

CHAPTER 26

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PART 1

WATER CONSERVATION

§26-101. Water Conservation Required.

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which construction a permit is required to be obtained from Hulmeville Borough (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §26-102 of this Part.

(Ord. 182, 12/3/1990, §1)

§26-102. Water Conservation Standards.

1. **Water Closets and Associated Flushing Mechanisms.** The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the American National Standard Institute A122.19.2M and A112.19.6M, herein after called ANSI.
2. **Urinals and Associated Flushing Mechanisms.** Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A122.19.2M and ANSI A112.19.6M.
3. **Showerheads.** Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A122.18.1M.
4. **Faucets.** Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A122.18.1M.
5. **Pressure Reducing Valves.** Where the service water pressure to a building is expected to exceed 60 psi, a water pressure reducing valve with strainer shall be installed just downstream of the building's main valve, so as to be accessible. The valve shall provide for pressure adjustment within the range of 50 to 60 psi. The valve shall conform to the requirements of product standard 1003 of A Society of Sanitary Engineers. Exemptions to this article are service lines to sill cocks, outside hydrants, and main supply risers to buildings where pressure from mains does not exceed 60 psi at the fixture branches or at individual fixtures.

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(*Ord. 182, 12/3/1990, §2*)

§26-103. Special Purpose Equipment; Exemptions.

1. **Special Purpose Equipment.** The performance standards of §26-102 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.
2. **Exemptions.** Any person may apply to the Hulmeville Borough Council for an exemption to the terms of this Part, which may be granted by the Borough Council as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

(*Ord. 182, 12/3/1990, §3*)

§26-104. Modification of Standards.

The Borough Council may, from time to time, modify, add to, or remove from the standards and restrictions herein.

(*Ord. 182, 12/3/1990, §4*)

§26-105. Penalties.

It shall be an offense for any person to use or apply water within Hulmeville Borough contrary to or in violation of the restrictions herein, and upon conviction thereof, such persons shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a time of imprisonment not to exceed 30 days.

(*Ord. 182, 12/3/1990, §5; as amended by Ord. 223, 1/7/2002*)

PART 2

WATER CONNECTIONS

§26-201. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY - the Hulmeville Municipal Authority, a Pennsylvania municipal authority created under the Pennsylvania Municipal Authorities Act of 1945.

BOROUGH - the Borough of Hulmeville, Bucks county, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its elected Council or, in appropriate cases, by and through its authorized representative.

BUILDING WATER CONNECTION - the extension from the water system of any structure to the service connection of the water line.

COMMERCIAL ESTABLISHMENT - any structure or any portion thereof intended to be used wholly or in part for the purpose of carrying on a trade, business or profession, or for social, amusement, religious, educational, charitable or public uses, and which contains plumbing for kitchen, toilet, water fountain or washing facilities.

COMMONWEALTH - the Commonwealth of Pennsylvania.

IMPROVED PROPERTY - any property within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and to which structure water shall be supplied.

INDUSTRIAL ESTABLISHMENT - any structure within this Borough intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembling of any product, commodity or article.

MOBILE HOME COURT OR APARTMENT COMPLEX - a building or buildings consisting of several one-family units. Mobile home court means large tracts of land used for the prime purpose of parking mobile homes or travel trailer for permanent living purposes.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, society, trust, association, corporation, municipality, municipal authority or any other group or entity.

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PRIVATE DWELLING OR LIVING UNIT - a structure or dwelling intended to be occupied as a whole by one family or an apartment intended to be occupied by one family or any other one-family unit.

SERVICE CONNECTION - that part of the water system extending from the water line to the right-of-way line, or if no such water connection shall be provided, the "service connection" shall mean that portion of, or place in, a water line which is provided for connection of any building water connection.

WATER CONSUMER OR CONSUMER - an owner of real estate who applies for service and enters into an agreement therefor for a supply of water to his property.

WATER LINE - any pipe or main constituting part of the water system used or usable for water supply purposes.

WATER RENTAL - periodic charge for direct or indirect connection with the water system of the Authority.

WATER SYSTEM - all facilities, as of any particular time, for supply, transmission and distribution of water in this Borough and owned by the Authority.

(Ord.190, 1/13/1992, §1)

§26-202. Required Use of Public Water Supply System

1. The Owner of any improved property abutting upon the water system shall connect such improved property in such manner as this Borough may require, within 60 days after notice to such owner from this Borough to make such connection, for the purpose of procuring such owner's supply of water, subject to such limitations and restrictions as shall be established herein or otherwise by this Borough or the Authority, from time to time.
2. The notice by this Borough to make a connection to the water system, referred to in subsection (1) of this Section shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring such connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days after the date such notice is given or served. Such notice may be given or served at any time after the water system is in place which can supply water to the particular improved property. Such notice shall be given or served upon the owner either by personal service or by registered or certified mail to the last known address of the owner.

(Ord.190, 1/13/1992, §1)

§26-203. Building Water Connections.

1. No person shall uncover, connect with, make any opening into, or use, alter or disturb, in any manner, the water system without first making application for and securing a permit, in writing, from this Borough or its designated representative.
2. Application for a permit required under subsection (1) of this Section shall be made by the owner of the improved property served or to be served or by a duly authorized agent of such owner.
3. No person shall make or cause to be made a connection of any improved property to the water system until such person shall have fulfilled each of the following conditions:
 - A. Such person shall have notified, the Borough of the desire and intention to connect such improved property to the water system.
 - B. Such person shall have applied for and obtain a permit as required by subsection (1) of this Section.
 - C. Such person shall have given the Borough at least 48 hours notice of the time when such connection will be made, so that the Borough may inspect the work and necessary testing of Connections.
 - D. Such person shall have furnished satisfactory evidence to the Borough that any tapping, connection, and customer facilities fees charged and imposed by the Borough against the owner of each improved property who connects such improved property to the water system has been paid.
4. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with the water system through the building water connection. Grouping more than one improved property on one building water connection shall not be permitted, except under special circumstances and then only after special permission of the Borough, in writing, shall have been secured. Such special permission shall be subject to such rules, regulations and conditions as may be prescribed by this Borough.
5. All costs and expenses of construction of a building water connection and all costs and expenses of connection to the service connection shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of and/or connection of a building water connection.
 - A. The Borough shall provide the owner with the required water meter, the cost of which shall be included in the customer facilities fee paid by the owner to the Authority
6. A building water connection shall be connected to the service connection at the place designated by this Borough or by the Authority, or where the service connection has

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been provided. A smooth, neat joint shall be made and the connection of a building water connection to a service connection shall be made secure and watertight.

