable for the costs of collection, interest and penalties, including, but not limited to court costs and attorney's fees.

B. Pursuant to the Act, the Department may establish conditions under which a Tax Officer, with the concurrence of the TCC, may abate interest or penalties that would otherwise be imposed for the nonreporting or underreporting of income tax liabilities or for nonpayment of taxes previously imposed and due if the taxpayer files delinquent returns and pays the tax in full.

C. The provisions of (B) above shall not affect or terminate any petitions, investigations, prosecutions or other proceedings pending under this Ordinance, or prevent the commencement of further prosecution of any proceedings by the appropriate authorities for violations of this Ordinance. However, no proceedings shall be commenced on the basis of delinquent returns filed pursuant to Section 10 above if the returns are determined to be substantially true and correct and the tax due is paid within the prescribed time.

Section 11. Violations and penalties.

A. Any person who fails, neglects or refuses to make any declaration or return required by this Ordinance, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the Tax Officer or any agent designated by him to examine his books, records, papers and any person who knowingly makes any incomplete, false or fraudulent return or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than two thousand five hundred (\$2,500) dollars for each offense and costs and, in default of payment of said fine and costs, to be imprisoned for a period not exceeding six (6) months.

B. Any employer who is required under this Ordinance to collect, account for and distribute taxes and who willfully fails to collect or truthfully account for and distribute such tax, commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine not exceeding Twenty-Five Thousand (\$25,000.00) Dollars or to imprisonment not exceeding two (2) years or both.

C. Any person who divulges any information which is confidential under the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than two thousand five hundred (\$2,500) dollars for each offense and costs or to imprisonment for not more than one (1) year, or both.

D. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Ordinance.

E. The failure of any person to receive or procure forms required for making the declaration or returns required by this Ordinance shall not excuse him or her from making such declaration or return.

F. Red Lion Borough hereby approves and adopts the Cost of Collection Schedule, attached hereto and made a part hereof, to be imposed by the designated Tax Officer for the collection of

taxes on earned income and net profits, upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid; provided, however, that the TCC may approve amendments to said fee schedule by resolution from time to time. Amendments to the collection schedule shall become effective upon adoption by the TCC. The designated Tax Officer is hereby authorized to retain such costs of collection as set forth in the attached schedule, as may be amended and supplemented from time to time, in recovering delinquent taxes and as permitted to be assessed to delinquent taxpayers pursuant to law.

Section 12. Applicability.

This Ordinance shall not apply to any person or property as to whom or which it is beyond the legal power of the municipality to levy, assess and impose the tax or duties as herein provided.

Section 13. Severability

The provisions of the Ordinance are severable and if any of its provisions are determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intention of Red Lion Borough that this Ordinance would have been adopted is such invalid or unconstitutional provision had not been included.

Section 14. Purpose/Amendment and Restatement/Repeal.

The primary purpose of this Ordinance is to conform the local income tax currently levied on earned income and net profits by the municipality with the Act and to do so within the time frame set forth in the Act. Any prior Ordinance levying such tax is hereby amended and restated in its entirety to read as set forth in this Ordinance. To the extent that any previous Ordinance or portion thereof is inconsistent or conflicts with this Ordinance, such Ordinance(s) or portion thereof shall be repealed to the extent of such inconsistency and/or conflict. To the extent the same or any prior Ordinance levying such tax in force immediately prior to enactment of this Ordinance, this Ordinance is intended as a continuation of such prior Ordinance and not as the enactment of an Ordinance imposing a new tax. In the event this Ordinance or any portion thereof is determined to be unconstitutional or otherwise invalid, the prior Ordinance, or portion thereof, levying a similar tax shall remain in full force and effect and shall not be affected by the adoption of this Ordinance. Nothing contained herein shall affect, impair or otherwise abrogate any act done or liability incurred, nor shall any provision of this Ordinance affect, impair or preclude any suit or prosecution pending, whether or not currently initiated, to enforce any right, penalty or violation under the authority of any previous Ordinance in force prior to adoption of this Ordinance.

Section 15. Effective date; initial current year.

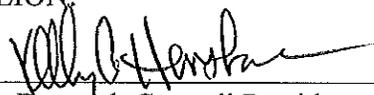
The effective date of this Ordinance and beginning of the initial current year shall be January 1, 2012.

ENACTED AND ORDAINED, this 14th day of November, 2011, by the Borough Council of the Borough of Red Lion

ATTEST:

BOROUGH COUNCIL OF THE BOROUGH OF
RED LION:

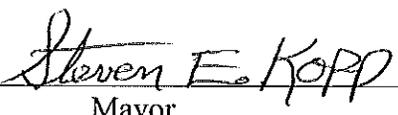

Borough Secretary

By: 
Borough Council President

APPROVED, this 14th day of November, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

ORDINANCE NO. 2011-12-09

**BOROUGH OF RED LION
YORK COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF RED LION, YORK COUNTY, PENNSYLVANIA, IMPOSING A 4.20 MILL TAX FOR GENERAL REVENUE PURPOSES UPON ALL REAL PROPERTY SITUATE WITHIN THE BOROUGH FOR CALENDAR YEAR 2012, PROVIDING FOR A DISCOUNT IF PAID WITHIN TWO MONTHS OF THE DATE OF THE TAX NOTICE, PROVIDING A PENALTY FOR FAILURE TO MAKE PAYMENT WITHIN FOUR MONTHS OF THE DATE OF THE TAX NOTICE, AUTHORIZING THE TAX COLLECTOR OF THE BOROUGH TO ISSUE TAX CERTIFICATIONS AND TO CHARGE A FEE FOR THE ISSUANCE OF THE SAME, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 1302(a) of the Borough Code [53 P.S. § 46302 (a)] authorizes the council of the borough, by ordinance, to levy and collect annually a tax not to exceed thirty (30) mills for general borough purposes; and

WHEREAS, Section 1310 of the Borough Code [53 P.S. § 46310] requires the council of the borough to annually adopt an ordinance levying the tax for the fiscal year; and

WHEREAS, the borough council deems it to be in the best interests of the citizens of Red Lion Borough to enact an ordinance imposing a 4.20 mill tax for general revenue purposes upon all real property situate within the borough; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of the Borough of Red Lion, and it is hereby enacted and ordained, in lawful session assembled, as follows:

SECTION 1. REAL ESTATE TAX LEVY. A tax for general borough purposes is hereby levied upon all real property situate within the Borough of Red Lion, York County, Pennsylvania, for the calendar year 2012 at the rate of 4.20 mills on the dollar on the valuation thereof assessed for county purposes.

SECTION 2, DISCOUNT. All taxpayers subject to the payment of the tax imposed by Section 1., above, shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount thereof within two (2) months after the date of the notice.

SECTION 3. PENALTY. All taxpayers who shall fail to make payment of the whole amount of the tax imposed by Section 1., above, for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) of the whole amount thereof.

SECTION 4. PREPARATION OF DUPLICATES. The proper officers of the Borough are hereby authorized and directed to prepare and issue proper duplicates of taxes assessed and deliver the same to the tax collector of the Borough of Red Lion, York County, Pennsylvania.

SECTION 5. TAX COLLECTOR CERTIFICATION. The tax collector of the borough is hereby authorized to issue a certification concerning the status of taxes imposed under this ordinance to any person requesting the same, and is authorized to charge a fee in the amount of Twenty Dollars (\$20.00) for the certification.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment and approval.

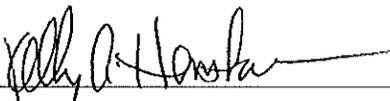
ENACTED AND ORDAINED, this day of , 2011, by the Borough Council of the Borough of Red Lion

ATTEST:



Borough Secretary

BOROUGH COUNCIL OF THE
BOROUGH OF Red Lion:

By: 

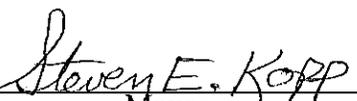
Borough Council President

APPROVED, this day of , 2011, by the Mayor of the Borough of Red Lion

ATTEST:



Borough Secretary



Mayor

STORMWATER MANAGEMENT ORDINANCE

ORDINANCE NO. 2011-12-10

BOROUGH OF RED LION

YORK COUNTY, PENNSYLVANIA

Adopted

December 11, 2011

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ARTICLE I - GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the "Red Lion Borough Stormwater Management Ordinance."

Section 102. Statement of Findings

The Borough Council of Red Lion Borough finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.
- C. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

Section 103. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within the Borough and its watershed(s) by minimizing the harm and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to the source.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to

otherwise protect water resources.

- F. Prevent scour and erosion of stream banks and stream beds.
- G. Provide proper operation and maintenance of all SWM BMPs that are implemented within the Borough.
- H. Provide standards to meet NPDES permit requirements.

Section 104. Statutory Authority

A. Primary Authority:

The Borough is empowered to regulate land use activities that affect stormwater impacts by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the "Stormwater Management Act."

B. Secondary Authority:

The Borough is also empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

Section 105. Applicability

All regulated activities and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this Ordinance. Article VIII, Detection and Elimination of Illicit Discharges to the Municipal Separate Storm Sewer System, shall be applicable to all water entering the storm drain system of the Borough generated on any developed and undeveloped lands unless explicitly exempted by the Borough.

Section 106. Repealer

Any other ordinance provision or regulation of the Borough inconsistent with any of the provisions of this Ordinance is hereby repealed to give this Ordinance full force and effect to the extent of the inconsistency only.

Section 107. Severability

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

Section 108. Compatibility with Other Permit and Ordinance Requirements

Permits and approvals issued pursuant to this Ordinance do not 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 regulation of stormwater or erosion and sedimentation control are contained in another code, rule, act or ordinance, the more stringent regulations shall apply.

Section 109. Interpretation

Unless otherwise expressly stated, the succeeding shall, for the purposes of this Ordinance, be interpreted in the following manner:

- A. Words used in the present tense also imply the future tense.
- B. Words used in the singular imply the plural, and vice versa.
- C. Words of masculine gender include feminine gender, and vice versa.
- D. The words and abbreviation “includes,” “including,” “shall include,” “such as,” and “e.g.” are not limited to the specific example(s) given but are intended to extend the word’s or words’ meaning(s) to all other instances of like kind and character.
- E. The words “person”, “applicant”, or “developer” include, a partnership, corporation, or other legal entity, as well as an individual.
- F. The words “shall”, “required”, or “must” are mandatory; the words “may” and “should” are permissive.

