

**Manor Township
Armstrong County**

Storm Water Management Ordinance

MANOR TOWNSHIP
ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. 01-2

AN ORDINANCE OF THE TOWNSHIP OF MANOR ESTABLISHING REGULATIONS FOR THE PLANNING, DESIGN, REVIEW, CONTROL AND MANAGEMENT OF THE CONVEYANCE AND STORAGE OF SURFACE WATERS RESULTING FROM PRECIPITATION/STORM WATER RUN-OFF.

WHEREAS, the governing body of Manor Township (hereinafter referred to as the "Township") agrees with the General Assembly in that "surface waters resulting from precipitation"/"inadequately managed storm water run-off" is disruptive to the natural drainage system, is costly, and threatens public health and safety; and

WHEREAS, the governing body of the Township finds that inadequate management of accelerated run-off of storm water resulting from development, increases flood flows and velocities, contributes to erosion and sedimentation, over taxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety; and

WHEREAS, the Township will enter into an Agreement with the Armstrong Conservation District (ACD) whereby all Storm Water Management Plans will be submitted and reviewed by the ACD; and the ACD will provide comments and recommendations to the Township Board of Supervisors; and

WHEREAS, the Board of Township Supervisors shall be responsible for approval and enforcement procedures as set forth by this Ordinance; and

WHEREAS, the Township desires to establish a Storm Water Maintenance Fund for the inspection of new Storm Water Management Facilities/Controls; and

WHEREAS, the Township may from time to time, review and amend the regulations set forth by this Ordinance.

Contents

ARTICLE I	GENERAL PROVISIONS	
Section 100	Introduction	1
Section 101	Short Title	1
Section 102	Authority	1
Section 103	Statement of Findings	1
Section 104	Purpose	2
Section 105	Applicability	2
Section 106	Exemptions	3
Section 107	Repealer	4
Section 108	Severability	4
Section 109	Compatibility with other Restrictions	4
ARTICLE II	STORM WATER MANAGEMENT PLANS	
Section 201	General Responsibilities	5
Section 202	Design Standards	6
Section 203	Design Criteria	7
Section 204	Plan Content	8
Section 205	Supplemental Information	10
ARTICLE III	PLAN SUBMISSION, REVIEW, AND MODIFICATION	
Section 301	Plan Submission and Review	11
Section 302	Plan Modifications	11
ARTICLE IV	INSPECTIONS	
Section 401	Schedule of Inspections	12
ARTICLE V	FEES AND EXPENSES	
Section 501	Review Fees	13
Section 502	Inspection Fees	13
ARTICLE VI	IMPROVEMENTS RESPONSIBILITIES	
Section 601	Improvements Guarantee	14
Section 602	Maintenance Responsibilities	14
Section 603	Maintenance Agreement - Privately Owned	15
Section 604	Municipal Storm Water Maintenance Fund	15
Section 605	Post-Construction Maintenance Inspections	15
ARTICLE VII	ENFORCEMENT & PENALTIES	
Section 701	Right-of-Entry	16
Section 702	Notification of Violation	16
Section 703	Enforcement	16
Section 704	Public Nuisance	16
Section 705	Penalties	17
Section 706	Appeals	17
ARTICLE VIII	INTERPRETATION AND DEFINITIONS	
Section 801	Language Interpretations	18
Section 802	Definitions	18
ARTICLE IX	ENACTMENT	
Section 901	Effective Date	23
APPENDIX A	MAINTENANCE AGREEMENT	24

Article I

General Provisions

Section 100 Introduction

Storm water management consists of the planning, design, and control of the conveyance and storage of surface waters resulting from precipitation. Major objectives are the protection of water quality, the prevention of flooding and erosion, and the promotion of the natural recharge of ground-water. The Pennsylvania Storm Water Management Act was enacted in 1978 to address these crucial issues. The intent of the Act is to encourage storm water run-off planning and management, with the program administered locally, consistent with the Commonwealth's duty as trustee of natural resources and the peoples constitutional right to the preservation of the environment. The Act places major responsibility for managing storm water on the landowner or developer.