7. If the owner of any improved property located in this Borough fails to connect, after 60 days notice from this Borough, in accordance with §26-201, the Borough may make such connection and may collect from such owner the costs and expenses thereof. In such cases this Borough shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Borough shall file a municipal lien for said construction within 6 months of the date of completion of the construction of said connection, the same to be subject in all respect to general law providing for the filing and recovering of municipal liens.
8. Each and every owner of property located on one of the potable water distribution systems constructed recently by the Hulmeville Borough or its Municipal Authority must pay in the amounts on the dates set forth in the following schedule:

Tapping fee billed November 1, 1992, payable on or before December 31, 1992

One residential domestic unit (EDU)	\$1,000
One commercial unit (EDU)	\$1,500
Two residential domestic units (EDU)	\$2,000
Four residential and/or commercial units (EDU)	\$2,500
2 inch water service line	\$3,000
4 inch water service line	\$4,000

- A. Availability fee of \$15.30 for each service lateral, payable quarterly until each said property is connected to the distribution system, following which the owner of each such service lateral will be subject to a minimum quarterly charge of \$15.30 for the first 5,000 gallons of water or part thereof used plus \$2 for each 1,000 gallons of water or part thereof, used in excess of 5,000 gallons.
- B. Charges for water availability and water used shall be billed quarterly based on meter readings, with payment due 1 month thereafter.

[Ord. 197]

- C. All amortization, minimum and usage rentals and tapping fees for water service which remain unpaid for more than 6 months, together with interest and penalties thereon, shall be deemed to be delinquent and shall be a lien against such property served and shall be entered as a lien against the property served in the office of the Prothonotary of Bucks County to be collected in the manner provided by law for the filing and collection of such liens.

(*Ord. 190*, 1/13/1992, §3; as amended by *Ord. 197*, 12/6/1993, §3; and by *Ord. 223*, 1/7/2002)

§26-204. Rules and Regulations Governing Building Water Connections.

1. No building water connection shall be covered until it has been inspected and approved by the Borough. If any part thereof is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the water system.
2. Every building water connection of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
3. Every excavation for a building water connection shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any streets, sidewalks and other public property disturbed in the course of installation shall be restored, at the cost of the owner of the improved property being connected, in a manner satisfactory to this Borough.
4. If any person shall fail or refuse, upon receipt of a notice from this Borough or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building water connection, within 60 days of receipt of such notice, this Borough or the Authority may refuse to permit such person to receive water from the water system until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough and the Authority.
 - A. In the event that any unsatisfactory condition with respect to a building water connection creates an emergency situation or constitutes a health hazard, the Borough and/or the Authority shall immediately terminate the supply of water to said building water connection. This termination will remain in effect until the unsatisfactory condition of the building water connection has been corrected by the owner and the emergency situation or health hazard thereby eliminated to the satisfaction of the Borough and/or the Authority.
5. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Water Line and with the water system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(*Ord. 190*, 1/13/1992, §4)

§26-205. Enforcement.

1. Any person who shall violate this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. [*Ord. 223*]

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2. Fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law and shall be payable to this Borough.
3. Failure to pay water rents within 10 days after the bill becomes due shall be cause for termination of water service until payment is made of all outstanding charges for water service, provided in no case shall the water supply be shut off until 10 days after written notice of an intention so to do has been mailed to the persons liable for payment, but in no event until the said water rental delinquency has continued for at least 6 months. [*Ord. 203*]
4. Failure to pay either usage, amortization service or a minimum charges within 10 days after the gross bill becomes due shall be cause for termination of water service until payment is made of all outstanding charges for water service; provided, in no case shall the water supply be shut off until 10 days after written notice of an intention so to do has been mailed to the person or persons liable for payment and a written notice has been posted at a main entrance to the premises where water supply is to be shut off. If during such 10 day period, the person or persons liable for payment deliver to Hulmeville Borough a written statement which states under oath or affirmation that such statement is not executed for purpose of delay and that he or she has a jest defense to the claim for payment, the water supply shall not be shut off until such claim has been judicially determined. [*Ord. 197*]
5. If service is terminated under the conditions set forth in subsection (4) above, a reconnection charge of \$50 shall be paid before service is restored. [*Ord. 197*]

(*Ord. 190, 1/13/1992, §5; as amended by Ord. 197, §§4,-6; by Ord. 203, 1/15/1996; and by Ord. 223, 1/7/2002*)

§26-206. Declaration of Purpose.

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

(*Ord. 190, 1/13/1992, §8*)

PART 3

STORMWATER MANAGEMENT

A. General Provisions.

This Part is established to regulate and control the discharge and quality of stormwater runoff within the Borough of Hulmeville. Thereby, creating conditions favorable to the health, safety and welfare of the community.

(Ord. 192, 2/1/1993)

§26-301. Title.

This Part shall be known as the "Hulmeville Borough Stormwater Management Ordinance."

(Ord. 192, 2/1/1993, §101)

§26-302. Statement of Findings.

The Council of Hulmeville Borough finds that:

- A. Inadequate management of stormwater runoff from development in a watershed increases flood flows and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive and reasonable program of stormwater management regulations is fundamental to the public health, safety, and welfare and to the protection of the citizenry and environment.

(Ord. 192, 2/1/1993, §102)

§226-303. Purpose.

The purpose of this ordinance is to promote the public health, safety and welfare within the Neshaminy Creek Watershed portion of Hulmeville Borough by minimizing the damages described in §26-301(1) of this Part by provisions designed to:

- A. Manage stormwater runoff created by development activities taking into account the cumulative basin-wide stormwater impacts from peak runoff rates and runoff volume.

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- B. Maintain and/or improve existing water quality of streams, watercourses and impoundments by preventing the additional loading of various stormwater runoff pollutants into the stream and enhancing baseflow as much as possible.
- C. Preserve existing natural drainageways and watercourses.
- D. Provide for proper maintenance of all stormwater management facilities.

(Ord. 192, 2/1/1993, §103)

§26-304. Statutory Authority.

The Council of Hulmeville Borough, pursuant to the Pennsylvania Stormwater Management Act, Act No. 167 of October 4, 1978 P.L. 864 , and the Neshaminy Greek Watershed Stormwater Management Plan, hereby enacts and ordains this Part as the "Hulmeville Borough Stormwater Management Ordinance." This Part shall apply to the activities defined in §26-305 of this Part.

(Ord. 192, 2/1/1993, §104)

§26-305. Applicability.

- 1. This Part shall apply throughout Hulmeville Borough.
- 2. This Part contains those stormwater runoff control criteria and standards which are necessary or desirable from a total watershed perspective.
- 3. The following activities are defined as regulated activities and shall be regulated by this Part:
 - A. Land development.
 - B. Subdivision.
 - C. Construction of new or additional impervious surfaces (driveways, parking lots, etc.).
 - D. Construction of new buildings or additions to existing buildings.
 - E. Diversion or piping of any natural or man-made stream channel.
 - F. Installation of stormwater systems or appurtenances thereto.

(Ord. 192, 2/1/1993, §105)

§26-306. Compatibility With Other Ordinance Requirements.