Section 110. 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 the Council, agency or employee of the Borough purporting to validate such a violation.

ARTICLE II - 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.

Act 167 - Act of October 4, 1978, P.L.864, (Act 167), as amended, and known as the “Stormwater Management Act”.

Agricultural Activity - Activities associated with agriculture such as, but not limited to, agricultural cultivation, agricultural operations, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Applicant - A landowner, developer, or other person who has filed an application to the Borough for approval to engage in any regulated activity at a project site in the Borough.

Best Management Practice (BMP) - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: “structural” or “nonstructural.” In this Ordinance, 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.

BMP Manual - Pennsylvania Stormwater Best Management Practices Manual, as amended and updated.

Clean Water Act – The Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq.*, and any subsequent amendments thereto.

Conservation District - The York County Conservation District, which District is 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.

Construction Activity – activities subject to NPDES construction permits. NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

Council – The Borough Council of Red Lion Borough.

County - York County Pennsylvania

Culvert – A structure which carries surface water through an obstruction.

Dam - An impoundment structure regulated by the Pennsylvania DEP Chapter 105. regulations.

DEP - The Pennsylvania Department of Environmental Protection.

Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence, e.g., a 5-year storm, and duration, e.g., 24 hours, used in the design and evaluation of stormwater management systems. Also see Return Period.

Developer - Any person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity.

Detention Basin - A structure designed to retard stormwater runoff by temporarily storing and releasing the runoff at a predetermined rate.

Detention District – Those subareas in which some type of detention is required to meet the plan requirements and the goals of appropriate and approved Act 167 Plans.

Detention Volume - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.

Development Site (Site) - See Project Site.

Disconnected Impervious Area (DIA) - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in Appendix B. Disconnected Impervious Area of this Ordinance.

Disturbed Area - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

Down-slope Property Line – That portion of a property line of a lot or parcel of land being developed located such that overland or pipe flow from the development site would be directed toward it.

Drainage Conveyance Facility – A stormwater management facility designed to transmit stormwater runoff, including but not limited to, streams, channels, swales, pipes, conduits, culverts and storm sewers.

Drainage Easement – A limited right of use granted in private land, allowing the use of private land for stormwater management purposes, where in no structure may be constructed.

Drainage Permit – A permit issued by the municipal governing body after the SWM Site Plan has been approved. Said permit is issued prior to or with the final municipal approval.

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

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

E & S Manual - Erosion and Sediment Pollution Control Manual, as amended and updated.

Erosion and Sediment Control Plan - A site specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activity.

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

FEMA - Federal Emergency Management Agency.

Flood - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

Floodplain - Any land area susceptible to inundation by water from any natural source as delineated by applicable FEMA maps and studies as being a special flood hazard area.

Floodway - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

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

Groundwater Recharge - Replenishment of existing natural underground water supplies.

Hazardous Materials/Substances - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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 HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS 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 (NRCS 3,4).

IWRP - The York County Integrated Water Resources Plan, which Plan includes Act 167 Plan elements and requirements.

Illicit Connections – An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows and illegal discharge to enter the storm drain system and/or Waters of the Commonwealth including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system and/or Waters of the Commonwealth from indoor drains and sinks, regardless of whether said drain or connections had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system and/or Waters of the Commonwealth which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system.

Impervious Surface (Impervious Area) - A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. However, any surface or area designed, constructed and maintained to permit infiltration as specified herein shall be considered pervious, not impervious. For the purposes of this Ordinance, a surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two (2)-year 24-hour storm event.

Industrial Activity - Activities subject to NPDES industrial permits as defined in 40 CFR §122.26(b)(14).

Infiltration - The entrance of surface water into the soil, usually at the soil-air interface.

Infiltration Structures – A structure designed to direct runoff into the ground (e.g. french drains, seepage pits, seepage trench).

Karst - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst landscapes are formed on carbonate rocks, such as limestone or dolomite.

Land Development - Shall include any of the following activities:

- A. the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. a group of two (2) 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
 - 2. the division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

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

Municipality/Borough - Red Lion Borough, York County, Pennsylvania.

MS4 – Municipal Separate Storm Sewer System

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by EPA (or by DEP under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge – Any discharge to the storm drain system and/or Waters of the Commonwealth that is not composed entirely of stormwater.

NPDES - National Pollution Discharge Elimination System

NRCS - USDA Natural Resources Conservation Service (previously SCS).

O & M - Operation and Maintenance

O & M Plan - Operation and Maintenance Plan

PCSWMP - Post-Construction Stormwater Management Plan

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

Percolation - The downward movement, under the influence of gravity, of water under hydrostatic pressure through interstices of the soil or rock.

Person – An individual, partnership, public or private association or corporation, firm, trust, estate, Borough, governmental unit, public utility or any other legal entity whatsoever. Whenever used in any section prescribing or imposing a penalty, the term “person” shall include the members of a partnership, the officers, agents and servants of a corporation and the officers of a Borough.

Pervious Area - Any area not defined as impervious.

Pollutant – Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises – Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalk and parking strips.

Project Site - The specific area of land where any regulated activities in the Borough are planned, conducted, or maintained.

Qualified Person - Any person licensed by the State of Pennsylvania or otherwise qualified by law to perform the work required by this Ordinance.

Regulated Activities - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

Regulated Earth Disturbance Activity - Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

Retention Basin - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

Retention Volume/Removed Runoff - The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04, i.e., a 4% chance.

Riparian Buffer - A Best Management Practice that is an area of permanent vegetation along surface waters. (Such areas serve as natural vegetative filters between upland landscapes and waterways.)

Riser – A vertical pipe extending from the bottom of a pond or other water impoundment that is used to control the discharge rate from the pond or impoundment for a specified design storm.

Rooftop Detention – Temporary ponding and gradual release of stormwater falling directly onto roof surface by incorporating control-flow roof drains into building design.

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

Runoff Characteristics – The surface components on any watershed which either individually or in any combination thereof, directly affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to; vegetation, soils, slopes and any type of manmade landscape alterations.

SCS – Soil Conservation Service, U.S. Department of Agriculture

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

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

Seepage Pit/Seepage Trench – An area of excavate earth filled with loose stone or similar materials into which surface water is directed for infiltration into the ground.

Semi-Pervious Surface – A surface which permits a limited amount of vertical transmission of water.

Sheet Flow - Water flow with a relatively thin and uniform depth.

Soil-Cover Complex Method – A method of runoff computation in NRCS publication “Urban Hydrology for Small Watersheds”, technical Release No. 55.

Spillway - A depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond or basin.

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.

Storm Drain System – Publicly or privately owned facilities by which stormwater is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Frequency - The number of times that a given storm event occurs on average in a stated period of years.

Storm Sewer - A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

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

Stormwater Management District Watershed Map – Appendix C. Defining release rate criteria within the watershed.

Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels; storm sewers, pipes, and infiltration facilities.

Stormwater Management Plan - Parts and/or elements of the York County Integrated Water Resources Plan which incorporate the requirements of the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Storm Water Management Act."

Stormwater Management Best Management Practices - Is abbreviated as BMPs or SWM BMPs throughout this Ordinance.

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 Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance. For all NPDES permitted sites, the Stormwater Management Site Plan shall include, and be consistent with, the Erosion and Sediment Control Plan as submitted to the York County Conservation District (YCCD) and/or DEP.

Stormwater Pollution Prevention Plan – A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Stream Enclosure – A bridge, culvert or other structure in excess of 100 feet in length, upstream to downstream, which encloses a regulated water of this commonwealth.

Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or 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.

Subarea – The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

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

SWM - Stormwater Management.

Time of Concentration (T_c) – The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

USDA - United States Department of Agriculture.

Wastewater – Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse – a stream of water; river, brook, creek, or a channel or ditch for water, whether natural or man-made.

Waters of this 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.

Wetland - Areas that are inundated or saturated by surface or groundwater 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, and similar areas.

YCCD - York County Conservation District

ARTICLE III - STORMWATER MANAGEMENT STANDARDS

Section 301. General Requirements

- A. For all regulated activities, unless preparation of an SWM Site Plan is specifically exempted in Section 302:
1. Preparation and implementation of an approved SWM Site Plan is required.
 2. No regulated activities shall commence until the Borough issues written approval of an SWM Site Plan which demonstrates compliance with the requirements of this Ordinance.
- B. SWM Site Plans approved by the Borough, in accordance with Section 406, shall be on site throughout the duration of the regulated activity.
- C. The Borough may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, State law including, but not limited to, the Clean Streams Law. The Borough shall maintain a record of consultations with DEP pursuant to this paragraph.
1. DEP is not required to be consulted for waiver of the requirements within:
 - a. Section 303. Stormwater Management Districts
 - b. Section 307. Design Criteria
 - c. Section 308. Regulations Governing Stormwater Management Facilities
 - d. Section 309. Calculation Methodology
 - e. Section 310. Carbonate Geology
 - f. Section 311. Erosion and Sedimentation Control Requirements
 - g. Section 605. Municipal Stormwater Maintenance Fund
- D. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities, i.e., during construction, to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual) 2, No. 363-2134-008 (April 15, 2000), as amended and updated.
- E. For all regulated activities, implementation of the volume controls in Section 304. is required, unless specifically exempted under Section 301.C., or exempted by an approved modification request as specified in Section 403.B. of this Ordinance.
- F. Impervious areas:
1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in phases.
 2. For development taking place in phases, the entire development plan must be used in

determining conformance with this Ordinance.

3. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance; except that the volume controls in Section 304 and the peak rate controls of Section 305 do not need to be retrofitted to existing impervious areas that are not being altered by the proposed regulated activity.
- G. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.
- H. All regulated activities shall include such measures as necessary to:
1. Protect health, safety, and property;
 2. Meet the water quality goals of this Ordinance, as stated in Section 103. Purpose, by implementing measures to:
 - a. Minimize disturbance to floodplains, wetlands, wooded areas, and existing vegetation.
 - b. Maintain or extend riparian buffers.
 - c. Avoid erosive flow conditions in natural flow pathways.
 - d. Minimize thermal impacts to waters of this Commonwealth.
 - e. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
 - f. Minimize soil disturbance and compaction. Topsoil, if removed, shall be replaced to a minimum depth equal to its depth prior to removal or four (4) inches, whichever is greater. (Additional topsoil may be needed for vegetation other than sod.)
 3. To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual).
- I. The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Borough.
- J. Infiltration BMPs shall be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance. In addition, infiltration BMPs shall include pre-treatment BMPs where appropriate.
- K. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Borough. All encroachment activities shall comply with the requirements of PA DEP 25 PA Code Chapter 105

(Water Obstructions and Encroachments), Rules and Regulations of PA DEP. Any approvals or permits issued do not relieve compliance as referenced in Section 108, Compatibility with Other Permit and Ordinance Requirements.

- L. All stormwater management facilities (excluding individual residential underground infiltration facilities) are considered structures and must comply with building setback requirements. The outside toe of slope of the embankment in a fill condition or the top of embankment in a cut condition shall be considered as the point that must meet the setback requirements. Individual residential underground infiltration facilities shall be a minimum of ten (10) feet from the property line. Discharge of controlled flows can be no closer to an adjacent property than two (2) times the length of the required discharge rip-rap apron. This requirement applies to discharge aprons that do not outlet to a defined waterway or an existing storm sewer. Minimum distance is ten (10) feet.
- M. All storage facilities shall completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm. However, any designed infiltration at such facilities is exempt from the minimum 24-hour standard, i.e., may infiltrate in a shorter period of time, so long as none of the stormwater flowing into the infiltration facility is discharged directly into the surface waters of the Commonwealth. (Inordinately rapid infiltration rates may indicate the presence of large fractures or other conditions for which an additional soil buffer may be required.)
- N. The design storm volumes and precipitation intensities to be used in the analysis of discharge or runoff shall be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
- O. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- P. Various BMPs and their design standards are listed in the BMP Manual.
- Q. All work shall be in accordance with the Borough's Construction and Material Specifications.
- R. The technical standards provided within this Ordinance are considered the baseline for the design and layout of an SWM Site Plan. Use of other alternative and innovative designs for controlling stormwater runoff may be permitted when approved by the Borough Engineer.

Section 302. Exemptions

Any Regulated Activity that meets the following exemption criteria is exempt from the part(s) of this Ordinance as specified herein. However, the requirements of the Ordinance shall otherwise remain in effect. The criteria for exemption in this Section apply to the total development proposed, including instances in which the development is proposed to take place in phases. The date of enactment of this Ordinance shall be the starting point from which future development and the respective proposed impervious surface computations shall be cumulatively considered and regulated. Exemption shall not

relieve an applicant from implementing such measures as necessary to meet the intent of this Ordinance, or compliance with any NPDES Permit requirements.

- A. Regulated activities that create DIAs equal to or less than 1,000 square feet are exempt from the peak rate control and the SWM Site Plan preparation requirements of this Ordinance and therefore, no formal application to the Borough is required.
- B. Regulated activities that create DIAs greater than 1,000 square feet and equal to or less than 5,000 square feet are exempt only from the peak rate control requirement of this Ordinance.
- C. Agricultural activity is exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102. For regulated activities that meet this exemption criteria, no formal application to the Borough is required.
- D. Forest management and timber operations are exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 PA Code 102. For regulated activities that meet this exemption criteria, no formal application to the Borough is required.
- E. Domestic gardening and landscaping are exempt from specific approval and permitting under this Ordinance so long as those activities are associated with one, and only one, dwelling unit and the activities comply with all other applicable ordinances and statutes.
- F. Exemptions from certain provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.D. through N. of this Ordinance.
- G. The Borough may deny or revoke any exemption pursuant to this Section at any time for any project that the Borough determines poses a threat to public health, safety, property or the environment.

Section 303. Stormwater Management Districts

- A. Red Lion Borough has been divided into release rate districts as shown in Appendix C.
- B. Description of stormwater management districts – two types of stormwater management districts may be applicable to Red Lion Borough, namely the Release Rate Districts and Provisional No Detention Districts as described below:
 - 1. Release Rate Districts – Rate districts differ in the extent to which post-development runoff must be controlled. Within a given district, the post-development peak rate of storm runoff must be controlled to the stated percentage of the pre-development peak rate of storm runoff in order to protect downstream watershed areas.
 - 2. Provisional No Detention Districts – These watershed areas may discharge post-development peak runoff without detention without adversely affecting the total watershed peak flow. In certain instances, however, the “local” runoff conveyance facilities, which transport runoff from the site to the main channel, may not have

adequate capacity to safely transport increased peak flows associated with no detention for a proposed development. In those instances, the developer shall either use a 100% release rate control or provide increased capacity of downstream drainage elements to convey increased peak flows consistent with Section 309. In determining if adequate capacity exists in the local watershed drainage network, the developer must assume that the entire local watershed is developed per current zoning and that all new development would use the runoff controls specified in this Ordinance. Similarly, any capacity improvements must be designed to convey runoff from development of all areas tributary to the improvements consistent with the capacity criteria specified in Section 309.

3. When a project or land disturbance activity is located in more than one stormwater management district, stormwater may not be transferred from a district with stricter stormwater management criteria to a district with less strict criteria, unless the need for such a transfer is identified in the regional water quality management plan Act 167 Study. In any district, infiltration and volume regulations dictated in Section 304 will be required.

**CODORUS - DISTRICT 1
EAST BRANCH CODORUS – DISTRICT 2
SUSQUEHANNA – DISTRICT 3
MUDDY – DISTRICT 4**

District ID	Regulated Storm Frequency	Percentage of Pre-Developed Peak Flow Rate to Determine Allowable Post-Developed Release Rate
All Districts	2	100% 2-Year
All Districts	5	100% 5-Year
All Districts	10	100% 10-Year
All Districts	25	100% 25-Year
All Districts	50	100% 50-Year
All Districts	100	100% 100-Year

*The intention of this Table is to reduce the runoff rate.

Section 304. Volume Controls

The low impact development practices provided in the BMP Manual shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B below. For regulated activity areas equal or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance 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) 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 two (2)-year 24-hour duration precipitation.
 2. For modeling purposes:
 - a. Existing (pre-development) non-forested pervious areas must be considered meadow.
 - b. For computation of pre-development runoff volume, twenty percent (20%) of existing impervious areas, when present, shall be considered meadow.
- B. The Simplified Method (CG-2 in the BMP Manual) 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 (1) 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 (1) 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 for the first one (1) inch of runoff 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 stormwater runoff shall be infiltrated.
4. This method is exempt from the requirements of Section 305. Rate Controls.

Section 305. Rate Controls

- A. For computation of pre-development peak discharge rates, twenty percent (20%) of the existing impervious area of a project site, when present, shall be considered meadow.
- B. Post-development discharge rates shall not exceed the pre-development discharge rates provided in Section 303.B.3 for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year 24-hour storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

Section 306. Stormwater Management Facilities for Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission Roadways and Associated Facilities

For the purposes of the Act 167 Stormwater Management (Plan) elements, contained within the York County Integrated Water Resources Plan, and this Ordinance, design policy pertaining to stormwater management facilities for Pennsylvania Department of Transportation (PennDOT) and Pennsylvania Turnpike Commission (PTC) roadways and associated facilities is provided in Section 13.7 (Antidegradation and Post Construction Stormwater Management Policy) of PennDOT Publication No. 13M, Design Manual Part 2 (August 2009), as developed, updated, and amended in consultation with the Pennsylvania Department of Environmental Resources (DEP). As stated in DM-2.13.7.D (Act 167 and Municipal Ordinances), PennDOT and PTC roadways and associated facilities shall be consistent with Act 167 Plans. Dm-2.13.7.B (Policy on Antidegradation and Post Construction Stormwater Management) was developed as a cooperative effort between PennDOT and DEP. DM-2.13.7.C (Project Categories) discusses the anticipated impact on the quality, volume, and rate of stormwater runoff.

Where standards in the Act 167 elements of the IWRP and this Ordinance are impractical, PennDOT or the PTC may request assistance from DEP, in consultation with the Borough and County, to develop an alternative strategy for meeting State water quality requirements and the goals and objectives of the Act 167 elements within the IWRP.

For the purposes of the Act 167 elements in the IWRP and this Ordinance, road maintenance activities are regulated under 25 PA Code Chapter 102.

Section 307. Design Criteria

- A. Off-Site Areas - Off-site areas which drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
- B. On-Site Areas - On- Site Areas proposed to remain undisturbed as part of the Regulated Activity, including previously developed areas, that are not within the drainage area of any proposed BMPs shall be considered as existing conditions, without considering any reductions in cover type.
- C. "Downstream Hydraulic Capacity Analysis" - Any existing downstream hydraulic capacity analysis shall be conducted in accordance with this Ordinance.
 - 1. All downstream facilities impacted by the total site area of the Regulated Activity shall be studied to determine if the facility has adequate capacity to handle existing and proposed flows. An impacted downstream facility is one to which the runoff from the total site area of the Regulated Activity comprises more than 50% of the total flow to such a facility. The study shall end at a perennial stream. Downstream facilities include, but are not limited to, manmade or natural swales and open channels, pipes, inlets, culverts, bridges and roadways.

2. If any private facility is found to be undersized, the applicant shall be responsible for updating the facility in coordination with the Regulated Activity.
 3. If any public facility is found to be undersized or inadequate, the applicant shall work with the Borough on upgrading the facility in coordination with the Regulated Activity.
- D. Regional Detention Alternatives - For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated model as developed for the Stormwater Management Plan.
- E. Capacity Improvements of Local Drainage Networks - In certain instances, primarily within the provisional no detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Any capacity improvements would be designed based upon development of all areas tributary to the proposed improvement and the capacity criteria specified in Section 308. In addition, all new development upstream of a proposed capacity improvement shall be assumed to implement the applicable runoff controls consistent with this Ordinance except that all new development within the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any.
- F. Capacity improvements may also be provided as necessary to implement any regional or subregional detention alternatives.
- G. Where the potential for groundwater and/or surface water contamination exists, based on the proposed use of the Regulated Activity, safeguards shall be incorporated into the site.
1. For industrial or commercial sites where it is possible that toxic or hazardous substances may come into contact with stormwater runoff, pretreatment of the first-flush (first 1/2 inch) runoff over areas where industrial and commercial operations take place shall be provided. Pretreatment shall include means for separating light and heavy toxic and hazardous substances from the stormwater before the stormwater is conveyed to the general stormwater management facility(ies).
 2. Infiltration systems may be used to handle runoff from commercial or industrial working or parking areas only after the first-flush stormwater from these areas has been pretreated for removal of toxic and hazardous substances.
- H. Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs and to the

maximum extent practicable satisfy the criteria for DIAs.