Section 101 Short Title

This Ordinance shall be known, and may be cited as the Manor Township Storm Water Management Ordinance.

Section 102 Authority

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, the Storm Water Management Act, Act of 1978, October 4, P.L. 864 (Act 167).

Section 103 Statement of Findings

The General Assembly found that inadequately managed storm water run-off is disruptive to the natural drainage system, is costly, and threatens public health and safety. The governing body of Manor Township finds that:

- A. Inadequate management of accelerated run-off of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, over-taxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.

- B. A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated run-off, is fundamental to the public health, safety, and welfare and the protection of the people of the Commonwealth, their resources and the environment.

Section 104 Purpose

The purpose of this Ordinance is to promote the public health, safety and welfare by minimizing the damage described in Section 103 A of this Ordinance with provisions designed to:

- A. Control accelerated run-off and erosion and sedimentation problems at their source by regulating the activities that cause such problems;
- B. Utilize and preserve desirable existing natural drainage systems;
- C. Manage the quantity, velocity, and direction of post-development run-off to adequately protect health, safety, and property;
- D. Mitigate flood flows and velocities;
- E. Prevent over-taxing and carrying capacity of streams and waterways;
- F. Prevent over-taxing and carrying capacity of sanitary sewers;
- G. Augment the flood plain management and storm water control efforts of down-stream communities;
- H. Maintain or increase the rate of ground-water recharge;
- I. Maintain or improve the quality of ground-water for use by future generations;
- J. Provide for the design, installation and proper maintenance of all permanent storm water management structures which are constructed in Manor Township, Armstrong County; and
- K. Assure that the peak rate of storm water run-off is no greater after development activities than prior to development.

Section 105 Applicability

This Ordinance shall apply to all land and water courses within Manor Township, Armstrong County in conjunction with the following activities:

- A. Subdivision and/or Land Development;
- B. Land disturbance, earth moving, and/or alteration involving 5,000 square feet or more;
- C. Construction of new or additional impervious surfaces of 5,000 square feet or more (i.e. driveways, parking lots, etc.);
- D. Construction of new buildings or additions to existing buildings when the impervious surfaces of the addition or proposed construction is greater than 2,500 square feet;
- E. Changes or alterations of any water course or drainage-way where the contributory drainage area is greater than 100 acres;
- F. Diversion or piping of any natural or man-made stream channel; and
- G. Installation of storm water management facilities/controls.

Section 106 Exemptions

Any regulated activity that meets the following exception criteria is exempt from the provisions of this Ordinance. This criterion shall apply to the total development even if development is to take place in phases. Exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, and property.

No exemption shall be granted for activities as defined in Section 105.E., 105.F., and 105.G.

- A. The Applicant may provide documentation from a Registered Professional Engineer in the Commonwealth of Pennsylvania that the flows from the project site leaves the built project site in the same manner as the pre-development condition, and that there will be no adverse affects to properties along the path of flow(s), or that the increased flow(s) will reach a natural watercourse or an existing storm water management structure before adversely affecting any property along the path of the flow(s);
- B. Use of land for gardening for home consumption;
- C. Agricultural purposes when operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate by the Armstrong Conservation District. The agricultural activities such as growing crops, rotating crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this Ordinance;

D. Forest Management operations as regulated by the Department of Environmental Protection Department's management practices contained in the publication *Soil Erosion and Sedimentation Control Guidelines for Forestry* and are operating under an Erosion and Sedimentation Control Plan as approved by the Armstrong Conservation District;

Section 107 Repealer

Any Ordinance of Manor Township that is inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 108 Severability

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 109 Compatibility with other Restrictions

Permits and approvals issued pursuant to this Ordinance do not relieve the Applicant from 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 storm water or erosion and sedimentation control are contained in the other codes, rules, acts, or ordinances, the more stringent regulation(s) shall apply.