Approvals issued pursuant to this Part 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.

(Ord. 192, 2/1/1993, §108)

B. Definitions.

§26-311. General.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Part, have the meaning indicated below. Words used in the singular include the plural and words used in plural include the singular. The word "building" shall be construed as if followed by the words "or a part thereof." The word "may" is permissive: the words "shall" and "will" are mandatory.

(Ord. 192, 2/1/1993, §201)

§26-312. Terms.

APPLICANT - a landowner, as herein defined, or agent of the landowner, who has filed an application for a stormwater management permit.

BUILDING - any structure, either temporary or permanent, having walls and a roof, designed or used for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CISTERN - an underground reservoir or tank for storing rainwater.

CONSERVATION DISTRICT - the Bucks County Conservation District.

CULVERT - a pipe, conduit, or similar structure including appurtenant works which carries surface water.

DEDICATION - the deliberate devotion of property by its owner for general public use.

DESIGN STORM - the magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50 year storm) and duration (e.g., 24 hour), and used in computing stormwater management control systems.

DETENTION BASIN - a basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DEVELOPER - a person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this Part.

DEVELOPMENT SITE - the specific tract of land for which a regulated activity is proposed.

DRAINAGE EASEMENT - a right granted by a landowner to grantee, allowing the use of private land for stormwater management purposes.

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EROSION - the removal of soil particles by an action of water, wind, ice or other geological agents.

GROUNDWATER RECHARGE - replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE - a surface which prevents the percolation of water into the ground.

INFILTRATION STRUCTURES - a structure designed to direct runoff into the ground, (e.g., french drains, seepage pits, seepage trench).

LANDOWNER - the legal, beneficial, equitable owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or any other person having a proprietary interest in land.

LAND DEVELOPMENT - (i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.

PEAK DISCHARGE - the maximum rate of flow of storm runoff at a given point and time resulting from a specified storm event.

REGULATED ACTIVITIES - actions or proposed actions which impact upon proper management of stormwater runoff and which are governed by this Part as specified in §26-304.

RELEASE RATE - the percentage of the pre-development peak rate of runoff for a development site to which the post-development peak rate of runoff must be controlled to protect downstream areas.

RETENTION BASIN - a basin designed to retain stormwater runoff so that a permanent pool is established.

RUNOFF - that part of precipitation which flows over the land.

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

SEDIMENT - solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

SEDIMENTATION BASIN - a barrier, dam, retention or detention basin designed to retain sediment.

SEEPAGE PIT/SEEPAGE TRENCH - an area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

SEMI-IMPERVIOUS SURFACE - a surface such as stone, rock, concrete or other material which prevents some percolation of water into the ground.

SOIL-COVER COMPLEX METHOD - a method of runoff computation developed by SCS which is based upon relating soil type and land use/cover to a runoff parameter called a curve number.

STORM SEWER - a system of pipes or other conduits carries intercepted surface runoff, street water and other waters, or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER MANAGEMENT PLAN - the plan for managing stormwater runoff adopted by Bucks County for the Neshaminy Creek Watershed as required by the Act of October 4, 1978, P. L. 864, (Act 167), and known as the "Stormwater Management Act."

STREAM - a watercourse.

SUBAREA - the smallest unit of watershed breakdown for hydrologic modeling purposes for which the runoff control criteria have been established in the Neshaminy Creek Watershed Stormwater Management Plan.

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.

SWALE - a low lying stretch of land which gathers or carries surface water runoff.

WATERCOURSE - any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

(Ord. 192, 2/1/1993, §202)

C. Stormwater Management Requirements.

§26-321. General Requirements.

1. The standards contained in this Part3C shall apply as minimum design standards; however, Federal and State regulations may impose additional standards subject to their jurisdiction.
2. **Retention of Existing Watercourse and Natural Drainage Features.**
 - A. Whenever a watercourse, stream, or intermittent stream is located within a development site, it shall remain open in its natural state and location and shall not be piped.
 - B. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
 - C. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems (including existing stormwater management facilities) or create flooding.
 - D. The Council of Hulmeville Borough may require a developer to provide a permanent easement along any watercourse located within or along the boundary of any property being subdivided or developed. The purpose of any such easement shall be for the maintenance of the channel of any watercourse; and the terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the watercourse. The required width of any such easement shall be determined by the Borough Engineer, U.S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection or other public agency having jurisdiction but, in no case, shall such easement be less than 50 feet in width. The developer will retain the easement until such time as one of the following is accomplished:
 - (1) The easement is offered for dedication by the developer and accepted by Hulmeville Borough.
 - (2) If an easement acceptable to the municipality is established, the maintenance shall then be the responsibility of the individual lot owners over whose property the easement passes. For land developments, the maintenance shall then be the responsibility of the owner.
 - (3) A homeowners association or other approved legal entity, approved by Hulmeville Borough, assumes responsibility for the maintenance of the development, including the retention of the watercourse easement.
3. Developers shall construct and/or install stormwater management facilities, on and off-site, as necessary to:

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- A. Prevent erosion damage and to satisfactorily carry off, detain, or retain and control the rate of release of stormwater.
 - B. Manage the anticipated peak discharge from property being subdivided or developed and existing runoff being contributed from all land at a higher elevation in the same watershed.
 - C. Convey stormwater along or through the property to a natural outfall. If a developer concentrates dispersed stormwater flow or redirects stormwater flow to exit at another location on the property, the developer is responsible for constructing an adequate channel on the adjacent property and on all downstream properties until a natural outfall is reached.
 - (1) A natural outfall shall have sufficient capacity to receive stormwater without deterioration of the facility and without adversely affecting property in the watershed. This natural outfall may be a river, creek or other drainage facility so designated by Hulmeville Borough for the proposed system.
4. Where applicable, stormwater management facilities or programs shall comply with the requirements of Chapter 102 (Erosion Control), Chapter 105 (Dam Safety and Waterway Management) and Chapter 106 (Floodplain Management) of Title 25, Rules and Regulations of the DEP.
 5. Stormwater management facilities which involve a state highway shall be subject to the approval of PennDOT.
 6. Stormwater management facilities located within or affecting the floodplain of any watercourse shall also be subject to the requirements of any Hulmeville Borough ordinance which regulates construction and development within areas which are subject to flooding.
 7. Access to facilities shall be provided for maintenance and operation. This access shall be a cleared access that is, when possible, approximately 20 feet wide. Proximity of facilities to public right-of-ways shall be encouraged in order to minimize the length of accessways. Multiple accesses shall be encouraged for major facilities.
 8. Additional studies and higher levels of control than the minimum provided in the requirements and criteria of this Part may be required by the Council to ensure adequate protection to life and property.

(Ord. 192, 2/1/1993, §301)

§26-322. Water Quality Requirement.

Post-development runoff volume generated from the 1 year, 24 hour design storm must be controlled so that it is released over a minimum of 24 hours.