Section 308. Regulations Governing Stormwater Management Facilities

- A. Any stormwater facility located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- B. Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PA DEP.
- C. Any stormwater management facility located within the vicinity of a Floodplain shall be subject to approval in accordance with PA DEP 25 PA Code Chapter 106 (Floodplain Management) of PA DEP's Rules and Regulations.
- D. All earthmoving activities must be reviewed and approved by the York County Conservation District prior to commencing work.
- E. The design of all stormwater management facilities shall incorporate good engineering principles and practices. The Borough shall reserve the right to disapprove any design that would result in the occupancy or continuation of adverse hydrologic or hydraulic conditions within the watershed.
- F. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
- G. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.
- H. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintaining of vegetation in a natural state within the easement shall be required, except as approved by the appropriate governing authority.
- I. When it can be shown that, due to topographic conditions, natural drainageways on the site

cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, through the General Permit process.

- J. Roof drains must not be connected to streets, sanitary or storm sewers or roadside ditches to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case by case basis by the Borough.
- K. Special requirements for areas falling within defined Exceptional Value and High Quality Subwatersheds: The temperature and quality of water and streams that have been declared as exceptional value and high quality is to be maintained as defined in Chapter 93, Water Quality Standards, Title 25 of Pennsylvania Department of Environmental Protection Rules and Regulations. Temperature sensitive BMP's and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within ten (10) feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long term maintenance schedule and management plan for the thermal control BMP's is to be established and recorded for all development sites within defined Exceptional Value and/or High Quality Subwatersheds.
 - 1. No watersheds within the Borough are listed as Exceptional Value and/or High Quality Watersheds.

Section 309. Calculation Methodology

- A. Stormwater runoff from all development sites shall be calculated using the Rational Method, Modified Rational Method, or a Soil Cover Complex methodology.
 - 1. Any stormwater runoff calculations involving drainage areas greater than 200 acres, including on- and off-site areas, shall use generally accepted calculation technique that is based on the NRCS Soil Cover Complex method. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
 - 2. The Borough may allow the use of the Rational Method or Modified Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres.
 - 3. All calculations consistent with this Ordinance using the Soil Cover Complex method shall use the appropriate design rainfall depths. If a hydrologic computer model such as PSRM or HEC-RAS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The SCS Rainfall Type II curve shall be used for the rainfall distribution.

4. For the purposes of pre-development flow rate determination, undeveloped land, including areas to be disturbed as part of the Regulated Activity, shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number or Rational "C" value (i.e., forest), as listed in Tables 1 and 2, respectively.
5. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods. Times-of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Time-of-concentration for channel and pipe flow shall be computed using Manning's equation.
6. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex method shall be obtained from Table 1.
7. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table 2.
8. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations such as the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table 3.
9. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities, using either manual methods or computerized routing. Routing shall be based upon the modified PULS method; other routing methodologies shall be subject to the approval of the Borough Engineer.
10. The stormwater collection system shall be designed using the peak discharge computed using the Rational Formula.

B. Design Standards – Water Carrying Facilities

1. All storm sewer pipes, streets, and inlets (excluding detention and retention basin outfall structures) shall be designed for a 10-year storm event. Sole access structures (culverts and bridges) shall be designed to convey the 25-year flood without overtopping the roadway.
 - a. When a pipe or culvert is intended to convey the discharge from a stormwater management facility, its required capacity shall be computed by the rational method and compared to the peak outflow from the stormwater facility for the 100-Year storm. The greater flow shall govern the design of the pipe or culvert.
 - b. When a pipe is part of a storm sewer system and crosses the roadway, it shall be designed as a storm sewer with the same design storm as the remainder of the drainage system.

- c. Greater design frequencies may be justified on individual projects.
 - d. A 100-year storm frequency may be required for design of the stormwater collection system to insure that the resultant stormwater runoff from the post-development storm is directed into the management facility.
2. In general, inlets shall be spaced such that, based upon the Rational Method, $t_c = 5$ min. and 10-year rainfall intensity, the area contributing to the inlet shall not produce a peak runoff of greater than 4 cfs. Also, inlets shall be spaced so that their efficiency, based upon efficiency curves published by the Pennsylvania Department of Transportation, is not less than 65%.
 3. Inlets shall be placed on both sides of the street at low spots and at the upper side of street intersections to prevent stormwater from crossing an intersection. Other devices such as high efficiency grates or perforated pipe may be required if conditions warrant. All inlets at low points along the roadway shall have a 10" curb reveal and shall be equipped with pavement base drain extending 50 feet in either direction, parallel to the centerline of the roadway.
 4. In all cases where drainage is picked up by means of a headwall, the pipe shall be designed as a culvert. Inlet and outlet conditions shall be analyzed. The minimum diameter of culvert shall be 18 inches. The procedure contained in Hydraulic Engineer Circulars No. 5 and No. 13, as prepared by the U. S. Department of Transportation, Federal Highway Administration, Washington, D.C., shall be used for the design of culverts. All culverts shall include concrete headwalls and endwalls.
 5. Guards shall be provided on all intake and outfall structures as well as outlet structures. The guard bars shall be one-half inch ($\frac{1}{2}$ ") diameter galvanized bars on six inch (6") centers attached to the structure with three eighth inch ($\frac{3}{8}$ ") diameter stainless steel anchors. Guards shall also be provided for any pipe opening, 18" in diameter or larger.
 6. Manholes, inlets, headwalls, and endwalls shall conform to the requirements of the PennDOT Publication 408, as modified by the adopted Borough Standards.
 7. Proposed channels or swales must be able to convey the increased runoff associated with a proposed 100-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the PA DEP *Erosion and Sediment Pollution Control Program Manual*.
 8. Existing natural or man-made channels or swales must be able to convey proposed 100-year return period runoff without creating any hazard to persons or property.

9. Stormwater runoff on roadways (i.e. gutter spread, lane encroachment, etc.) shall be controlled in accordance with PennDOT Publications 13M, "Design Manual, Part 2" and 584, "Drainage Manual".

C. Design Standards – Detention and Retention Basins

1. Permanent Detention and Retention Basins shall be designed to meet the following standards:
 - a. The maximum permitted depth for detention or retention basins shall be 6 feet, measured from the bottom of the emergency spillway to the lowest point in the basin.
 - b. The minimum top width of all basin embankments shall be 8 feet.
 - c. The maximum permitted side slopes for detention or retention basins shall be 4 horizontal to 1 vertical. In order to obtain a waiver for slopes steeper than 4:1, the plan must include a planting schedule to stabilize the embankments. The proposed vegetation shall be low maintenance varieties.
 - d. Minimum Bottom Slope - All detention basins shall have a minimum bottom slope of 2% unless infiltration facilities are provided.
 - e. Outlet control structures – Outlet control shall be accomplished utilizing (six-inch diameter or six-inch width maximum) perforations arranged vertically to provide for positive control of stormwater runoff. Outlet controls shall also provide for modification of the orifice to a smaller diameter through the use of removable plates.
 - f. Discharge dispersion – Discharges from piping outlets of stormwater management facilities shall be provided with a concrete "level spreader" to convert point discharge back to simulated sheet flow. The length of the spreader shall be equal to 10 times the outlet pipe diameter (e.g., an eighteen inch discharge pipe would require a fifteen foot wide level spreader).
 - g. Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year, 24 hour design storm at post-development conditions, assuming the principal outlet structure to be clogged. The height of embankment must be set as to provide a minimum 1 foot of freeboard above the maximum elevation computed for the clogged orifice condition. Should any stormwater management facility require a dam safety permit under PA DEP 25 PA Code Chapter 105, the facility shall be designed in accordance with PA DEP 25 PA Code Chapter 105 and meet the regulations of PA DEP 25 PA Code Chapter 105 concerning dam safety which may be required to

pass storms larger than 100-year event.

- h. A cutoff trench of impervious material shall be provided within all basin embankments.
- i. Where a basin embankment is constructed using fill on an existing 15% or greater slope, the basin must be keyed into the existing grade.
- j. Fencing. Any above-ground stormwater management detention/retention facility, that is designed to store at least a two foot (2') depth of runoff, shall be subject to the following fencing requirements:
 - i. Stormwater facility must be completely surrounded by a chain link fence of not less than four (4) feet in height. Alternative fences and barriers may be permitted upon request to and approval by the Borough.
 - ii. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times, when not in actual use.
- k. All outlet structures and emergency spillways shall include a satisfactory means of energy dissipation at its outlet to assure conveyance and flow without endangering the safety and integrity of the basin and the downstream drainage area.
- l. A concentrated discharge of stormwater to an adjacent property shall be within a natural drainage way or watercourse, or an easement shall be required.
- m. Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum 25 foot separation from On Lot Disposal Systems (OLDS) infiltration areas, including replacement areas, is desired and will be evaluated by the Borough on a case by case basis. However, the separation shall not be less than the PA DEP required 10 feet. Infiltration rates shall be based upon perk and probe tests conducted at the site of the proposed facility.