Article II Storm Water Management Plans

Section 201 General Requirements

- A. All regulated activities in Manor Township which do not fall under Exemptions, Section 106 of this Ordinance, shall submit to the Armstrong Conservation District, a Storm Water Management Plan consistent with this Ordinance.
- B. All criteria as provided in this Ordinance shall apply to the total proposed development even if development is to take place in stages or phases.
- C. Impervious surfaces shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Where impervious surfaces are permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, surface construction specifications shall be noted on the plan.
- D. Roof drains, footer drains or other similar water carrying devices shall be connected to storm sewers or roadside ditches, drainage-ways, or swales (when storm sewers are not available).
- E. Any areas designed to initially be gravel or crushed stone shall be assumed to be an impervious surface for the purposes of comparison to the exemption criteria.
- F. Natural drainage-ways shall be utilized to the maximum extent possible in carrying storm water run-off, provided such use remains consistent with the purpose of this Ordinance.
- G. Storm water management facilities/controls shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by storm water management facilities or open channels consistent with this Ordinance.
- H. Run-off from a site shall not be concentrated or increased and discharged onto adjacent property without the written consent of the adjacent land owners in the form of a drainage easement.
- I. Existing areas of concentrated drainage that discharges onto adjacent property shall not be altered without permission of the altered property owner(s) and shall be subject to any applicable discharge criteria as specified in this Ordinance.
- J. Existing areas of diffused drainage discharge shall be subject to any applicable discharge criteria , whether proposed to be concentrated or maintained as diffused drainage, except as otherwise provided for in this Ordinance.

- K. Where a development site is traversed by watercourses, drainage-ways, channels or streams, there shall be provided a drainage easement conforming substantially with the line of such water-course, drainage-way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural discharge or for the purpose of widening, deepening, improving or protecting such drainage facilities.
- L. It is the responsibility of the Developer or his agent to delineate any and all wetlands contained within the development site.
- M. Any storm water management facilities regulated by this Ordinance and located on or discharged to State transportation rights-of-way shall be subject to approval by PADOT.
- N. The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged.
- O. Design of storm water management facilities/controls shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over.
- P. A detailed geologic evaluation of the project site may be requested to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified geologist and/or soil scientist; and at a minimum, the evaluation shall address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability.

202 Design Standards

All activities regulated herein shall be designed and maintained in accordance with the following requirements:

- A. All sites shall limit the rate of storm water run-off so that no greater rate of run-off from the site is permitted than that occurring prior to development. For calculation purposes, the site shall be assumed to be a meadow in good condition (Hydrologic Soils Group "C", run-off curve No. 70).
- B. Predevelopment storm water run-off shall be computed for storm frequencies of 2-, 10-, 25-, and 100- year storm events.
- C. Storm drainage conveyance systems for projects shall be designed to a minimum of a 1-in-10 year storm without surcharging inlets; conveyance of a 1-in-100 year storm shall be designed so as not to endanger life or seriously damage property.

- D. The minimum storage capacity for the storm water management system shall be the storage capacity required to accommodate a post-development 25-year, 24-hour frequency storm, to be released at a rate not to exceed the pre-development 2 year, 24-hour storm discharge.
- E. year, 24-hour frequency storm, to be released at a rate not to exceed the pre-development 2 year, 24-hour storm discharge.
- F. Downstream Hydraulic Capacity Analysis: any downstream hydraulic capacity analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:
 - 1. Natural or man-made channels or swales must be able to convey the increased run-off associated with a 2-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 DEP Erosion and Sediment Pollution Control Program Manual.
 - 2. Natural or man-made channels or swales must be able to convey the increased 25-year return period run-off without creating any hazard to person or property.
 - 3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable) and, at a minimum, pass the increased 25-year return period run-off.