(Ord. 192, 2/1/1993, §302)

§26-323. Stormwater Runoff Peak Rate Requirements and Districts.

The watershed area, defined as the lower reaches or tidal influence areas of the Neshaminy Creek Watershed, require that the post development peak rate of runoff be controlled to the pre-development peak rate of runoff for design storms greater than the 1 year, 24 hour storm. However, development sites which can discharge directly to the Neshaminy Creek main channel or indirectly to the main channel through an existing stormwater drainage system (i.e., storm sewer) may do so without control of post-development peak rate of runoff for design storms greater than the 1 year, 24 hour storm. If the post-development runoff is intended to be conveyed by an existing stormwater drainage system to the main channel, assurances must be provided that such system has adequate capacity to convey the increased peak flows or will be provided with improvements to furnish the required capacity. When adequate capacity does not exist and will not be provided through improvements the post development peak rate of runoff must be controlled to the pre-development peak rate for the specified design storms.

(Ord. 192, 2/1/1993, §303)

§26-324. Stormwater Design Standards and Criteria.

Design Storms. Any stormwater management controls required by this Part and subject to the water quality requirement (§26-322) and the stormwater runoff peak rate requirements (§26-323) shall meet the applicable water quality and peak rate requirements for the 1, 2, 5, 10, 25, 50 and 100year return period runoff events (design storms) consistent with the calculation methodology specified in §26-325. Provisions must also be made for safely passing the runoff greater than that occurring from the largest design storm.

(Ord. 192, 2/1/1993, §304)

§26-325. Runoff Calculation Methodology.

1. To calculate the potential increase in total runoff and peak flow rate resulting from a proposed site development, the "cover complex" method will be used, as outlined in "Urban Hydrology for Small Watersheds," U.S. Department of Agriculture, Soil Conservation Service, Technical Release 55 (NTIS PB87-101580) and following mathematical analyses described in "Computer Program for Project Formulation Hydrology" (SCS Technical Release 20, 1983).

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2. Farm field or disturbed earth pre-development cover conditions (existing conditions) of a site or portions of a site used for modeling purposes shall be considered as "meadow" when developing the necessary "cover complex" calculations.
3. The Soil Conservation Service Type II 24-hour rainfall distribution shall be used in the soil cover complex calculations. The 24-hour rainfall depths for the return periods used in the soil cover complex method shall be:

Return Period	24 hour Rainfall Depth
1 year	2.7 inches
2 year	3.3 inches
5 year	4.2 inches
10 year	5.0 inches
25 year	5.8 inches
50 year	6.4 inches
100 year	7.2 inches

4. The design of any stormwater management facility intended to meet the requirements of this Part shall be verified by routing the design storm hydrographs through the proposed facility.

(Ord. 192, 2/1/1993, §305)

§26-326. Erosion and Sedimentation Standards and Criteria.

1. 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 DEP Bureau of Soil and Water Conservation and Bucks County Conservation District policies and the standards and specifications of the appropriate municipal government.
2. Additional erosion and sedimentation control design standards and criteria that must be or are recommended to be applied where infiltration BMP's are proposed include the following:
 - A. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.

- B. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization. Exceptions to this requirement are infiltration basins designed to accept construction phase sediment. Design criteria for such basins are found in Appendix V.
- C. Sediment traps per design criteria presented in the Pennsylvania Bureau of Soil and Water Conservation's "Erosion and Sediment Pollution Control Program Manual" are recommended to be used in lieu of sediment basins.
- D. Detailed construction schedules shall be included in all erosion and sediment control plans and stormwater management plans reviewed by the Bucks County Conservation District.

(Ord. 192, 2/1/1993, §303)

D. General Requirements.

§26-331. General Requirements.

For any of the regulated activities of this Part, prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any land disturbance activity, the owner, subdivider, developer or his agent shall submit a stormwater management plan for approval by the Hulmeville Borough. In addition to the requirement of this Part, the plan shall meet the requirements of Title 25 Rules and Regulations of the DEP Chapter 102 (Erosion Control), Chapter 105 (Dam Safety and Waterway Management), and Chapter 106 (Floodplain Management).

(Ord. 192, 2/1/1993, §401)

§26-332. Exemptions.

1. Any regulated activity which would create less than 10,000 square feet of additional impervious cover is exempt from the stormwater management plan preparation provisions of this Part. This criterion shall apply to the total proposed development even if development is to take place in stages. Additional impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed regulated activity. Any areas designed to initially be gravel, crushed stone, porous pavement, etc., but is intended to ultimately become impervious shall be assumed to be impervious for the purposes of this Part.
2. **Agricultural Operations Exclusion.** Any land disturbance associated with agricultural activities operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Bucks County Conservation District or the U.S.D.A. Soil Conservation Service is exempt from the stormwater management plan preparation provisions of this Part.
3. **Forest Management Operations Exclusion.** Any land disturbance associated with forest management operations which are following the DEP's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under an adequate erosion and sedimentation control plan approved by an applicable agency is exempt from the stormwater management plan preparation provisions of this Part.
4. **Mining Operations Exclusion.** Any land disturbance associated with mining operations approved and operated in accordance with all applicable rules and regulations of the DEP and is operating under an erosion and sedimentation control plan approved by the applicable agency.
5. Use of land for gardening for home consumption.
6. Application procedures for exempt activities under subsection (1):

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- A. Prepare a sketch stormwater management plan showing general features and locations of proposed stormwater management techniques. The design of the proposed stormwater management techniques can be provided by a licensed professional engineer, licensed land surveyor or a person trained and experienced in stormwater management and erosion and sedimentation control. The design, structure, integrity and installation of the control measure are the responsibility of the developer.
- B. Submit two copies of sketch stormwater management plan to Hulmeville Borough for approval.
- C. Sketch stormwater management plan must be approved before issuance of any building or zoning permits.

(Ord. 192, 2/1/1993, §402)

§26-333. Stormwater Management Plan Contents.

The following items shall be included in the stormwater management plan:

- A. Written report, including the following information:
 - (1) General description of project.
 - (2) General description of proposed stormwater management controls and facilities both during and after development.
 - (3) General description of erosion and sedimentation controls including those contained in any required erosion and sedimentation control plan.
 - (4) Expected project time schedule, including anticipated start and completion dates.
- B. Maps including or prepared in accordance with the following:
 - (1) **Drafting Standards.**
 - (a) The plan shall be drawn at a scale of 1 inch = 50 feet or larger.
 - (b) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
 - (c) Each sheet shall be numbered and shall show its relationship to the total number of sheets.

- (d) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
- (e) The boundary line of the subdivision or land development shall be shown as a solid heavy line.
- (f) Plans shall be on sheets no smaller than 18" x 22" and no larger than 36" x 44".