Section 310. Carbonate Geology

- A. In areas of carbonate geology, a geologist shall certify to the following:
 - 1. No stormwater management facility will be placed in, over, or immediately adjacent to the following features:
 - a. closer than 100 feet from sinkholes

- b. closer than 100 feet from closed depressions
 - c. closer than 100 feet from caverns, intermittent lakes, or ephemeral streams
 - d. closer than 50 feet from lineaments in carbonate areas
 - e. closer than 50 feet from fracture traces
 - f. closer than 25 feet from bedrock pinnacles (surface or subsurface)
2. Stormwater resulting from regulated activities shall not be discharged into sinkholes.
 3. If the developer can prove through analysis that the project site is an area underlain by carbonate geology, and such geologic conditions may result in sinkhole formations, then the project site is exempt from recharge requirements as described in Section 304, Volume Control. However, the project site shall still be required to meet all other standards found in this Ordinance.
 4. It shall be the developer's responsibility to verify if the project site is underlain by carbonate geology. The following note shall be attached to all stormwater management plans and signed and sealed by the developer's geologist: "I, _____, certify that the proposed stormwater management facility (circle one) is / is not underlain by carbonate geology."
 5. Whenever a stormwater management facility will be located in an area underlain by carbonate geology, a geological evaluation of the proposed location by a geologist shall be conducted to determine susceptibility to sinkhole formation. The evaluation may include the use of impermeable liners to reduce or eliminate the separation distances listed in the BMP Manual. Additionally, the evaluation shall at a minimum, address soil permeability, depth to bedrock, seasonally high groundwater table, susceptibility for sinkhole formation, suitability of stormwater management facilities, subgrade stability and maximum infiltration capacity in depth of water per unit area.
 6. A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional, and at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability. The general process for designing the infiltration BMP shall be:
 - a. Site evaluation to determine general areas of suitability for infiltration practices.
 - b. Provide field test throughout the area proposed for development to determine appropriate percolation rate and/or hydraulic conductivity. At least one (1) infiltration test must be included in each soil group and at least one (1) infiltration test must be conducted for each five (5) lots proposed for development. Infiltration tests must be taken at the location and depth of all proposed infiltration structures.
 - c. Design infiltration structure for required storm volume based on all available data.

7. Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas. It is also extremely important that the design professional evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and recommend a hydrogeologic justification study be performed if necessary. Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over carbonate formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. The infiltration requirement in the High Quality/Exceptional Waters shall be subject to the Department's Chapter 93 and Anti-degradation Regulations. A detailed hydrogeologic investigation may be required by the Borough and where appropriate, the Borough may require the installation of an impermeable liner in detention basins

Section 311. Erosion and Sedimentation Control Requirements

- A. As required in Section 301.D, whenever the vegetation and topography are to be disturbed, such activity must be in conformance with PA DEP 25 PA Code Chapter 105, Rules and Regulations, Part I, Subpart C, protection of natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control", and in accordance with the York County Conservation District.
- B. It is extremely important that strict erosion and sedimentation control measures be applied surrounding infiltration structures during installation to prevent the infiltrative surfaces from becoming clogged. Additional erosion and sedimentation control design standards and criteria must be applied where infiltration BMPs are proposed shall include the following:
 1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
- C. Fencing for sedimentation basins or traps must comply with Section 309.C.1.j.
- D. The developer shall demonstrate that the post-development hydrograph flows during erosion and sedimentation control phase are less than or equal to the pre-development hydrograph flows to assure the rate and volume of runoff leaving the site is controlled for the 2-, 5-, and 10-year frequency storms. All calculation methodology shall be in accordance with Sections 303 through Section 310.

**ARTICLE IV - STORMWATER MANAGEMENT (SWM)
SITE PLAN REQUIREMENTS**

Section 401. Plan Requirements

Although not a requirement of this Ordinance, prior to proceeding with SWM Site Plan preparation and submission, the applicant is encouraged to request a pre-application meeting with the Borough, Borough's Engineer and a staff member of the York County Conservation District to discuss the plan concept and responsibility for submission of required documents and information.

The following items shall be included in the SWM Site Plan:

- A. Appropriate sections of the Borough's Subdivision and Land Development Ordinance, and other applicable ordinances of the Borough regarding subdivision and land development plan preparation and applicable plan requirements shall be followed in preparing all SWM Site Plans, regardless of whether or not a SWM Site Plan involves a subdivision and/or land development plan. If the Borough has not adopted a Subdivision and Land Development Ordinance, the content of SWM Site Plans shall follow the plan preparation and applicable plan requirements of the York County Subdivision and Land Development Ordinance.
- B. The Borough shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion, and in accordance with this Article, when a SWM Site Plan is found to be deficient, the Borough may either disapprove the submission, or, in the case of minor deficiencies, the Borough may accept the submission of a revised SWM Site Plan as noted in Section 404. of this Ordinance.
- C. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in Item E.9 below.
- D. The following signature block for the Borough:

“(Municipal official or designee), on this date (date of signature), has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of the Borough Ordinance No. (number assigned to the Ordinance).”
- E. If not required by the Borough or York County Subdivision and Land Development Ordinance, as specified in Section 401.A. of this Ordinance, the SWM Site Plan shall also provide the following information where applicable:
 - 1. The overall stormwater management concept for the project, including any additional information required for a Post-Construction Stormwater Management Plan (PCSWMP) as applicable.
 - 2. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or

manmade, including floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields and wellhead protection zones.

3. Stormwater runoff design computations, and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 301.
4. Expected project time schedule.
5. A soil erosion and sediment control plan, where applicable, as prepared for, reviewed, and approved by the York County Conservation District.
6. The effect of the project in terms of runoff volumes, water quality, and peak flows on surrounding properties and aquatic features, and on any existing stormwater conveyance system that may be affected by the project.
7. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
8. The SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
9. The SWM Site Plan shall include an Operation and Maintenance (O&M) Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.
10. A description of permanent stormwater management techniques, including the construction specifications of the materials to be used for stormwater management facilities.
11. A notarized signature of the owner of the parcel for which the SWM Site Plan is proposed indicating that they are aware of, and will be responsible for, operation and maintenance of the facilities.
12. Existing and proposed land uses.
13. The location of the proposed regulated activity relative to streets, municipal boundaries, and other significant manmade features.
14. Significant physical features and associated boundary limits including flood hazard areas, sinkholes, existing drainage courses, and areas of natural vegetation.
15. The location of existing and proposed utilities, stormwater facilities, sanitary sewers, and water lines on the parcel and within 50 feet of property lines.
16. Proposed changes to the land surface and vegetative cover, and the type and amount of existing and proposed impervious area.

17. Existing and proposed structures, buildings, streets, driveways, access drives, and parking areas.
18. Preferred contour intervals of two (2) feet in moderately sloped areas, and contours at intervals of five (5) feet for slopes in excess of 15 %. Dependent upon site conditions, alternative contour intervals proposed by an applicant or his designee may be accepted by the Borough.
19. The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the Plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the Plan where applicable.
20. Preferred graphic and written scale of one (1) inch equals no more than 50 feet. For parcels of 20 acres or more, the preferred scale is one (1) inch equals no more than 100 feet. Dependent upon site conditions, an alternative scale proposed by the applicant or his designee may be accepted by the Borough.
21. North point (arrow).
22. A map showing all existing manmade features beyond the subject parcel's boundary lines that will be affected by the proposed regulated activities.
23. Horizontal and vertical profiles of all open channels, including hydraulic capacity.
24. A note on the plan indicating the location, and responsibility for maintenance of, SWM facilities and/or easements that would be located on adjoining properties as a result of proposed regulated activities, and the location of such facilities and/or easements.
25. A hydrogeologic assessment of the effects of stormwater runoff on sinkholes where present.
26. The effect of the proposed regulated activity in terms of runoff volumes and peak flows on adjacent properties and/or any existing municipal stormwater collection system that may receive runoff from the project site.
27. Drainage flow pathways.

Section 402. Plan Submission

- A. ____ Three (3) copies of the SWM Site Plan shall be submitted as follows:
 1. ____ Two (2) copies to the Borough.
 2. ____ One (1) copy to the York County Planning Commission when a SWM Site Plan accompanies a subdivision/land development plan application.

- B. Additional copies shall be submitted as requested by the Borough or DEP.
- C. The Borough may establish a fee schedule for the review of SWM Plans, the amount of which shall be set by resolution of the Borough Council.

Section 403. Plan Review and Approval Procedure

- A. SWM Site Plans shall be reviewed by the Borough for consistency with the provisions of this Ordinance.

- B. Modification Requests:

1. When reviewing a SWM Site Plan, whether or not the SWM Site Plan is included in a subdivision and/or land development plan application, the Borough's governing body may, after consulting with DEP as noted in Section 301.C. of this Ordinance, grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will enact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
2. All requests for modifications from an applicant shall be in writing and shall accompany and be a part of the application for approval of a SWM Site Plan and/or a subdivision or land development plan as applicable. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
3. In granting of any modification, the Borough may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act 167 Plan and this Ordinance.
4. The governing body of the Borough shall keep a written record of all action on requests for modifications. The response of any consultation and/or review by DEP shall be included as an original report if available or otherwise documented in the required written record.

- C. SWM Site Plan Review and Approval Procedure:

1. If a SWM Site Plan does not involve a subdivision and/or land development, the review of the SWM Site, recommendations, approval, approval with conditions, or disapproval, i.e., the review and decision period, shall occur within forty five (45) days of submission to the Borough. However, the Borough, in its sole discretion, may extend the review and decision period another forty five (45) days due to the nature of the application and/or site conditions. If an extension of another forty five (45) days is imposed or granted by the Borough beyond the first forty five (45) day review and decision period designated by this paragraph, the Borough shall notify the applicant in writing and deliver such notice to said applicant within fifteen (15) days of the decision to extend the review and decision period by the Borough. If no extension is imposed or granted by the Borough beyond the first forty five (45) day review and decision period, and no decision has been rendered by the Borough within that period, the SWM Site Plan shall be deemed

approved. Similarly, if after a forty five (45) day extension of the review and decision period has been imposed or granted by the Borough, and no decision has been rendered by the Borough within that period, the SWM Site Plan shall be deemed approved.

2. If a SWM Site Plan involves a subdivision and/or land development plan, the period of time from the submission to the Borough of the subdivision and/or land development plan application which includes the SWM Plan and the approval, approval with conditions, or disapproval, i.e., review and decision period, shall be 90 days, in accordance with the procedure for approval of plats in Section 508 of the Pennsylvania Municipalities Planning Code.
3. From the time an application for approval of a plat involving a subdivision or land development plan, whether preliminary or final, which includes a SWM Site Plan, is duly filed with the Borough, no change or amendment of this Ordinance or other governing ordinance or plan shall affect the decision on such application in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed, as specified in Section 508. (4) (I) of the Pennsylvania Municipalities Planning Code.

