

ORDINANCE NO. 222

**AN ORDINANCE OF THE BOROUGH OF HONEY BROOK,
CHESTER COUNTY, PENNSYLVANIA REGULATING NON
STORMWATER DISCHARGES INTO THE HONEY BROOK
BOROUGH STORM SEWER SYSTEM OR WATERS OF THE
COMMONWEALTH**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of the Borough of Honey Brook, Chester County, Pennsylvania under authority of law as follows:

ARTICLE I – GENERAL PROVISIONS

Section 101. Short Title

This Ordinance by the Council of the Borough of Honey Brook, Chester County, Pennsylvania by enacting certain standards and regulations regarding non stormwater discharges to the separate stormwater system within the Borough or waters of the Commonwealth and that the following Ordinance be and is hereby incorporated into the Code of Ordinances of the Borough of Honey Brook as Chapter 19 “Non Stormwater Discharges” as follows. This Ordinance may be referred to as the “Honey Brook Borough Non Stormwater Discharge Ordinance”.

Section 102. Repealer

Any Ordinance or Ordinance provision of Honey Brook Borough inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only; provided, however, that this repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceeding at law or in equity pertaining to any act done which would have constituted a violation of such prior ordinance or ordinance provision.

ARTICLE II – DEFINITIONS

Section 201. Definitions

BMP (Best Management Practice) – Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Regulated Activities, to provide water quality treatment, infiltration, volume reduction, and/or peak rate control, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance.

Conveyance – A natural or manmade, existing or proposed facility, feature or channel used for the transportation or transmission of stormwater from one place to another. For the purposes of this Ordinance, Conveyance shall include pipes, drainage ditches, channels and swales (vegetated and other), gutters, stream channels, and like facilities or features

Landowner – The legal or beneficial 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 condition), a lessee if they are authorized under the lease to exercise the rights of the Landowner, or other person having a proprietary interest in the land.

Municipality – the Borough of Honey Brook, Chester County, Pennsylvania.

PADEP – Pennsylvania Department of Environmental Protection.

Regulated Activity - Any Earth Disturbance Activity(ies) or any activity that involves the alteration or development of land in a manner that may affect stormwater runoff.

Waters of the Commonwealth – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of Conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

ARTICLE III – PROHIBITIONS

Section 301. Prohibited Discharges

- A. Any drain or Conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Municipality's separate storm sewer system or the Waters of the Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges directly connected into the Municipality's separate storm sewer system or the Waters of the Commonwealth that are not composed entirely of stormwater, except:
 - 1. As provided in Subsection 301.C below; and
 - 2. Discharges allowed under a State or Federal permit.
- C. The following discharges are authorized unless they are determined by the Municipality to be significant contributors to pollution to the Municipality's separate storm sewer system or to the Waters of the Commonwealth:

1. Discharges from fire fighting activities;
 2. Potable water sources including water line and fire hydrant flushings;
 3. Irrigation drainage;
 4. Air conditioning condensate;
 5. Springs;
 6. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;
 7. Diverted stream flows;
 8. Flows from riparian habitats and wetlands;
 9. Uncontaminated water from foundations or from footing drains;
 10. Lawn watering;
 11. Dechlorinated swimming pool discharges;
 12. Uncontaminated groundwater;
 13. Water from individual residential car washing; and
 14. Routine external building washdown (which does not use detergents or other compounds).
- D. In the event that the Municipality determines that any of the discharges identified in Section 301.C significantly contribute pollutants to the Municipality's separate storm sewer system or to the Waters of the Commonwealth, or is notified of such significant contribution of pollution by PADEP, the Municipality will notify the responsible person to cease the discharge.
- E. Upon notice provided by the Municipality under Section 301.D, the discharger shall, within a reasonable time period, as determined by the Municipality consistent with the degree of pollution caused by the discharge, cease the discharge.

F. Nothing in this section shall affect a discharger's responsibilities under State law.

Section 302. Prohibited Connections

The following connections are prohibited, except as provided in Section 301.C above:

- A. Any drain or Conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge, including sewage, process wastewater, and wash water to enter a separate storm sewer system, and any connections to the separate storm sewer system from indoor drains and sinks.
- B. Any drain or Conveyance connected from a commercial or industrial land use to a separate storm sewer system, which has not been documented in plans, maps, or equivalent records and approved by the Municipality.