Section 203 Design Criteria

Methods of identification and computation to be used in complying with the provisions of this Ordinance shall be in accordance with the following criteria:

- A. All run-off shall be computed using the USDA Soil Conservation Service Soil-Cover Complex Method. The peak discharge and volumes of run-off shall be determined by using the Engineering Field Manual, USDA Soil Conservation Service, and by using Urban Hydrology for Small Watersheds, Technical Release No. 55, USDA SCS, June 1986, or other methods approved by the Armstrong Conservation District.
- B. Detention ponds and retention basins shall be designed in accordance with USDA - NRCS Pond Specification #378 or equivalent.
- C. Storm drainage out-fall treatment and/or channel protection shall be provided pursuant to the Erosion Control Regulations of the Pennsylvania Department of Environmental Resources, 25 PA Code, Section 102.1, et seq.

- D. Structure classification shall be pursuant to Chapter 105, Water Obstructions and Encroachments, Pennsylvania Department of Environmental Resources (25 PA Code), and Engineering Field Manual, Chapter 6, USDA SCS, 1975 (rev. 1977).
- E. Delineation of soil types shall be pursuant to the Soil Survey of Armstrong County, Pennsylvania, USDA SCS, prepared in cooperation with the Pennsylvania Department of Environmental Resources, August 1977.
- F. Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control, and in accordance with the Armstrong Conservation District.
- G. Additional Erosion and Sedimentation Control Design Standards where BMPs are proposed:
 - 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.
 - 2. Infiltration BMPs shall not be constructed nor receive run-off until the entire contributory drainage area to the infiltration BMP has received final stabilization.

Section 204 Plan Content

The content of the Storm Water Management Plan shall consist of a narrative description of the proposed project, annotated maps, drawings, computations, a schedule of construction, and a Maintenance Plan as per Article VI, Section 602 of this Ordinance. The Storm Water Management Plan shall be prepared by a registered Professional Engineer, and shall contain said Engineer's Seal and Registration Number.

The following information must be shown:

- A. the name of the proposed development and the name and address of the developer/property owner(s) and the individual or firm preparing the plan;
- B. date of drawings and dates of any revisions;
- C. graphic scale (maps shall be drawn at a scale of one (1) inch equals no more than fifty (50) feet;
- D. north point;

Q. the following signature block for the Manor Township Supervisors:

The Manor Township Supervisors, upon recommendation from the Armstrong Conservation District, has approved this Storm Water Management Plan this _____ day of _____, in the year 20 _____.

Attest:

Manor Twp. Secretary

Manor Twp. Supervisor

Section 205 Supplemental Information

In addition to the plan information as listed in Section 204 above, the following information shall be submitted:

- A. A written description of:
 - 1. the overall project concept;
 - 2. storm water run-off computation as specified;
 - 3. the effect of the project on run-off volume and rate of flow on adjacent property;
 - 4. the effect of the project on run-off volume on a municipal storm water drainage system when such will be utilized;
 - 5. storm water controls both during and after development;
 - 6. the proposed project development time schedule.
- B. A soil erosion and sedimentation control plan, including all reviews and approvals, as required by the Pennsylvania Department of Environmental Protection and the Armstrong Conservation District.
- C. A declaration of adequacy from District 10 of the Pennsylvania Department of Transportation when utilization of a PADOT storm drainage system is proposed.
- D. A description of the maintenance measures for the storm water management facilities/controls in accordance with Article VI Improvements Responsibilities of this Ordinance.

Article III
Plan Submission, Review, and Modification

Section 301 **Plan Submission and Review**

- A. Two (2) copies of the Storm Water Management Plan shall be submitted to the Armstrong Conservation District (ACD) for review and comment and shall be accompanied by any requisite fees as set forth per the Agreement between Manor Township and the Armstrong Conservation District.
- B. The ACD shall review the plan submission and shall provide written comments and recommendations to the Applicant and Manor Township.
- C. Should the plan submission be determined to be inadequate, the ACD will forward a deficiency letter to the Applicant and Manor Township.
- D. Should the plan submission be determined to be adequate, the ACD will forward an approval letter to the Applicant and Manor Township.
- E. Manor Township shall not approve any activity regulated by this Ordinance that is found to be inadequate.
- F. Permits for all activities that require additional state or federal issuance shall be obtained prior to final approval by Manor Township for the activities regulated by this Ordinance.
- G. The Applicant shall be responsible for submitting one (1) copy of As-Built drawings of all storm water management facilities/controls to the ACD and one (1) copy shall be submitted to Manor Township.