D. Decision Notification Procedure:

In all cases, the decision of the Borough to approve or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than 15 days following the decision. If the SWM Site Plan is disapproved, the written decision by the Borough shall specify the defects in the application, describe the requirements which were not met, and shall cite the provisions of the Ordinance relied upon. If the SWM Site Plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the time limit for satisfying such conditions. The time limit for satisfying conditions of approval shall be the time limit prescribed for conditional approval of subdivision and land development plans as stated in the Borough's Subdivision and Land Development Ordinance, or the York County Subdivision and Land Development Ordinance where applicable.

Section 404. Revision of Plans

A revision to a previously submitted SWM Site Plan that involves a change in SWM BMPs, stormwater management facilities, or changes in analytical techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan, as determined by the Borough, shall require a re-submission of the revised SWM Site Plan in accordance with this Article, including applicable fees. For NPDES permitted sites, any revised SWM Site Plan shall also be re-submitted to the York County Conservation District for review. In the case of a SWM Site Plan which contains minor deficiencies, such as a missing label, omission of a required note or minor construction detail, as determined by the Borough, the Borough may accept a re-submission of such SWM Site Plan without the requirement of a review fee, or for a lesser fee as provided for in the Borough fee schedule.

Section 405. Re-submission of Disapproved SWM Site Plans

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Borough's concerns as stated regarding the original submission, to the Borough in accordance with this Article. The applicable review fee must accompany the submission of a revised SWM Site Plan, unless such fee is waived by the Borough. (See Section 404.)

Section 406. Authorization to Construct and Term of Validity

A. SWM Site Plans Independent of Subdivision and Land Development Plans

The Borough's approval of a SWM Site Plan, when such Plan is submitted independent of a subdivision and/or land development plan, authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The Borough may, in its sole discretion, specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan, particularly if the nature of the proposed SWM facilities require more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date the Borough signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then the Borough may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Borough may be resubmitted in accordance with Section 405 of this Ordinance.

B. SWM Site Plans Included in a Subdivision and/or Land Development Plan

The Borough's approval of a SWM Site Plan, which is a part of a subdivision and/or land development plan, authorizes that plan and the regulated activities therein so that no subsequent change or amendment in this Ordinance or other governing ordinances or plans shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval, as specified in Section 508. (4) (ii) - (vii) of the Pennsylvania Municipalities Planning Code.

Section 407. As-Built Plans, Completion Certificate, and Final Inspection

- A. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Borough.
- B. The as-built submission shall include a certification of completion signed by a qualified person verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. If any licensed qualified person contributed to the construction plans, then a licensed qualified person must sign the completion certificate.
- C. After receipt of the completion certification by the Borough, the Borough may conduct a final inspection to verify compliance with, and accuracy of, the as-built plans.

D. The financial guarantee, as discussed under Section 603, shall not be released by the Borough until the items of this Section are completed.

ARTICLE V – CONSTRUCTION INSPECTIONS

Section 501. Schedule of Inspections

- A. The Borough Engineer or his Borough assignee shall inspect phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Borough Engineer. It is the responsibility of the permittee to notify the Borough Engineer forty-eight (48) hours in advance of the beginning of construction of stormwater management facilities. Individual residential on-lot stormwater management systems shall be inspected by the Borough staff.
- B. During any stage of the work, if the Borough Engineer determines that the permanent stormwater management facilities are not being installed in accordance with the approved Stormwater Management Site Plan, the Borough shall revoke any existing approvals issued under this Ordinance until a revised Stormwater Management Site Plan is submitted and approved, as specified in this Ordinance.

ARTICLE VI - OPERATION AND MAINTENANCE

Section 601. Responsibilities of Developers and Landowners

- A. The Borough shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. The Borough may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Borough will accept the facilities. The Borough reserves the right to accept or reject the ownership, maintenance, and operating responsibility for any portion of the stormwater management facilities and controls.
- B. Facilities, areas, or structures included in the SWM Site Plan and used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded in the York County Recorder of Deeds Office as deed restrictions/protective covenants or easements that run with the land.
- C. The Operation and Maintenance (O&M) Plan shall be recorded as a restrictive deed covenant that runs with the land.
- D. The Borough may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.
- E. No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the Borough, with the exception of necessary maintenance activities such as mowing.

Section 602. Operation and Maintenance Agreements

- A. Prior to final approval of the SWM Site Plan, the property owner shall sign and record an Operation and Maintenance (O&M) Agreement (see Appendix A) covering all stormwater control facilities which are to be privately owned.
 1. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.
 2. The owner shall convey to the Borough easements to assure access for periodic inspections by the Borough and maintenance, as necessary.
 3. The owner shall keep on file with the Borough the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Borough within ten (10) working days of the change.
- B. The owner is responsible for operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the Borough may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

C. The Borough is exempt from the requirement to sign and record an Operation and Maintenance Agreement.

Section 603. Performance Guarantee

For SWM Site Plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.

Section 604. Maintenance Guarantee

For SWM Site Plans that involve the dedication of all or some of the required improvements following completion, the Borough may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the SWM Site Plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in Section 603 with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements in accordance with the provisions of Section 509 of the Pennsylvania Municipalities Planning Code.

Section 605. Municipal Stormwater Maintenance Fund

A. Persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

1. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by Borough for a period of ten (10) years, as estimated by the Borough Engineer. After that period of time, inspections expenses will be assessed by Borough on an as needed basis thereafter.
2. If the storage facility is to be owned and maintained by Borough, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Borough Engineer will establish the estimated costs utilizing information submitted by the applicant.
3. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Borough Engineer shall determine the present worth equivalents which shall be subject to the approval of the governing body.
4. The general formula for calculating the annual inspection fee shall be as follows:

a.
$$I_{Ti} \times I_R \times N_i = I_{Ci}$$

b. $I_{Ci} + I_{Cii} + \dots = I_C$

c. $.25 (I_C) = A_C$

d. $I_C + A_C = \text{Annual Inspection Cost}$

e. Where:

i. I_{Ti} = Inspection Time Per SWM BMP (Varies per BMP)

ii. I_R = Inspection Rate (Varies per Year)

iii. N_i = Quantity of Particular SWM BMP

iv. I_{Ci} = Inspection Cost for Particular SWM BMP

v. I_C = Total Inspection Cost of all SWM BMPs

vi. A_C = Administrative Cost

ARTICLE VII - FEES AND EXPENSES

Section 701. General

- A. The developer shall be required to submit a Subdivision/Land Development or Building Permit Application prior to any stormwater management facilities construction. The fee for plan reviews, permit issuance, and inspections shall be established by Resolution of the Borough Council to defray the following expenses:
1. The review of the Stormwater Management/Erosion and Sedimentation Control Plan by the Borough Engineer.
 2. The site inspections.
 3. The inspection of stormwater management facilities and drainage improvements during construction.
 4. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the Stormwater Management/Erosion and Sedimentation Control Plan.
 5. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.
- B. All fees shall be paid by the Applicant at the time of application and shall be included in the required deposit for review of Subdivision/Land Development Plans.
- C. Any additional costs incurred by Borough in the administration of this Ordinance shall be charged to the applicant and shall be paid promptly by the Applicant. Upon completion of the construction of the stormwater management facility and upon final approval thereof by the Borough Engineer, any monies in excess of the Borough's costs or expenses deposited by the Applicant shall be refunded to the Applicant.

ARTICLE VIII – DETECTION AND ELIMINATION OF ILLICIT DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

Section 801. Ultimate Responsibility

- A. The standards set forth herein and promulgated by this Article are minimum standards; therefore, this Article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 802. Prohibition of Illicit Discharges

- A. No person shall discharge or cause to be discharged in to storm drain system or waters of this Commonwealth any materials, including, but not limited to, pollutants or waters containing pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. Any discharge in violation of the Article shall be considered illicit discharges, except as exempted below.
- B. The commencement, conduct or continuance of any illicit discharge to the storm drain system or Waters of this Commonwealth is prohibited except as follows:

- Discharges from firefighting activities	- Flows from riparian habitats and wetlands
- Potable water sources including water line flushing	- Uncontaminated water from foundations or from footing drains
- Irrigation drainage	- Lawn watering
- Air conditioning condensate	- Dechlorinated swimming pool discharges (less than one PPM chlorine)
- Springs	- Uncontaminated groundwater
- Water from crawl space pumps	- Water from individual residential car washing
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used	- Routine external building wash down (which does not use detergents or other compounds)
- Diverted stream flows	- Water discharged in well testing for potable water sources
- Groundwater Infiltration to Storm Drains	- Uncontaminated Pumped Groundwater
- Crawl Space Pumps	

1. Discharges specified in writing by the Borough as being necessary to protect public health and safety.
2. Dye testing is an allowable discharge, but requires a verbal notification to the Borough 48 hours prior to the time of the test

3. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of DEP; provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and, provided, that written approval has been granted for any discharge to the storm drain system and/or Waters of this Commonwealth.
- C. In the event that the Borough or DEP determines that any of the discharges identified in Section 802.B significantly contribute to pollution of the waters of this Commonwealth, Borough or DEP will notify the responsible person(s) to cease the discharge.

Section 803. Prohibition of Illicit Connections

- A. The construction, use, maintenance or continued existence of Illicit Connections to the storm drain system is prohibited.
1. This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 2. A person is considered to be in violation of this Article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 804. Suspension of MS4 Access

- A. *Suspension due to Illicit Discharges in Emergency Situations.* The Borough, the Commonwealth of Pennsylvania and the United States of America may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the Commonwealth of Pennsylvania, or the United States. If the violator fails to comply with a suspension order issued in an emergency, the Borough may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the Commonwealth of Pennsylvania or United States, or to minimize danger to persons, including, without limitations, entering the property for the purpose of disconnecting and/or performing emergency maintenance or repairs to storm sewers. In the event the Borough must disconnect or perform emergency maintenance and/or repairs, the Borough may file and attach a municipal lien on the property which is causing Illicit Discharge.
- B. *Suspension due to the Detection of Illicit Discharge or Illicit Connection.* Any person discharging to the MS4 in violation of this Article may have their MS4 access terminated if such termination would abate or reduce an Illicit Discharge or Illicit Connection. The Borough will notify a violator of the proposed termination of its MS4 access. The violator may petition the Borough for a reconsideration and hearing.

