

**Section 509. As-Built Plan Recordation**

- A. Upon completion of the plan improvements the applicant shall submit an As-Built Plan for review and approval by the Municipal Engineer. Upon approval by the Municipal Engineer, the plan shall be recorded in the Office of the Recorder of Deeds. Plans processed in accordance with Section 502 - Small Projects shall be exempt from the provisions of this section.
- B. The As-Built Plan must show the final design specifications for all stormwater management facilities and be sealed by a registered professional engineer. When a digital submission of an As-Built Plan is required, all coordinates as depicted on the plan shall be based on the PA South Zone State Plane Coordinate System (NAD83 for horizontal and NAVD88 for vertical).
- C. Concurrently with the recordation of the As-Built Plan, the applicant shall submit the SWM Site Plan for recordation in the Office of the Recorder of Deeds, unless the Site Plan has already been recorded.

**ARTICLE VI - OPERATION AND MAINTENANCE (O&M)**

**Section 601. Responsibilities of Developers and Landowners**

- A. The Landowner, successor and assigns shall maintain all Stormwater Management Facilities in good working order in accordance with the approved O & M Plan.
- B. The Landowner shall convey to the Township easements to assure access for inspections and maintenance, if required.
- C. The Landowner shall keep on file with the Township the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the Township within ten (10) days of the change.
- D. Enumerate permanent SWM facilities as permanent real estate appurtenances and record as deed restrictions or easements that run with the land.
- E. The record owner of the Development Site shall sign and record an Operation and Maintenance (O&M) Agreement covering all Stormwater Management Facilities, including riparian buffers and riparian forest buffers, which are to be privately owned. Said agreement, designated as Appendix C, is attached and made part hereto. The O&M Plan and Agreement shall be recorded as a restrictive covenant agreement that runs with the land.

**Section 602. Operation and Maintenance Agreements**

- A. The Operation and Maintenance Agreement shall be subject to the review and approval of the municipal solicitor and governing body.
- B. The Township is exempt from the requirement to sign and record an O&M agreement.

**Section 603. Operation and Maintenance (O&M) Plan Contents**

- A. The O&M Plan shall clearly establish the operation and maintenance necessary to ensure the proper functioning of all temporary and permanent stormwater management facilities and erosion and sedimentation control facilities.
- B. The following shall be addressed in the O&M Plan:
  - 1. Description of maintenance requirements, including, but not limited to, the following:
    - a. Regular inspection of the SWM facilities. To assure proper implementation of BMPs, maintenance and care SWM BMPs should be inspected by a qualified person, which may include the landowner, or the owner's designee (including the Township for dedicated and owned facilities), according to the following minimum frequencies:
      - i. Annually for the first 5 years.
      - ii. Once every 3 years thereafter.
      - iii. During or immediately after the cessation of a 10-year or greater storm.
      - iv. As specified in the O&M Agreement pursuant to Section 602.
    - b. All pipes, swales and detention facilities shall be kept free of any debris or other obstruction and in original design condition.
    - c. Removal of silt from all permanent structures which trap silt or sediment in order to keep the material from building up in grass waterways, pipes, detention or retention basins, infiltration structures, or BMPs, and thus reducing their capacity to convey or store water.
    - d. Re-establishment of vegetation of scoured areas or areas where vegetation has not been successfully established. Selection of seed mixtures shall be subject to approval by the Township.
  - 2. Riparian forest buffer management plan prepared in accordance with 25 Pa. Code Chapter 102 §14(b)(4) if required.
  - 3. Identification of a responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent stormwater management and erosion and sedimentation control facilities.

4. Establishment of suitable easements for access to all facilities.
5. All reports prepared shall be submitted to the Township within sixty (60) days of completion.

**Section 604. Maintenance of Facilities Accepted by the Township**

- A. The Township reserves the right to accept or reject any proposal to dedicate ownership and operating responsibility of any SWM facilities to the Township.
- B. If SWM facilities are accepted by the Township for dedication, the landowner/developer shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to defray costs of periodic inspections and maintenance expenses. This fee shall be provided to the Township prior to unconditional plan approval. The amount of the deposit shall be determined as follows subject to the approval of the municipal governing body:
  1. The deposit shall cover the estimated costs for maintenance and inspections for twenty-five (25) years. The Township will establish the estimated costs according to the O&M requirements outlined in the approved O&M Plan.
  2. The amount of the deposit to the fund shall be converted to present worth of the annual series values.
  3. If a storage facility is proposed that also serves as a recreation facility (e.g. ball field, lake), the Township may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.
- C. If at any time a dedicated storage facility is eliminated due to the installation of storm sewers or other storage facility such as a regional detention facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility.
- D. Maintenance shall be conducted as necessary to provide for the continued functioning of the facility. Costs of inspections, maintenance and repairs are recoverable from the Municipal Stormwater Maintenance Fund.