(2) **General Information.**

- (a) Name or identifying title of project and tax parcel number (if applicable).
- (b) Name and address of the owner/applicant/developer.
- (c) Name and address of individual who prepared the plan.
- (d) A location map for the purpose of locating the site at a scale not less than 800 feet to the inch showing the relation of the tract to adjoining property and to all streets, roads, and municipal boundaries, existing within 1,000 feet of any part of the tract.
- (e) Plan date and date of latest revision to plan, north point, graphic scale, and written scale.
- (f) Note on plan indicating any area that is to be offered for dedication.
- (g) Certificate, signed and sealed by an individual registered in the Commonwealth of Pennsylvania and qualified to perform such duties, indicating compliance with the provisions of this Part (see Appendix I).
- (h) Total acreage of tract.

(3) **Existing Features.**

- (a) Complete outline survey of the property to be subdivided or developed shall be provided showing all courses, distances and area, and tie-ins to all adjacent intersections.
- (b) The location, names, and widths of streets, the location of property lines and names of owners, the location of sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided or developed: the location of streams, lakes, ponds, or other watercourses outside the project area which will be affected by runoff from the project.

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- (c) The location, size, and ownership of all underground utilities and services (e.g., wells, on-site sewage disposal systems) and any rights-of-way or easements within the property.
 - (d) The location of existing buildings, streets, and other significant features within the property the location and area of all floodplain, forests, lakes, ponds, watercourses (including drainage SWALE), wetlands, slopes 8-15%, steep slopes 15-25%, steep slopes 25% or steeper.
 - (e) Contours at vertical intervals of two feet; vertical intervals of 5 feet for steep slopes (greater than 15%).
 - (f) An overlay showing soil types and boundaries and a statement as to where the soils data was obtained.
 - (g) Stormwater management district boundaries applicable to the site.
- (4) **Proposed Features.**
- (a) Proposed land use, total number of lots and dwelling units, and extent of commercial, industrial or other non-residential uses.
 - (b) Locations and dimensions of all proposed streets, sidewalks, lot lines, building locations, parking compounds, impervious and semi-impervious surfaces (total area), sanitary sewer facilities, water facilities and areas proposed for public dedication.
 - (c) Proposed changes to land surface and vegetative cover including areas to be cut or filled as shown on a plan for surface drainage.
 - (d) Final contours at vertical intervals of two feet: vertical intervals of 5 feet for steep slopes (greater than 15%).
 - (e) Plans and profiles of proposed stormwater management facilities including horizontal and vertical location, size and type of material. This information shall be of the quality required for the construction of all facilities and include all calculations, assumptions, and criteria used in the design of the facilities; a schedule for installation of such facilities; and a proposed schedule of inspections which will be performed by the applicant's engineer or designee in company with the Borough Engineer or designee.
 - (f) The locations of septic tank infiltration areas and wells when infiltration methods such as cisterns, seepage beds or trenches or infiltration basins are used. Also soil percolation tests and

submission of the percolation data and test locations to substantiate percolation rates used in the drainage calculations.

- (g) Plans and profiles of all erosion and sedimentation control measures, temporary as well as permanent, including all calculations, assumptions, and criteria used in designing the controls, and a schedule for their implementation.
 - (h) An encroachment map which illustrates (1) all natural features and (2) a preliminary regrading plan which illustrates all disturbance of the identified natural feature areas; the amount of each natural feature disturbed indicated and illustrated on the encroachment map.
 - (i) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, or other reasons.
- C. Description of an ownership and maintenance program, in a recordable form, that clearly sets forth the ownership and maintenance responsibility for all temporary and permanent stormwater management facilities, including the following:
- (1) Descriptions of the method and extent of the maintenance requirements.
 - (2) When maintained by private entity, identification of a responsible individual, corporation, association or other entity for ownership and maintenance. Deed covenants and restrictions must be submitted to provide for maintenance by this entity.
 - (3) When maintained by a private entity, a copy of the legally binding document which provides that Hulmeville Borough shall have the right to:
 - (a) Inspect the facilities at any time.
 - (b) Require the private entity to take corrective measures and assign the private entity reasonable time periods for any necessary action.
 - (c) Authorize maintenance to be done and lien the cost of the work against the properties of the private entity responsible for maintenance.
 - (4) Where the stormwater management plan proposes that Hulmeville Borough own or maintain the facilities, a description of the methods, procedures, and the extent to which any facilities shall be turned over to Hulmeville Borough.

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- D. Financial security for the completion of stormwater management facilities as set forth in §26-353 of this Part.
- E. Maintenance guarantee, as set forth in §26-353 of this Part.
- F. When a stormwater management plan is submitted in sections, a generalized stormwater management plan for the entire project site shall be submitted in addition to the detailed stormwater management plan for the proposed section. This generalized plan shall demonstrate how the stormwater of the proposed section will relate to the entire development. If temporary facilities are required for construction of a section, such facilities shall be included in the submitted stormwater management plan.

(Ord. 192, 2/1/1993, §403)

§26-334. Plan Submission.

1. For Regulated Activities.

- A. The stormwater management plan shall be submitted by the developer to the Borough Secretary (or other appropriate person) as part of the preliminary plan submission for the subdivision or land development or as part of the building application.
 - B. Five copies of the stormwater management plan shall be submitted.
 - C. Distribution of the stormwater management plan shall be as follows:
 - (1) Two copies to the Hulmeville Borough Council.
 - (2) One copy to the Borough Engineer.
 - (3) One copy to the Bucks County Planning Commission representative.
 - (4) One copy to the Bucks County Conservation District.
2. The stormwater management plan shall be accompanied by the requisite fee, as set forth in Section 602 of this Part.

(Ord. 192, 2/1/1993, §404)

§26-335. Plan Review and Approval.

- 1. The Council shall review and approve or disapprove the stormwater management plan submitted pursuant to §26-434(1) within a time frame consistent with established procedures under the Pennsylvania Municipalities Planning Code (Act

247 of 1968 as amended) and the Hulmeville Borough Subdivision and Land Development Ordinance [Chapter 22].

2. The Borough Engineer shall review the stormwater management plan for consistency with the adopted Neshaminy Creek Watershed Stormwater Management Plan as embodied by this Part and against any additional storm drainage provisions contained in the Municipal Subdivision and Land Development [Chapter 22] or Zoning Ordinance [Chapter 27], as applicable.
3. Any subdivision or land development or building permit application shall not be approved if the stormwater management plan has been found to be inconsistent with the Neshaminy Creek Watershed Stormwater Management Plan as determined by the Borough Engineer.
4. The decision of the council concerning stormwater management plans submitted pursuant to §26-434(1) shall be in writing and shall be communicated to the developer personally or mailed to him at his last known address no later than 15 days following the decision. When the stormwater management plan is not approved in terms as submitted, the decision shall specify the defects found in the stormwater management plan and describe the requirements which have not been met and shall, in each case, cite the provisions of the Part relied upon. Failure of the Council to render a decision and communicate it to the developer within the time and in the manner required herein shall be deemed an approval of the stormwater management plan in terms as presented unless the developer has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

(Ord. 192, 2/1/1993, §405)

§26-336. Modification of Plans.