- C. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 805. Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Borough prior to the allowing of discharges to the MS4.

Section 806. Monitoring of Discharges

A. Applicability

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

1. The Borough shall be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Borough.
2. Facility operators shall allow the Borough ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The Borough shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Borough to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The Borough has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Borough and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Borough access to a permitted facility are a violation of a storm water discharge permit and of this Article. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the

Borough reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.

7. If the Borough has been refused access to any part of the premises from which stormwater is discharged, and the Borough representative is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section 807. Requirements to Prevent, Control and Reduce Stormwater Pollutants by the Use of BMPs

The Borough will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or Waters of the Commonwealth of Pennsylvania or the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 808. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 809. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in Illicit Discharges or pollutants discharging into storm water, the storm drain system, or water of the Commonwealth of Pennsylvania or the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the

occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Borough within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 810. Enforcement.

A. Notice of Violation

Whenever the Borough finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Borough may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of Illicit Connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator or assessed as a municipal lien on the property.

Section 811. Appeals of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the Borough. The notice of appeal must be received within 30 days from the date of the Notice of Violation. A hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Borough authority or their designee shall be final.

Section 812. Enforcement Measures after Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the hearing representative's decision upholding the decision of the Borough, then representatives of the Borough shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Borough or designated contractor to enter

upon the premises for the purposes set forth above.

Section 813. Cost of Abatement of Violation

- A. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may thereafter file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the Borough or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a Municipal lien on the property for the amount of the assessment.
- B. Any person violating any of the provisions of this Article shall become liable to the Borough by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

Section 814. Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Borough may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 815. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Borough may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 816. Violations Deemed as Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 817. Criminal Prosecution

Any person that has violated or continues to violate this any section of this Article VIII shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days.

Section 818. Attorney Fees and Costs

The Borough may recover all attorney's fees, court costs and other expenses associated with enforcement of this Article, either criminal or civil, including sampling and monitoring expenses or other costs of investigation.

Section 819. Remedies not Exclusive

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Borough to seek cumulative remedies.

ARTICLE IX - ENFORCEMENT AND PENALTIES

Section 901. Right-of-Entry

Upon presentation of proper credentials, the Borough may enter at reasonable times upon any property within the Borough to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

Section 902. Inspection

SWM BMPs included in the approved SWM Site Plan shall be inspected by the landowner, or the owner's designee, including the Borough for dedicated and owned facilities, according to the following list of minimum frequencies:

- A. Annually.
- B. During or immediately after the cessation of a 10-year or greater storm.
- C. A report of all inspections shall be submitted to the Borough annually.
- D. All inspection records shall be maintained by the landowner and shall be made available to the Borough upon written request.

Section 903. Notification

In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit issued hereunder, the Borough shall provide written notification of the violation. Such notification shall set forth the nature of the violations and establish a time limit for the correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and does not prevent the Borough from pursuing any and all remedies. It shall be the responsibility of the Owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

Section 904. Enforcement

- A. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in Section 302.
- B. It shall be unlawful to violate any Section of this Ordinance.
- C. Inspections regarding compliance with the SWM Site Plan are a responsibility of the Borough.

Section 905. Suspension and Revocation

- A. Any approval or permit issued by the Borough pursuant to this Ordinance may be suspended or revoked for:

1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.
 2. A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity.
 4. The creation of any condition or the commission of any act during the Regulated Activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.
- B. A suspended approval shall be reinstated by the Borough when:
1. The Borough has inspected and approved the corrections to the violations that caused the suspension.
 2. The Borough is satisfied that the violation has been corrected.
- C. An approval that has been revoked by the Borough cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.
- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Borough may provide a limited time period for the owner to correct the violation. In these cases, the Borough will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Borough may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

Section 906. Penalties

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than one thousand dollars (\$1000.00). No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- B. The Borough 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 907. Appeals

- A. Any person aggrieved by any action of the Borough or its designee, relevant to the provisions of this Ordinance, may appeal to the Borough Council within 30 days of that action.
- B. Any person aggrieved by any decision of the Borough, relevant to the provisions of this Ordinance, may appeal to the York County Court of Common Pleas within 30 days of the Borough's decision.

ARTICLE X - REFERENCES

1. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.
2. Pennsylvania Department of Environmental Protection. No. 363-2134-008 (April 15, 2000), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.
3. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
4. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.
5. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
6. Act of July 31, 1968, P.L. 85, No.247, The Pennsylvania Municipalities Planning Code, as amended.

ARTICLE XI - ENACTMENT

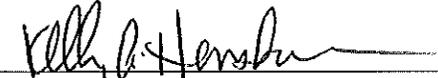
Red Lion Borough Stormwater Ordinance

ENACTED AND ORDAINED, this 12th day of December, 2011, by the Borough Council of the Borough of Red Lion

ATTEST:

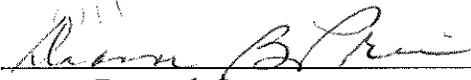
BOROUGH COUNCIL OF THE BOROUGH OF RED LION:

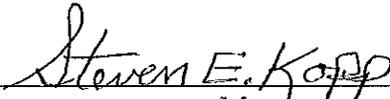

Borough Secretary

By: 
Borough Council President

APPROVED, this 12th day of December, 2011, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor

APPENDIX A

OPERATION AND MAINTENANCE (O&M) AGREEMENT

STORMWATER MANAGEMENT BEST MANAGEMENT

PRACTICES (SWM BMPs)

THIS AGREEMENT, made and entered into this _____ day of _____, 20___, by and between _____, (hereinafter the "Landowner"), and _____, _____ County, Pennsylvania, (hereinafter "Borough");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book _____ at page _____, (hereinafter "Property").

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

WHEREAS, the SWM BMP Operation and Maintenance (O&M) Plan approved by the Borough (hereinafter referred to as the "O&M Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Borough, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the Borough, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Borough and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

WHEREAS, the Borough requires, through the implementation of the SWM Site Plan, that SWM BMPs as required by said SWM Site Plan and the Borough Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors, and assigns.

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 Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the SWM Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O&M Plan.

3. The Landowner hereby grants permission to the Borough, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Borough shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2., the Borough or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). It is expressly understood and agreed that the Borough 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 Borough.
5. In the event the Borough, 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 Borough for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Borough.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs 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 Borough 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 Borough.
8. The Borough may inspect the BMPs at a minimum of once every three (3) years to ensure their continued functioning. Optionally, at its sole discretion, the Borough may inspect the BMPs at more or less frequent intervals.

This Agreement shall be recorded at the Office of the Recorder of Deeds of _____
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 Borough:

For the Landowner:

ATTEST:

_____(City, Borough, Township)

County of _____, 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)

APPENDIX B

DISCONNECTED IMPERVIOUS AREA (DIA)

B.1. Rooftop Disconnection

When rooftop down spouts are directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the rooftop may qualify as completely or partially DIA and a portion of the impervious rooftop area may be excluded from the calculation of total impervious area.

A rooftop is considered to be completely or partially disconnected if it meets the requirements listed below:

- The contributing area of rooftop to each disconnected discharge is 500 square feet or less, and
- The soil, in proximity of the roof water discharge area, is not designated as hydrologic soil group "D" or equivalent, and
- The overland flow path from roof water discharge area has a positive slope of five percent (5%) or less.

For designs that meet these requirements, the portion of the roof that may be considered disconnected depends on the length of the overland path as designated in Table B.1.

Table B.1: Partial Rooftop Disconnection	
Length of Pervious Flow Path *	Roof Area Treated as Disconnected
(ft)	(% of contributing area)
0 – 14	0
15 – 29	20
30 – 44	40
45 – 59	60
60 – 74	80
75 or more	100

* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.

B.2. Pavement Disconnection

When pavement runoff is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the contributing pavement area may qualify as a DIA that may be

excluded from the calculation of total impervious area. This applies generally only to small or narrow pavement structures such as driveways and narrow pathways through otherwise pervious areas, e.g., a walkway or bike path through a park.

Pavement is disconnected if the pavement, or area adjacent to the pavement, meets the requirements below:

- The contributing flow path over impervious area is not more than 75 feet, and
- The length of overland flow is greater than or equal to the contributing length, and
- The soil is not designated as hydrologic soil group "D" or equivalent, and
- The slope of the contributing impervious area is five percent (5%) or less, and
- The slope of the overland flow path is five percent (5%) or less.

If the discharge is concentrated at one or more discrete points, no more than 1,000 square feet may discharge to any one point. In addition, a gravel strip or other spreading device is required for concentrated discharges. For non-concentrated discharges along the edge of the pavement, this requirement is waived; however, there must be a provision for the establishment of vegetation along the pavement edge and temporary stabilization of the area until vegetation becomes stabilized.

REFERENCE

Philadelphia Water Department. 2006. Stormwater Management Guidance Manual. Section 4.2.2: Integrated Site Design. Philadelphia, PA.

APPENDIX C

**STORMWATER MANAGEMENT
DISTRICT WATERSHED
MAP**

TABLE 1
Runoff Curve Numbers
[From NRCS (SCS) TR-55]

LAND USE DESCRIPTION		HYDROLOGIC SOIL GROUP			
		A	B	C	D
Open Space		44	65	77	82
Meadow		30**	58	71	78
Agricultural		59	71	79	83
Forest		36**	60	73	79
Commercial	(85% Impervious)	89	92	94	95
Industrial	(72% Impervious)	81	88	91	93
Institutional	(50% Impervious)	71	82	88	90
Residential					
Average Lot Size	% impervious				
1/8 acre or less*65		77	85	90	92
1/8 - 1/3 acre	34	59	74	82	87
1/3 - 1 acre	23	53	69	80	85
1 - 4 acres	12	46	66	78	82
Farmstead		59	74	82	86
Smooth Surfaces (Concrete, Asphalt, Gravel or Bare Compacted Soil)		98	98	98	98
Water		98	98	98	98
Mining Newly Graded Areas (Pervious Areas Only)		77	86	91	94

* Includes Multi-Family Housing unless justified lower density can be provided.