Section 302 **Plan Modifications**

- A. Any modification to an approved Storm Water Management Plan which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which are necessary because soil or other conditions are not as stated on the approved application (as determined by the ACD), shall be resubmitted for review by the ACD and must be noted on the plan as a revision to the Plan.
- B. All modifications to an approved plan that have not been resubmitted and reviewed by the ACD shall be considered a violation of this Ordinance.

Article IV Inspections

Section 401 Schedule of Inspections

- A. The municipality or its assignee may inspect all phases of the installation of the permanent storm water management facilities/controls at the cost of the Applicant.
- B. During any stage of the work, if the municipality or its assignee determines that the permanent storm water management facilities/controls are not being installed in accordance with this Ordinance and per the approved plan, the Manor Township Supervisors may revoke any existing permits until a revised plan is submitted to the Armstrong Conservation District and found to be adequate.

Article V Fees and Expenses

Section 501 Review Fees

The fees required by this Ordinance are by Resolution of the Manor Township Supervisors and will be established per the Agreement between the Manor Township Supervisors and the Armstrong Conservation District. All fees shall be paid by the Applicant.

Section 502 Inspection Fees

All fees associated with inspection of the storm water management facility/controls shall be the responsibility of the Applicant.

Article VI Improvements Responsibilities

Section 601 Improvements Guarantee

The Applicant shall provide a financial guarantee to Manor Township for the timely installation and proper construction of all storm water management facilities/controls as required by this Ordinance equal to one hundred ten (110) percent (%) of the total cost of construction of the required facilities/controls as per the PA Municipalities Planning Code, Act 247, Article V, Section 509 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval and Section 511 Remedies to Effect Completion of Improvements, and Article V-A, Municipal Capital Improvement.

Section 602 Maintenance Responsibilities

- A. The plan submission shall include an operation and Maintenance Plan prepared by a Professional Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the controls.
- B. The Maintenance Plan shall establish responsibilities for the continuous operation and maintenance of all proposed controls, consistent with the following:
 - 1. If a development site is to be maintained in a single ownership or if sewer and other public improvements are to be privately owned and maintained, then the ownership and maintenance of storm water control facilities/controls shall be the responsibility of the property owner or private management entity.
 - 2. The governing body of Manor Township shall make the final determination on the continuing maintenance responsibilities prior to final approval. The governing body reserves the right to reject the ownership and operating responsibility for any or all storm water management facilities/controls.
 - 3. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to Manor Township, storm water facilities/controls may also be dedicated to and maintained by Manor Township, provided the Township agrees to accept the dedications.

Section 603

Maintenance Agreement - Privately Owned Facilities/Controls

- A. Prior to final approval of the site's Storm Water Management Plan, the applicant/property owner(s) shall sign and record a Maintenance Agreement (Appendix A) covering all privately owned storm water facilities/controls.
- B. Other items may be included in the Maintenance Agreement where determined necessary to guarantee the satisfactory maintenance of all facilities/controls. The Maintenance Agreement shall be subject to the review and approval of the Manor Township Solicitor.

Section 604

Municipal Storm Water Maintenance Fund

- A. If storm water facilities/controls are accepted by Manor Township for dedication, the Applicant/Developer/Property Owner may be required to pay a specified amount to Manor Township to be deposited in a Municipal Storm Water Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

If the storm water management facility/control(s) are to be owned and maintained by Manor Township, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Municipal Engineer will establish the estimated costs utilizing information submitted to the Township by the Applicant/Property Owner(s).

- B. If after ten (10) years, there is any amount remaining in the Municipal Storm Water Maintenance Fund less the cost of inspection over the previous ten (10) years, the unused portion of the Maintenance Fund deposit will be returned to the depositor upon written request.