A modification to a submitted stormwater management plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the stormwater management plan (as determined by the Borough Engineer) shall require a resubmission of the modified stormwater management plan consistent with §26-434 subject to review per §26-435 of this Part.

(Ord. 192, 2/1/1993, §406)

E. Permit Requirements and Procedures.

§26-341. General.

In accordance with §26-304 of this Part, a regulated activity as defined in §26-305 of this Part shall not be initiated until a stormwater management permit (see Appendix B) has been issued.

(Ord. 192, 2/1/1993, §501)

§26-342. Applications Requirements.

1. The applicant shall obtain the required stormwater management permit for regulated activities specified in §§26-305(A) and (B) after obtaining the required subdivision or land development plan approval and stormwater management plan approval as specified in Part 3D. The stormwater management permit will be issued by the Council concurrently with the final subdivision and land development approval.
2. The applicant shall obtain the required stormwater management permit for regulated activities specified in §§26-305(C) and (D) after obtaining the required building permit approval and stormwater management plan approval as specified in Part 3D. The stormwater management permit will be issued by the Council concurrently with the issuance of the building permit.
3. The applicant shall obtain the required stormwater management permit for regulated activities specified in §§26-305(E) and (F) from the Council after obtaining the necessary State permits.

(Ord. 192, 2/1/1993, §502)

§26-343. Exemptions.

1. Any regulated activity which would create less than 10,000 square feet of additional impervious cover is exempt from the stormwater management permit requirements of this Part. This criteria shall apply to the total proposed development even if development is to take place in stages. Additional impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed regulated activity. Any areas designed to initially be gravel, crushed stone, porous pavement, etc., shall be assumed to be impervious for the purposes of this Part.
2. **Agricultural Operations Exclusion.** Any land disturbance associated with agricultural activities operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Bucks County Conservation District

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or the U.S.D.A. Soil Conservation Service is exempt from the stormwater management permit requirements of this Part.

3. **Forest Management Operations Exclusion.** Any land disturbance associated with forest management operations which are following the DEP's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under an adequate erosion and sedimentation control plan and approved by an applicable agency is exempt from the stormwater management permit requirements of this Part.
4. **Mining Operations Exclusion.** Any land disturbance associated with mining operations approved and operated in accordance with all applicable rules and regulations of DEP and is operating under an erosion and sedimentation control plan approved by the applicable agency.
5. Use of land for gardening for home consumption.

(Ord. 192, 2/1/1993, §503)

§26-344. Application for Permit.

Applications for stormwater management permits required by this Part shall be made on forms (see Appendix C) supplied by the Borough. Such application shall provide a brief description of the stormwater management controls and regulated activities. This application shall become part of the stormwater management plan submission required by Part 3D.

(Ord. 192, 2/1/1993, §504)

§26-345. Modification of Plans.

A modification to an approved stormwater management plan, shall require a new stormwater management permit. The permit shall be issued following approval of the revised plan.

(Ord. 192, 2/1/1993, §505)

§26-346. Expiration and Renewal.

1. All stormwater management permits shall expire 12 months from the date of issuance unless construction is commenced prior to this date or an extension of time is approved.
2. An extension of an expired stormwater management permit shall be issued by the Borough following the submission of a written request if, in the opinion of the

Borough Engineer, the subject property or affected surrounding area has not been altered in a manner which requires alteration to the stormwater management plan.

3. A renewal of an expired stormwater management permit may be issued by the municipality following a resubmittal of the permit application form, and review by the Borough Engineer to determine if any changes have occurred in project site conditions or stormwater management plan requirements since the original permit was issued. If such changes have occurred, the municipality may require the applicant to resubmit the stormwater management plan for a new review pursuant to Part 3D.
4. The refusal of the Borough to reissue an expired stormwater management permit shall contain the reasons for such refusal.
5. A stormwater management permit shall not expire while a request for an extension is pending.

(Ord. 192, 2/1/1993, §506)

§26-347. Suspension and Revocation.

1. Any stormwater management permit issued under this Part may be suspended or revoked by the Borough for:
 - A. Non-compliance with or failure to implement any provision of the permit.
 - B. A violation of any provision of this Part or any other applicable law, Part, rule or regulation relating to the project.
 - C. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance or which endangers the life or property of others.
2. A suspended stormwater management permit shall be reinstated by the Borough when:
 - A. The Borough Engineer has inspected and approved the corrections to the stormwater management control measure(s), or the elimination of the hazard or nuisance.
 - B. The Borough is satisfied that the violation of the Part, law, or rule and regulation has been corrected.
3. A stormwater management permit which has been revoked by the Borough cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Part.

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(Ord. 192, 2/1/1993, §507)

F. Administration.

§26-351. Schedule of Inspections.

1. Prior to approval of the constructed stormwater management facilities specified in the approved stormwater management plan, the developer must provide a schedule of inspections along with a final inspection and submission of "as-built" drawings to the Borough Engineer. These inspection provisions pertain only to construction activities regulated by the plan preparation provisions of Part 3D. However, any activities granted exemption from plan preparation provisions as described in §§26-332 and 26-343 and therefore exempt from the inspection provisions must manage stormwater in the manner specified in the other provisions of this Part.
2. The developer's engineer or qualified consultant shall inspect and submit inspection reports to the Borough and Borough Engineer for all phases of development of the site including, but not limited to:
 - A. Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary stormwater management and erosion control facilities.
 - B. Completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements and ground covers.
 - C. During construction of the permanent stormwater facilities at such times as specified by the Borough Engineer.
 - D. Upon completion of permanent stormwater management facilities, including established ground covers and plantings.
 - E. Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved stormwater management plan and permit (if required).
3. No work shall begin on a subsequent stage until the proceeding stage has been inspected and/or approved by the Borough Engineer.
4. It is the responsibility of the developer to notify the Borough Engineer 48 hours in advance of the completion of each identified phase of development.
5. Any portion of the work which does not comply with the approved stormwater management plan must be corrected by the developer within 10 days. No work may proceed on any subsequent phase of the stormwater management plan, the subdivision or land development or building construction until the required corrections have been made.
6. If at any stage of the work, the Borough Engineer determines that the soil or other conditions are not as stated or shown in the approved application, the same may

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refuse to approve further work and the municipality may revoke existing permits (if required) until a revised stormwater management plan is submitted and approved, as required by §26-336 of this Part. If the revised stormwater management plan cannot remedy the situation then Hulmeville Borough reserves the right to cancel its approval and halt all work except for that work required to eliminate the activity and return the site to pre-activity conditions as much as is reasonably possible

7. If the Borough Engineer discovers that the facilities or measures installed may be in violation of Chapter 102 (Erosion Control) of the Clean Streams Law provision, the Borough Engineer will refer these violations to the Bucks County Conservation District.
8. When the developer has completed all the required facilities, he shall notify Hulmeville Borough in writing by certified or registered mail, and shall send a copy of such notice to the Borough Engineer. Hulmeville Borough Council shall, within 20 days after receipt of such notice, authorize the Borough Engineer to inspect the required facilities. Following this final inspection, the Borough Engineer shall promptly file a report, in writing, with the Hulmeville Borough Council and shall mail a copy of the report of the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization by Hulmeville Borough Council.
9. Following final inspection, the developer shall submit drawings bearing the seal of a Pennsylvania registered professional engineer indicating the "as-built" improvements called for in the approved plan.