** Caution - CN values under 40 may produce erroneous modeling results.

NOTE: Site conditions of bare earth or fallow shall be considered as meadow when choosing a CN value for existing undeveloped conditions.

TABLE 2
RATIONAL RUNOFF COEFFICIENTS
By Hydrologic Soils Group and Overland Slope (%)

Land Use	A				B				C				D			
	0-2%	2-6%	6%+	6%+	0-2%	2-6%	6%+	6%+	0-2%	2-6%	6%+	6%+	0-2%	2-6%	6%+	6%+
Cultivated Land	0.08 ^a 0.14 ^b	0.12 0.18	0.16 0.22	0.21 0.28	0.11 0.16	0.15 0.21	0.21 0.28	0.26 0.34	0.14 0.20	0.18 0.24	0.24 0.30	0.29 0.36	0.18 0.24	0.23 0.29	0.31 0.41	0.37 0.44
*Cultivated Land	0.33 ^a 0.37 ^b	0.43 0.48	0.42 0.48	0.49 0.55	0.40 0.44	0.43 0.49	0.49 0.55	0.55 0.63	0.45 0.51	0.49 0.55	0.55 0.63	0.63 0.71	0.48 0.54	0.53 0.59	0.59 0.69	0.69 0.79
Pasture	0.12 0.15	0.20 0.25	0.30 0.37	0.37 0.45	0.18 0.23	0.28 0.34	0.37 0.45	0.44 0.52	0.24 0.30	0.30 0.36	0.37 0.44	0.44 0.52	0.30 0.37	0.40 0.50	0.40 0.50	0.50 0.62
Meadow	0.10 0.14	0.16 0.22	0.25 0.30	0.30 0.37	0.14 0.20	0.22 0.28	0.30 0.37	0.36 0.44	0.20 0.26	0.28 0.35	0.36 0.44	0.44 0.52	0.24 0.30	0.30 0.40	0.40 0.50	0.50 0.62
Forest	0.05 0.08	0.08 0.11	0.11 0.14	0.14 0.18	0.08 0.10	0.11 0.14	0.14 0.18	0.16 0.20	0.10 0.12	0.13 0.16	0.16 0.20	0.20 0.25	0.12 0.15	0.16 0.20	0.20 0.25	0.25 0.31
Residential																
Lot Size 1/8 Acre	0.25 0.35	0.28 0.37	0.31 0.40	0.25 0.44	0.27 0.35	0.30 0.39	0.25 0.44	0.38 0.49	0.30 0.38	0.33 0.42	0.38 0.49	0.49 0.60	0.33 0.41	0.36 0.45	0.42 0.54	0.54 0.69
Lot Size 1/4 Acre	0.22 0.30	0.26 0.34	0.29 0.37	0.33 0.42	0.24 0.33	0.29 0.37	0.33 0.42	0.47 0.56	0.27 0.36	0.31 0.40	0.36 0.47	0.47 0.56	0.30 0.38	0.34 0.42	0.40 0.52	0.52 0.69
Lot Size 1/3 Acre	0.19 0.28	0.23 0.32	0.26 0.35	0.30 0.39	0.22 0.30	0.26 0.35	0.30 0.39	0.45 0.54	0.25 0.33	0.29 0.38	0.34 0.45	0.45 0.54	0.28 0.36	0.32 0.40	0.39 0.50	0.50 0.69
Lot Size 1/2 Acre	0.16 0.25	0.20 0.29	0.24 0.32	0.28 0.36	0.19 0.28	0.23 0.32	0.28 0.36	0.42 0.51	0.22 0.31	0.27 0.35	0.32 0.42	0.42 0.51	0.26 0.34	0.30 0.38	0.37 0.48	0.48 0.69
Lot Size 1 Acre	0.14 0.22	0.19 0.26	0.22 0.29	0.34 0.42	0.17 0.24	0.21 0.28	0.26 0.34	0.42 0.51	0.20 0.28	0.25 0.32	0.31 0.40	0.40 0.51	0.24 0.31	0.29 0.35	0.35 0.46	0.46 0.69
Industrial	0.67 0.85	0.68 0.85	0.68 0.86	0.69 0.86	0.68 0.85	0.68 0.86	0.69 0.86	0.87 0.97	0.68 0.86	0.68 0.86	0.69 0.87	0.87 0.97	0.69 0.86	0.69 0.86	0.70 0.88	0.88 1.00
Commercial	0.71 0.88	0.71 0.88	0.72 0.89	0.72 0.89	0.71 0.89	0.72 0.89	0.72 0.89	0.90 1.00	0.72 0.89	0.72 0.89	0.72 0.89	0.90 1.00	0.72 0.89	0.72 0.89	0.72 0.90	0.90 1.00
Streets	0.70 0.76	0.71 0.77	0.71 0.79	0.74 0.84	0.71 0.80	0.72 0.82	0.74 0.84	0.84 0.94	0.72 0.84	0.73 0.85	0.76 0.89	0.89 0.99	0.73 0.89	0.75 0.91	0.78 0.95	0.95 1.00
Open Space	0.05 0.11	0.10 0.16	0.14 0.20	0.19 0.26	0.08 0.14	0.13 0.19	0.19 0.26	0.26 0.32	0.12 0.18	0.17 0.23	0.24 0.32	0.32 0.40	0.16 0.22	0.21 0.27	0.28 0.39	0.39 0.54
Parking	0.85 0.95	0.86 0.96	0.87 0.97	0.87 0.97	0.85 0.95	0.86 0.96	0.87 0.97	0.97 1.00	0.85 0.95	0.86 0.96	0.87 0.97	0.97 1.00	0.85 0.95	0.86 0.96	0.87 0.97	0.97 1.00

^a Runoff coefficients for storm recurrence intervals less than 25 years.

^b Runoff coefficients for storm recurrence intervals 25 years or more.

Source: Rawls, W.J., S.L. Wong and R.H. McCuen, 1981. "Comparison of Urban Flood Frequency Procedures", Preliminary Draft, U. S. Department of Agriculture, Soil Conservation Service, Baltimore, MD.

*Cultivated land "C" coefficients were compiled using other sources to reflect varying conditions of the ground cover due to tilling, plant growth, harvesting, maintenance, land management and similar factors.

TABLE 3

**Roughness Coefficients (Manning's "n") for Overland Flow
(U.S. Army Corps Of Engineers, HEC-1 Users Manual)**

<u>Surface Description</u>	<u>n</u>
Dense Growth 0.4	- 0.5
Pasture 0.3	- 0.4
Lawns 0.2	- 0.3
Bluegrass Sod 0.2	- 0.5
Short Grass Prairie	0.1 - 0.2
Sparse Vegetation	0.05 - 0.13
Bare Clay-Loam Soil (eroded)	0.01 - 0.03
Concrete/Asphalt - very shallow depths (less than 1/4 inch)	0.10 - 0.15
- small depths (1/4 inch to several inches)	0.05 - 0.10

**Roughness Coefficients (Manning's "n") for Sheet Flow
(U.S. Soil Conservation Service Technical Release 55)**

<u>Surface Description</u>	<u>n</u>
Smooth Surfaces (concrete, asphalt, gravel, or bare soil)	0.011
Fallow (no residue) 0.05	
Cultivated Soils:	
Residue Cover Less Than or 20%	0.06
Residue Cover Greater Than 20%	0.17
Grass:	
Short Grass Prairie	0.15
Dense Grasses	0.24
Bermuda Grass	0.41
Range (natural)	0.13
Woods:	
Light Underbrush	0.40
Dense Underbrush	0.80

ORDINANCE NO. 2012-1-01

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 27 (ZONING)
TO PERMIT GROUP QUARTERS FOR FIRE AND AMBULANCE STATIONS

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Red Lion Borough, York County, Pennsylvania, as follows:

SECTION 1. Chapter 27 (Zoning) Part 2 (Terminology) of the Red Lion Borough Code of Ordinances shall be amended to include the following Section:

Section 27-203. Definitions.

Group quarters for fire and ambulance station – any dwelling or portion thereof which is designed or used for not more than eight persons and having common eating facilities which is connected to a fire or ambulance station. All such persons shall be employees or volunteers with the fire or ambulance station that they reside within.

SECTION 2. Chapter 27 (Zoning) Part 3 (Zone Regulations) of the Red Lion Borough Code of Ordinances shall be amended to include the addition of the following subsections:

a. **Section 27-303. Residential-Outlying Zone (R-O).**

2. **Uses by Right.** The following principal uses are permitted by right in the R-O Zone:

E. Group quarters for fire and ambulance station.

b. **Section 27-304. Residential-Town Zone (R-T).**

2. **Uses by Right.** The following principal uses are permitted by right in the R-T Zone:

J. Group quarters for fire and ambulance station.

c. **Section 27-305. Commercial Zone (C).**

2. **Uses by Right.** The following principal uses are permitted by right in the C Zone:

K. Group quarters for fire and ambulance station.

d. **Section 27-306. Borough Center Zone (BC).**

2. **Uses by Right.** The following principal uses are permitted by right in the BC Zone:

K. Group quarters for fire and ambulance station.

e. **Section 27-307. Industrial Zone (I).**

2. **Uses by Right.** The following principal uses are permitted by right in the I Zone:

N. Group quarters for fire and ambulance station.

SECTION 3. This Ordinance shall be effective five (5) days after adoption.

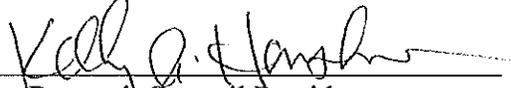
SECTION 4. Any Ordinance conflicting or inconsistent with this Ordinance is repealed to the extent of such conflict or inconsistency.

ENACTED AND ORDAINED, this 9th day of January, 2012, by the Borough Council of the Borough of Red Lion

ATTEST:

BOROUGH COUNCIL OF THE BOROUGH OF
RED LION:

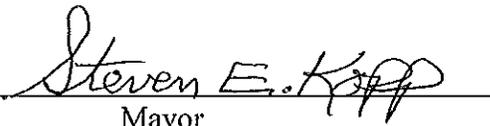

Borough Secretary

By: 
Borough Council President

APPROVED, this 9th day of January, 2012, by the Mayor of the Borough of Red Lion

ATTEST:


Borough Secretary


Mayor