Section 605

Post-Construction Maintenance Inspections

- A. All storm water facilities/controls shall be inspected by a Professional Engineer at the expense of the Applicant or Property Owner based on the following schedule unless agreed otherwise by Manor Township:
 - 1. Annually for the first five (5) years.
 - 2. Once every three (3) years thereafter.
 - 3. During or immediately after the cessation of a 100 year or greater storm event.
- B. The Professional Engineer conducting the inspection shall submit a report to the Manor Township Supervisors regarding the condition of the facility and recommending any necessary repairs.

Article VII
Enforcement & Penalties

Section 701 **Right-of-Entry**

Upon presentation of proper credentials and ten (10) days written notice, authorized representatives of the municipality or its assignee may enter at reasonable times upon any property within the municipality to inspect the condition of the storm water facility/controls in regard to any aspect regulated by this Ordinance.

Section 702 **Notification of Violation**

- A. Whenever any person shall have violated the terms of this Ordinance, the Applicant or person(s) responsible for the violations shall be notified in writing and shall be directed to comply with all terms of this Ordinance within ten (10) days, or such additional period, not to exceed thirty (30) days, as the Township deems necessary and reasonable.
- B. Further, provided the Applicant or person(s) responsible for the violation does not make the necessary and required corrections, Manor Township may make the necessary and required corrections and charge the Applicant or person(s) responsible for the cost thereof plus penalties as specified herein for failure to comply.
- C. Such Notice of Violation must be delivered in writing by certified mail or by posting of the property in a conspicuous place.

Section 703 **Enforcement**

- A. The governing body of Manor Township is hereby authorized and directed to enforce all of the provisions of this Ordinance.
- B. All inspections regarding compliance shall be the responsibility of the municipality.

Section 704 **Public Nuisance**

- A. The violation of any provision of this Ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

Section 705

Penalties

Any person who fails to comply with this Ordinance within the period stated in the Notice of Violation shall, upon conviction thereof, be guilty of a summary offense:

- A. And shall be sentenced to pay a penalty of not more than Three Hundred (\$300.00) Dollars.
- B. Each and every day of continued violation shall constitute a separate violation.
- C. In the event that the owner, developer, or person(s) responsible fails to comply with the terms of this Ordinance within the time specified:
 1. The municipality may take any actions necessary to remove the public nuisance, or
 2. The municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any Court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.
 3. The cost of removal, fine, and penalties herein above mentioned may be entered by Manor Township Supervisors as a lien against such property in accordance with existing provisions of law.

Section 704

Appeals

A. Appeals to the Manor Township Supervisors

Any person aggrieved by any action of the municipal assignee (duly authorized municipal representative) may appeal in writing to the Manor Township Supervisors within ten (10) days of that action.

B. Appeals to Court:

Any person aggrieved by an decision of the Manor Township Supervisors or their municipal assignee (duly authorized municipal representative) may appeal to the Armstrong County Court of Common Pleas within thirty (30) days of that decision.

Article VIII Interpretation and Definitions

Section 801 Language Interpretations

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used" or "occupied" include the words "intended, designed, maintained, or arranged to be used or occupied".

Section 802 Definitions

The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section. All words and terms not defined herein shall be used with a meaning of standard usage.

Agricultural Activities

The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures.

Alteration

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

Applicant

A landowner or developer who has filed an application for approval of storm water management controls.

Assignee

The agent for Manor Township involved with the administration, review or enforcement of any provision of this Ordinance by contract or memorandum of understanding.

BMP (Best Management Practice)

Storm water structures, facilities and techniques to maintain or improve the water quality of surface run-off.

Channel Erosion

The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

Conservation District

The Armstrong Conservation District.

Culvert

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

Dam

An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semi-fluid.

Design Storm

The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. 10-yr. storm) and duration (e.g. 24-hour), and used in computing storm water management control systems.

Detention Basin

An impoundment structure designed to manage storm water run-off by temporarily storing the run-off and releasing it at a predetermined rate.