(Ord. 192, 2/1/1993, §601)

§26-352. Fees and Expenses.

1. Fees shall be established by resolution of Council which at a minimum will cover:
 - A. The review of sketch stormwater management plan specified in §26-302(6).
 - B. The review of the stormwater management plan by the agencies specified in §26-305. Review shall mean all technical review, meetings and discussions relative to the plan.
 - C. Stormwater management permit issuance (if required).
 - D. Site inspection.
 - E. Inspection of and/or review of inspection reports for required controls and improvements during construction.
 - F. The final inspection upon completion of the controls and improvements required in the plan.

- G. Any additional work required to enforce any permit provisions, regulated by this Part, correct violations, and ensure the completion of stipulated remedial actions.
- 2. No permit to begin any work on the project shall be issued until the requisite fees have been paid.
- 3. If it is determined that a modification to the existing stormwater management plan is required under §26-336 of this Part, a new stormwater management permit shall not be issued until the additional fees have been paid by the applicant.

(Ord. 192, 2/1/1993, §602)

§26-353. Financial and Maintenance Guarantees.

1. Performance Guarantees.

- A. The Hulmeville Borough Council shall, prior to the issuance of a stormwater management permit (if required) and/or approval of a final subdivision/land development plan and stormwater management plan, require financial security as a performance guarantee for stormwater management control facilities in a form to be approved by the Hulmeville Borough Solicitor. If requested by the developer, in order to facilitate financing, the Council may furnish the developer with a signed resolution indicating approval of the subdivision/land development plan and stormwater management plan contingent upon the developer obtaining a satisfactory financial security. The record plan shall not be signed nor recorded until a financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Hulmeville Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- B. Where required, the developer shall file with the Council financial security in an amount sufficient to cover the costs of the stormwater management facilities. Without limitation as to other types of financial security which the municipality may approve, such approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and escrow accounts shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the developer, provided said bonding company or lending institution is authorized to conduct such business within the commonwealth. Such bond, or other security, shall provide for, and secure to the public, completion of the stormwater management facilities which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

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- C. The amount of financial security shall be equal to 110% of the cost to install the required facilities estimated as of 90 days following the date scheduled for completion.
- D. If a developer requires more than 1 year from the date of posting of the financial security to complete the required facilities, the amount of financial security may be increased by an additional 10% for each 1 year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required facilities as reestablished on or about the expiration of the preceding 1 year period by using the above bidding procedure.
- E. The amount of financial security required shall be based upon an estimate of the cost of the facilities submitted by the developer and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. Hulmeville Borough Council, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the developer and Hulmeville Borough Council are unable to agree upon an estimate, then the estimate shall be recalculated and decertified by another professional engineer licensed as such in this commonwealth and chosen mutually by Hulmeville Borough Council and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by Hulmeville Borough and the developer.
- F. In the case where development is projected over a period of years, Hulmeville Borough Council may authorize submission of stormwater management plan applications by sections or stages of development so as to require or guarantee that stormwater management facilities in both current and future stages of development will provide the protection of the finally approved stage of the development.
- G. As the work of installing the required stormwater management facilities proceeds, the developer may request the Hulmeville Borough Council to release or authorize to release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Hulmeville Borough Council which shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Hulmeville Borough Council that such portion of the work upon the facilities has been completed in accordance with the stormwater management plan and permit. Upon such certification, the Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the facilities completed. The Hulmeville Borough Council may, prior to final release, require retention of 10 % of the estimated cost of the aforesaid facilities. The final release of the financial security provisions shall be permitted only after receipt by the

Hulmeville Borough Council of certification and "as-builts" as required in §§26-351(8) and (9).

- H. In the event that any stormwater management facilities which may be required have not been installed as provided in this Part or in accordance with the approved stormwater management plan, the Hulmeville Borough Council has the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the facilities covered by said security, the Hulmeville Borough Council may, at its option, install part of such facilities in all or part of the development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the facilities. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the stormwater management facilities covered by such security, and not for any other purpose.

2. **Maintenance Responsibility and Guarantees.**

- A. The maintenance responsibilities for permanent stormwater runoff control facilities shall be determined based upon the type of ownership of the property which is controlled by the facilities.
- (1) **Single Entity Ownership.** Where the permanent stormwater runoff control facilities are designed to manage runoff from property in a single entity ownership as defined below, the maintenance responsibility for the stormwater control facilities shall be with the single entity owner. The stated responsibilities of the entity related to owning and maintaining the facilities shall be submitted with the stormwater management plan for determination of their adequacy. Approval of the stormwater management plan shall depend upon the approval of these terms. These terms shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the Hulmeville Borough Council, contain a provision permitting inspection at any reasonable time by the Borough Engineer of all such facilities deemed critical in the public welfare. A single entity shall be defined as an association, public or private corporation, partnership firm, trust, estate or any other legal entity empowered to own real estate exclusive of an individual lot owner.
 - (2) **Municipal Ownership.** Where the Hulmeville Borough Council has accepted an offer of dedication of the permanent stormwater management facilities, the Council shall be responsible for maintenance. Upon approval of the stormwater management facilities by the Hulmeville Borough Council, the developer shall provide a financial security, in a form approved by the Hulmeville Borough Solicitor for maintenance guarantees, as follows:

- (a) **Construction Maintenance Bond.** The Hulmeville Borough Council may require the posting of a maintenance bond to secure the structural integrity of said facilities as well as the functioning of said facilities in accordance with the design and specifications as depicted on the approved stormwater management plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be the same type as required in §26-353(1) with regard to installation of such facilities, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said facilities. A cash contribution can be used as the financial security in lieu of a maintenance bond, although the contribution must be equivalent to the amount that would be estimated for the maintenance bond.
 - (b) **Long-term Maintenance Bond.** The long-term maintenance bond shall be in an amount equal to the present worth of maintenance of the facilities for a 10 year period. The estimated annual maintenance cost for the facilities shall be based on a fee schedule provided by the Borough Engineer and adopted by the Hulmeville Borough Council. The fee schedule must be reasonable. A cash contribution can be used in lieu of the long-term maintenance bond, although the contribution must be equivalent to the amount that would be estimated for the maintenance bond.
 - (c) **Documentation.** The terms of the maintenance guarantees shall be documented as part of the stormwater management plan as per §26-533(E) of this Part. For certain types of facilities, the Hulmeville Borough Council may benefit by transferring the maintenance responsibility to an individual or group of individuals residing within the controlled area. These individuals may have the permanent stormwater control facilities adjacent to their lots or otherwise have an interest in the proper maintenance of the facilities. In these instances, the Hulmeville Borough Council and the individual (s) may enter into a formal agreement for the maintenance of the facilities whereby Hulmeville Borough shall maintain ownership of the facilities and be responsible for periodic inspections.
- (3) **Individual Lot Ownership.** Where any stormwater management facility is located on an individual lot, and maintenance thereof is the responsibility of that landowner, a description of the facility or systems and the terms of the required maintenance shall be incorporated as a part of the deed to the property. The deed shall be recorded with the county Recorder of Deeds within 90 days following the Council approval. In addition, the Council may require as a condition of approval that a deed conveying any interest in such lot contain language indicating that the conveyance is subject to an express covenant by the grantee that the grantee will maintain the stormwater management facility.

- (4) **Multi-Entity Ownership.** In cases where property is in multiple ownership (i.e., many individual ownerships of various portions of the property on which stormwater facilities are located) the developer(s) shall enter into an agreement with the municipality to determine the maintenance of the permanent stormwater facilities. If maintenance is prescribed for each individual lot owner, the requirements of §26-353(2)(A)(3) shall apply.

- B. The failure of any person, individual lot owner or private entity to properly maintain any stormwater management facility shall be construed to be a violation of this Part and is declared to be a public nuisance, subject to §26-656.

(Ord. 192, 2/1/1993, §603)

§26-354. Right of Entry.

Upon presentation of proper credentials, duly authorized representatives of Hulmeville Borough may enter at reasonable times upon any property within Hulmeville Borough to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Part.

(Ord. 192, 2/1/1993, §604)

§26-355. Notification.

In the event that an owner, subdivider, developer, or his agent fails to comply with the requirements of this Part or fails to conform to the requirements of any permit issued thereunder, Hulmeville Borough shall provide written notification of violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Upon failure to comply within the time specified, the owner, subdivider, developer, or his agent shall be subject to the penalty provisions of this Part (§26-356) or other penalty provisions contained in the Subdivision and Land Development Ordinance [Chapter 22], where applicable.

(Ord. 192, 2/1/1993, §605)

§26-556. Penalties.

Anyone violating the provisions of this Part, or who shall fail to comply with any written notice from Hulmeville Borough which describes a condition of noncompliance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Hulmeville Borough, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Hulmeville Borough as a result thereof. No judgment shall commence

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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 appeals the judgement in a timely manner, Hulmeville Borough Council may enforce the judgement 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 was a good faith basis for the person, partnership or corporation violating the Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to Hulmeville Borough Council whose ordinance has been violated. The Bucks County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem find pending a final adjudication of the violation and judgement. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Hulmeville Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 192, 2/1/1993, §606)

§26-557. Appeals.

1. An appeal from any action or decision of the Hulmeville Borough Council concerning regulated activities specified in §§26-301(A) and (B) shall be made to the Bucks County Court of Common Pleas pursuant to Article X-A of the Pennsylvania Municipalities Planning Code.
2. The Hulmeville Borough Council may hear and decide appeals pursuant to the Pennsylvania Municipalities Planning Code, Section 909.1 (b) (6) where it is alleged that the building permit/zoning officer has failed to follow prescribed procedures of has misinterpreted or misapplied any provision of the Part concerning regulated activities specified in §§26-305(C) and (D).
3. The Hulmeville Borough zoning hearing board may hear and decide appeals pursuant to the Pennsylvania Municipalities Planning Code, §909.1(a)(9) where it is alleged that the building permit/zoning officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of the Part concerning regulated activities specified in §§26-305(E) and (F).
4. Nothing in subsections (2) and (3) shall be construed to deny the appellant the right to proceed directly to the Bucks County Court of Common Pleas pursuant to the Pennsylvania Municipalities Planning Code, §910(1).
5. The approval of an appeal shall not have the effect of making null and void the intent and purpose of the Part.

(Ord. 192, 2/1/1993, §607)

APPENDIX A

STORMWATER MANAGEMENT PLAN CERTIFICATE

I hereby certify that, to the best of my knowledge, the stormwater management facilities shown and described hereon are designed in conformance with the Hulmeville Borough Stormwater Management Ordinance.

_____, 20____

Signature and seal of the registered professional responsible for the preparation of the plan.

APPENDIX B
STORMWATER MANAGEMENT PERMIT

Hulmeville Borough

Bucks County

Pennsylvania

PERMIT NO. _____

The property of _____ located at _____ has received approval of the stormwater management plans dated _____. Construction may proceed in accordance with the schedule below. No work shall begin on a subsequent phase until the preceding phase has been inspected and approved.

Inspector _____

Date _____

SCHEDULE OF INSPECTIONS

- | | |
|---------------------------|--|
| <u>(Initial and Date)</u> | Preliminary site preparation, including stripping of vegetation, stockpiling of topsoil, and construction of temporary stormwater management facilities. |
| <u>(Initial and Date)</u> | Rough grading (not including placing topsoil, permanent drainage, or other site development improvements and ground covers). |
| <u>(Initial and Date)</u> | Construction of the following specific stormwater management facilities: |
| <u>(Initial and Date)</u> | Construction of all permanent stormwater management facilities, including ground covers and plantings. |
| <u>(Initial and Date)</u> | Final grading, vegetative control measures, or other site restoration work. |

APPENDIX C

APPLICATION FOR A STORMWATER MANAGEMENT PERMIT MAJOR
EARTH DISTURBANCE ACTIVITY

File No. _____

Dated Received _____

Application is hereby made to Hulmeville Borough for the issuance of a stormwater management permit pursuant to the specifications herewith submitted.

1. Name of Property Owner(s): _____
Address: _____ Phone No. _____

2. Project Location: _____

3. Type of Earth Disturbance Activity: _____

A. New impervious or semi-impervious surface (sq. ft/ac) _____

B. Diversion or piping of natural or man-made watercourse _____
_____ (linear ft.)

C. Installation of the following:

Culvert _____ Other _____

Detention basin _____

Retention basin _____

Sediment basin _____

D. Removal of ground cover, grading, filling, or excavation _____
_____ (sq. ft/ac)

4. Stormwater management plan prepared by: _____
Address: _____ Phone No. _____

5. Name of applicant (if other than owner): _____
Address: _____ Phone No. _____

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above and on the stormwater management plan herewith submitted is true, correct, and complete.

Date

Signature of Applicant