**Section 605. Maintenance of Existing Facilities / BMPs**

- A. SWM facilities existing on the effective date of this Ordinance, which have not been accepted by the Township or for which maintenance responsibility has not been assumed by a private entity such as a homeowners' association shall be maintained by the individual Landowners. Such maintenance shall include at a minimum those items set forth in Section 603.B.1 above. If the Township determines at any time that any permanent SWM facility has been eliminated, altered, blocked through the erection of

structures or the deposit of materials, or improperly maintained, the condition constitutes a nuisance and the Township shall notify the Landowner of corrective measures that are required, and provide for a reasonable period of time, not to exceed 30 days, within which the property owner shall take such corrective action. If the Landowner does not take the required corrective action, the Township may either perform the work or contract for the performance of the work and bill the Landowner for the cost of the work plus a penalty of 10% of the cost of the work. If such bill is not paid by the property owner within 30 days, the Township may file a municipal claim against the property upon which the work was performed in accordance with the applicable laws. The Township shall have the right to choose among the remedies and may use one or more remedies concurrently.

## **ARTICLE VII - FEES AND EXPENSES**

### **Section 701. General**

The Township may impose fees and charges to recover all costs incurred in the administration of this Ordinance. The Township may, by Resolution from time to time, establish review, filing fees, and escrows associated with the same, consistent with law. These fees may include, but not be limited to, an application fee; fees for the review of the plans, studies, financial security and associated documentation by the Municipal Engineer, Municipal Solicitor or other professional consultant; fees for recording of documents; fees for the inspection of improvements installed in connection with development authorized by a SWM site plan; fees for any work which Municipal employees or contractors perform on a development site; and fees for the acceptance of dedication of improvements.

### **Section 702. Expenses Covered by Fees**

- A. The Township shall be entitled to set a filing fee, from time to time by Resolution of Board of Supervisors, which shall cover the initial administrative costs of receiving and processing the paperwork from the Applicant. No application shall be deemed complete without payment of such filing fee.
- B. The Township shall also be entitled to set review fees, from time to time by Resolution of the Board of Supervisors. The review fee shall be established by the Township by separate resolution (meeting all requirements of the PMPC and administered consistent with the PMPC) to defray review costs incurred directly or indirectly by the Township and the Township Designee.
- C. All review and filing fees shall be paid by the applicant prior to the issuance of any building permits or any site improvements.
- D. The fees required by this Chapter shall at a minimum cover:
  - (1) The review of the stormwater management plan by the Township and its Designees.

- (2) The development site inspection.
  - (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 plan, and review of the as-built plans and calculations for compliance.
  - (5) Any additional work required to enforce any permit provisions regulated by this Chapter, correct violations, and assure proper completion of stipulated remedial actions.
  - (6) Defray administration and clerical costs.
- E.
- (1) The Township may set, from time to time by Resolution, an escrow deposit schedule based upon the estimated cost of fees described in subparagraphs B and D above. Such escrow deposit shall be deposited with the Township in advance of review of any filing. No application shall be deemed complete without payment of such escrow deposit.
  - (2) The Township Designee, from time to time, may require replenishment of the escrow to insure that it is not exhausted by reasonably estimated current and future costs and fees as described herein.

## **ARTICLE VIII - PROHIBITIONS**

### **Section 801. Prohibited Discharges and Connections**

- A. The following connections are prohibited, except as provided in Section 801.D below.
- 1. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter a municipal separate storm sewer (if applicable), or waters of this Commonwealth, and any connections to the storm sewer from indoor drains and sinks; and
  - 2. Any drain or conveyance connected from a commercial or industrial land use to the municipal separate storm sewer (if applicable) which has not been documented in plans, maps, or equivalent records, and approved by the Township.
- B. No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in Section 801.D below and (2) discharges allowed under a state or federal permit.