Section 303. Roof Drains and Sump Pumps

- A. Roof drains and sump pump discharges shall not be connected to sanitary sewers.
- B. Roof drain, sump pump, foundation and footing drain discharges:
 - 1. To the maximum extent practicable, shall discharge to infiltration or vegetative BMPs, or to vegetated or other areas with adequate capacity;
 - 2. May be connected to streets, storm sewers, or roadside ditches only if determined necessary or acceptable by the Municipal Engineer or Borough Council; and
 - 3. Shall be considered in stormwater management calculations to demonstrate that Conveyance and receiving facilities have adequate capacity.

Section 304. Alteration of BMPs

- A. No person shall modify, remove, fill, landscape, alter, or impair the effectiveness of any stormwater BMPs, Conveyances, facilities, areas or structures unless the activity is part of an approved maintenance program, without the written approval of the Municipality.
- B. No person shall place any structure, fill, landscaping, additional vegetation, yard waste, brush cuttings, or other waste or debris into a BMP or Conveyance, or within a stormwater easement, that would limit or alter the functioning of the stormwater BMP or Conveyance, without the written approval of the Municipality.

ARTICLE IV – ENFORCEMENT AND PENALTIES

Section 401. Public Nuisance

- A. Any discharge conducted in the violation of any provision of this Ordinance is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.
- C. A separate violation will be found to exist for each section of this Ordinance found to have been violated.
- D. To the extent that the Municipality does not enforce any provision of this Ordinance, such action or inaction shall not constitute a waiver by the Municipality of its rights of future enforcement hereunder.

Section 402. Enforcement

- A. The Municipal Engineer or other designee is hereby authorized and directed to enforce all of the provisions of this Ordinance. The Municipal Governing Body may delegate enforcement duties, including the initial determination of Ordinance violation and service of notice, if notice is given, to such other officers or agents as the Municipality shall deem qualified for that purpose.
- B. It shall be the responsibility of the Landowner of the real property on which any prohibited discharge is proposed to occur, is occurring, or has occurred to comply with the applicable terms and conditions of this Ordinance.
- C. In the event that the Municipal Engineer or other designee finds that a person has violated a provision of this Ordinance, the Municipality may order compliance by written notice of the violation to the Landowner.
- D. Such notice may, without limitation, require the following remedies:
 - 1. Performance of monitoring, analyses, and reporting;
 - 2. Elimination of prohibited connections or discharges;
 - 3. Cessation of any violating discharges, practices, or operations;
 - 4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - 5. Payment of a fine to cover administrative and remediation costs;

- B. In addition, the Municipality may, through its solicitor, institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other legal or equitable forms of remedy or relief. Such relief may include costs, fees, and charges, including the Municipality's attorney's fees (charged at the hourly rate approved by the Governing Body of the Municipality) and costs, as may be permitted by law.
- C. Notwithstanding any other provision of this Ordinance, the Municipality shall have the right at any or all times deemed necessary by the Municipal Engineer or designee to enter upon any property within the Municipality to inspect and, upon determination of a violation of this Ordinance, to correct the violation, with all expenses associated with correcting the violation to be charged to the property owner responsible for the violation.

Section 405. Appeals.

Any person aggrieved by any action of the Municipality, under this article, may appeal to the Chester County Court of Common Pleas pursuant to the Local Agency Law, within the time period allowed by law.

Section 406. Right of entry.

Authorized representatives of the Municipality may enter at reasonable times any property within the Municipality to inspect any drain, conveyance, discharge or stormwater facility under this article, consistent with federal and state laws.

Section 407. Effective Date

This Ordinance shall take effect on APRIL 7, 2014.

ORDAINED AND ENACTED this 7th day of APRIL, 2014.

ATTEST:

Jessie A. Rambo

HONEY BROOK BOROUGH

By: R. M. Rosciolo

APPROVED this 7th day of April, 2014:

[Signature]

Mayor