Developer

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

Drainage Easement

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

Erosion

The removal of soil, stone, and other surface materials by the action of natural elements.

Erosion and Sediment Pollution Control Plan

A plan which is designed to minimize accelerated erosion and sedimentation pursuant to 25 PA Code, Chapter 102.

Flood Plain

Any land area susceptible to being inundated by water from any natural source and specified by the Department of Environmental Protection.

Floodway

The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood.

Grading

The act of excavating and/or filling land for the purpose of changing natural slope.

Ground-water Recharge

Replenishment of existing natural underground water supplies.

Impervious Surface

A surface which prevents the penetration of water into the ground.

Infiltration Structure

A structure designed to direct run-off into the ground, such as french drains, seepage pits, or seepage trenches.

Inlet

A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Land/Earth Disturbance

Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity which causes land to be exposed to erosion.

Municipality

The Township of Manor, Armstrong County, Pennsylvania.

Outlet

Points of water disposal from a stream, river, lake, or artificial drain.

Peak Discharge

The maximum rate of flow of water at a given point and time resulting from a storm event.

Pennsylvania Municipalities Planning Code

Act of 1968, July 31, P.L. 805, No.247 as reenacted and amended.

Retention Basin

A basin in which the run-off from a given flood event is stored and is not discharged into the downstream drainage system during the flood event.

Run-off

That part of precipitation which flows over the land.

Sedimentation

The process by which mineral or organic matter is accumulated or deposited by the movement of water.

Sediment Basin

A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other water transported material.

Soil-Cover Complex Method

A method of run-off computation publicized in "Urban Hydrology for Small Watersheds", Technical Release No. 55, June 1986.

Storm Frequency

The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years.

Storm Sewer

The drainage run-off from the surface of the land resulting from precipitation, snow, or ice melt.

Storm Water

The total amount of precipitation reaching the ground surface.

Storm Water Management Facility/Control

Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects storm water run-off. /Typical storm water management facilities/controls include, but are not limited to, detention basins, open channels, storm sewers, pipes, and infiltration structures.

Swale

A low lying stretch of land which gathers or carries surface water run-off.

USDA

United States Department of Agriculture.

Watercourse

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

Watershed

The entire region or area drained by a river or other body of water, whether natural or artificial; a drainage basin or sub-basin.

Wetland

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

Article IX
Enactment

Section 901

Effective Date

The provisions of this Ordinance shall be effective from and after JAN
(month),
1, 2002.
(day) (year)

ORDAINED AND ENACTED by the Supervisors of Manor Township, Armstrong
County, Pennsylvania this Dec, 8, 2001.
(month) (day) (year)

MANOR TOWNSHIP SUPERVISORS

Ludwig J. Mueller
Paul R. Schubert
Howard R. Jack

ATTEST: Howard R. Jack
Secretary

APPENDIX A
Manor Township
Storm Water Management
Maintenance Agreement

THIS AGREEMENT, made and entered into this _____ day of _____,
(month)
in the year 20____, by and between, _____
(hereinafter the "Property Owner"), and Manor Township, Armstrong
County, Pennsylvania, (hereinafter "Municipality").

WITNESSETH

WHEREAS, the Property Owner is the owner of certain real estate as recorded
by deed in the land records of Armstrong County, Pennsylvania, Deed Book __,
Page _____, (hereinafter "Property").

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

WHEREAS, the Storm Water Management Plan (hereinafter "Plan") for the
Property is expressly made a part hereof, as approved or to be approved by the
Municipality, provides for the detention, retention, and control of storm water within
the confines of the Property; and

WHEREAS, the Municipality and the Property Owner, his successors, heirs, and
assigns agree that the health, safety, and welfare of the residents of Manor Township
require that on-site storm water management facilities or controls be constructed and
maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the
approved Plan, that storm water management facilities/controls as shown on the Plan
be constructed and adequately maintained by the Property Owner, his successors, heirs,
and assigns.

