

ORDINANCE NO. 883

**AN ORDINANCE OF THE BOROUGH OF HOLLIDAYSBURG  
AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES  
(SUBDIVISION AND LAND DEVELOPMENT ORDINANCE)  
WITH RESPECT TO STORMWATER MANAGEMENT MATTERS**

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF HOLLIDAYSBURG AS FOLLOWS:

SECTION 1: The following defined terms are added to Section 202(2) of Chapter 22:

**AGRICULTURAL ACTIVITY** – Activities associated with agriculture such as agricultural cultivation, agricultural operation, 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.

**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.

**FOREST MANAGEMENT/TIMBER OPERATIONS** – Planning and activities necessary for the management of forestland. 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.

**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).

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

**PROJECT SITE** – The specific area of land where any regulated activities in the municipality are planned, conducted, or maintained.

**Qualified Professional** – Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Ordinance.

REGULATED ACTIVITY – Any earth disturbance activity or any activity that involves 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.

SECTION 2: The following defined terms shall replace the existing defined terms in Section 202(2) of Chapter 22:

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.

MUNICIPALITY – the Borough of Hollidaysburg, Blair County, Pennsylvania.

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.

STORMWATER – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

SECTION 3: Replace Section 509(1) and all of its subparts of Chapter 22 with the following:

1. Statement of Findings and Purpose.
  - A. Statement of Findings. The governing body of the municipality finds that:
    - (1) Inadequate maintenance of stormwater facilities contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, 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 pollution of water resources.

(2) Reasonable regulation of connections and discharges to municipal separate storm sewer systems is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.

(3) Stormwater is an important resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

(4) Federal and state regulations require this municipality to obtain a permit for stormwater discharges from its separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES). Permittees are required to enact, implement, and enforce a prohibition of non-stormwater discharges to the permittee's regulated small municipal separate storm sewer systems (MS4s).

B. Purpose. These regulations have the following general purposes and objectives:

(1) To assure safe management of stormwater runoff resulting from land alteration and disturbance activities in accordance with watershed stormwater management plans adopted pursuant to the Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended).

(2) To utilize and preserve the existing natural drainage systems and to preserve the flood-carrying capacity of streams.

(3) To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.

(4) To provide for adequate operation and maintenance of all facilities and all stormwater management BMPs in the Borough.

(5) To achieve compliance with the requirements of the Municipality's Stormwater NPDES permit conditions.

(6) To 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 the Commonwealth.

(7) To reduce accelerated erosion, scour, aggradation, and degradation and prevent scour and erosion of stream banks and streambeds.

SECTION 4: Add (F) to Section 509(2) of Chapter 22 as follows:

F. All activities related to proper operation and maintenance of approved stormwater management BMPs and all activities that may contribute non-stormwater discharges to a regulated small MS4.

SECTION 5: Add (5) to Section 509(3)(A) of Chapter 22 as follows:

(5) Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s) by the developer. Such stormwater flows shall be subject to the requirements of this Ordinance.

SECTION 6: Add the following to the list found in Section 509(4)(E)(3)(a)(ii) of Chapter 22:

Diverted stream flows  
Rising Ground Waters

SECTION 7: Replace (1) of Section 509(6)(A) of Chapter 22 (without changes to subparts (a) and (b)) with the following:

The operation and maintenance plan for stormwater management facilities located on the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:

SECTION 8: Add (3), (4) and (5) to Section 509(6)(A) of Chapter 22 as follows:

(3) Facilities, areas, or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.

(4) The operation and maintenance plan for stormwater management shall be recorded as a restrictive deed covenant that runs with the land.

(5) The municipality may take enforcement actions against an owner for any failure to satisfy the provisions of this ordinance.

SECTION 9: Add the following sentence to the end of Section 509(6)(B)(4) of Chapter 22:

Refusal to reimburse the Borough may result in a lien against the property.

SECTION 10: Add (B) through (G) and all subparts set forth below to Section 509(14) of Chapter 22 as follows:

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

C. Inspection: SWM BMPs should be inspected by the landowner, or the owner's designee (including the municipality for dedicated and owned facilities), according to the following list of minimum frequencies:

- (1) Annually for the first 5 years following construction.
- (2) Once every 3 years thereafter.
- (3) During or immediately after the cessation of a 10-year or greater storm.

D. Suspension and Revocation: Any approval or permit issued by the municipality may be suspended or revoked for:

- (1) Non-compliance with or failure to implement any provision of an 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 a Regulated Activity.
- (3) The creation of any condition or the commission of any act which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.

E. A suspended approval may be reinstated by the municipality when:

- (1) The municipality has inspected and approved the corrections to the violations that caused the suspension.
- (2) The municipality is satisfied that the violation has been corrected.

F. An approval that has been revoked by the municipality cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.

G. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the municipality may provide a limited time period for the owner to correct the violation. In these cases, the municipality 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 municipality may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

SECTION 11: Add Section 709 to Part 7 of Chapter 22 as follows:

**709. Compatibility with Other Requirements.**

Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance.

SECTION 12: Add Section 710 to Part 7 of Chapter 22 as follows:

**710. 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 a board, agency or employee of the Municipality purporting to validate such a violation.

SECTION 13: Add Part 9 to Chapter 22 as follows:

**Part 9**

**References**

**§901. 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 (March 2012), 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

SECTION 14:

If any sentence, clause, section or part of this Ordinance or as included in Chapter 22 is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or as included in Chapter 22. It is hereby declared as the intent of the Council of the Borough that this Ordinance and as included in Chapter 22 would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein or as included in Chapter 22.

SECTION 15:

Except as set forth herein, no other amendment is made to the Borough of Hollidaysburg Ordinance for Subdivision and Land Development Regulations, and the existing provisions un-amended hereby shall remain in full force and effect. All other ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 16:

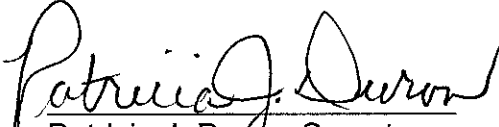
This Ordinance shall become effective upon the earliest date provided by law.

ENACTED AND ORDAINED at a meeting of the Borough Council of the Borough of Hollidaysburg held this 12<sup>th</sup> day of July, 2018.

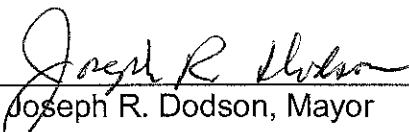
BOROUGH OF HOLLIDAYSBURG

BY:   
Joseph A. Pompa, President

ATTEST:

  
Patricia J. Duron, Secretary

Approved this 12<sup>th</sup> day of July, 2018.

By:   
Joseph R. Dodson, Mayor