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

1. The on-site storm water management facilities/controls shall be constructed by the Property Owner, his successors, heirs, and assigns, in accordance with the terms, conditions and specifications identified in the approved Plan.
2. The Property Owner, his successors, heirs, and assigns, shall maintain the storm water management facility/controls in good working condition, acceptable to the Municipality, in a way that the facility/controls are performing as per their intended design functions.
3. The Property Owner, his successors, heirs, and assigns, hereby grants permission to the Municipality, the duly authorized municipal representatives/assignees and /or employees, upon presentation of identification if requested, to enter upon the Property at reasonable times, and to inspect the storm water management facilities/controls whenever the Municipality deems necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities/controls. The inspection shall cover the entire facility, berms, outlet structures, pond area, access roads, etc. When inspections are conducted, the Municipality shall give the Property Owner, his successors, heirs, and assigns, copies of the Inspection Report with findings and evaluations. At a minimum, maintenance inspections shall be performed in accordance with the following schedule:
 - * Annually for the first five (5) years after construction of the facility/control.
 - * Once every three (3) years thereafter, or
 - * During or immediately upon the cessation of a 100 year or greater precipitation event.
4. All reasonable costs for said inspections and inspection reports shall be born by the Property Owner and payable to the Municipality.
5. The Property Owner shall convey to the Municipality, adequate easements and/or rights-of-way to assure access for periodic inspections by the Municipality.
6. In the event the Property Owner, his successors, heirs, and assigns, fail to maintain the storm water management facilities/controls in good working condition acceptable to the Municipality, the Municipality may enter upon the Property and take such necessary and prudent action to maintain said storm water management facilities/controls and to charge the costs of the maintenance and/or repairs to the Property Owner, his successors, heirs, and assigns. This provision shall not be construed as to allow the Municipality to erect any structure of a permanent nature on the land of the Property Owner, outside of any easement belonging to the Municipality.

7. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
8. The Property Owner, his successors, heirs, and assigns, will perform maintenance in accordance with the approved maintenance schedule for the storm water management facilities/controls including sediment removal as outlined on the approved Plan.
9. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Property Owner's or his successors, heirs, and assigns' failure to perform such work, the Property Owner, his successors, heirs, and assigns, shall reimburse the Municipality upon demand, within thirty (30) days of receipt of invoice thereof, for all costs incurred by the Municipality hereunder. If not paid within said thirty (30) day period, the Municipality may enter a lien against the property in the amount of such costs, or may proceed to recover the costs through proceedings in equity or at law as authorized under the provisions of the FA Municipalities Planning Code, Act 247.
10. The Property Owner, his successors, heirs, and assigns, shall indemnify the Municipality and the authorized agents and employees against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the Municipality for the construction, presence, existence or maintenance of the storm water management facilities/controls by the Property Owner, his successors, heirs, and assigns.
11. In the event a claim is asserted against the Municipality, the authorized agents or employees, the Municipality shall promptly notify the Property Owner, his successors, heirs, and assigns and they shall defend, at their own expenses, any suit based on such claim. If any judgment or claims against the Municipality, the authorized agents or employees shall be allowed, the Property Owner, his successors, heirs, and assigns shall pay all costs and expenses in connection therewith.
12. In the advent of any emergency or the occurrence of special or unusual circumstances or situations, the Municipality may enter the Property, if the Property Owner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety, and welfare of the citizens is at jeopardy. However, the Municipality shall notify the Property Owner of any inspection, maintenance, or repair undertaken within five (5) days of the activity. The Property Owner shall reimburse the Municipality for those costs.

This Agreement shall be recorded among the land records of Armstrong County, Pennsylvania and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Property Owner, his administrators, executors, heirs, and assigns and any other successor in interest, in perpetuity.

MANOR TOWNSHIP SUPERVISORS

(SEAL)

ATTEST: _____

Property Owner

Property Owner

WITNESS: _____

I, _____, a Notary Public in Armstrong County, Pennsylvania, 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.

GIVEN UNDER MY HAND THIS _____ day of _____, 20 _____.

(SEAL)

Notary Public