

**PERKASIE BOROUGH
ORDINANCE NO. 995**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE,
BUCKS COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 158 OF THE PERKASIE BOROUGH
CODE OF ORDINANCES REGARDING STORMWATER MANAGEMENT**

WHEREAS, the Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the property management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, Borough Council has met and will meet the procedural requirements for the adoption of the proposed ordinance; and,

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Perkasia Borough will be served by adopting, in full, an Amended Stormwater Management Ordinance, replacing Chapter 158 of the Code of Ordinances of the Borough of Perkasia in order to be compliant with regulations including the NPDES General Permit PAG-13 requirements, as well as State requirements associated with the ongoing MS4 Program.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. Chapter 158 of the Perkasia Borough Code of Ordinances is deleted in its entirety and replaced with the document attached hereto as Exhibit “A,” the Table of Contents of which is as follows:

Article I.	General Provisions
	§ 158-1 Statement of Findings
	§ 158-2 Purpose
	§ 158-3 Statutory Authority
	§ 158-4 Applicability and Regulated Activities
	§ 158-5 Exemptions
	§ 158-6 Repealer
	§ 158-7 Severability

	§ 158-8 Compatibility with Other Ordinance Requirements
	§ 158-9 Modification
	§ 158-10 Erroneous Permit
Article II	§ 158-11 Definitions and Word Usage
Article III	Stormwater Management
	§ 158-12 General Requirements
	§ 158-13 Stormwater Management Performance Standards
	§ 158-14 Project Design (Sequencing to Minimize Stormwater Impacts)
	§ 158-15 Volume Control and Infiltration BMPs
	§ 158-16 Water Quality Requirements
	§ 158-17 Stream Bank Erosion Requirements
	§ 158-18 Design and Construction Criteria for Stormwater Management Facilities and Best Management Practices
	§ 158-19 Calculation Methodology
	§ 158-20 Erosion and Sedimentation Control Requirements
Article IV	Stormwater Management Application and Permit Requirements
	§ 158-21 General Requirements
	§ 158-22 Stormwater Management Site Plan (SMSP) Contents and Requirements
	§ 158-23 Simplified Stormwater Management Site Plan (SSMSP) Contents and Requirements
	§ 158-24 Plan Submission
	§ 158-25 Review of Stormwater Management Site Plan and Simplified Stormwater Management Site Plan
	§ 158-26 Modification of Plans
	§ 158-27 Resubmission of Disapproved Stormwater Management Site Plans and Simplified Stormwater Management Site Plans
	§ 158-28 As-Built Plans
	§ 158-29 Retention of Plans at Project Site
	§ 158-30 Adherence to Approved Plan
	§ 158-31 Certification of Completion
	§ 158-32 Occupancy Permit
Article V	Inspections
	§ 158-33 Schedule of Inspections
	§ 158-34 Right-of-Entry During Construction
Article VI	Fees and Expenses
	§ 158-35 Stormwater Management Permit and Review Fees
	§ 158-36 Expenses Covered by Fees and Escrow
Article VII	Maintenance Responsibilities
	§ 158-37 Performance Guarantee
	§ 158-38 Maintenance Responsibilities

	§ 158-39 Review of Stormwater Facilities and BMP Operations and Maintenance (O&M) Plan
	§ 158-40 Maintenance Agreement for Privately Owned Stormwater Facilities
	§ 158-41 Stormwater Management Easements
	§ 158-42 Stormwater Maintenance Fund
	§ 158-43 Post-Construction Maintenance Inspections
Article VIII	Prohibitions
	§ 158-44 Prohibited Discharges
	§ 158-45 Prohibited Connections
	§ 158-46 Roof Drains and Sump Pumps
	§ 158-47 Waste Disposal Prohibitions
	§ 158-48 Alterations of SWM BMPs
Article IX	Enforcement and Penalties
	§ 158-49 Right-of-Entry
	§ 158-50 Notification
	§ 158-51 Enforcement
	§ 158-52 Violations Deemed a Public Nuisance
	§ 158-53 Penalties
	§ 158-54 Appeals
Appendix A	Stormwater Management Design Criteria
Appendix B	Site Soil Evaluation and Soil Infiltration Testing
Appendix C	Watershed Boundary Map
Appendix D	West Nile Virus Guidance
Appendix E	Stormwater Management/BMP Facilities Operation and Maintenance Agreement

SECTION 2. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION 3. The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 6. This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 7. Under the authority conferred by the Borough Code, 8 Pa.C.S.A. § 101, *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio this.

Approved by the Borough Council of the Borough of Perkasio, this ^{15th} day of ^{August}, 2016.

Attest:



Andrea L. Coaxum, Secretary

BOROUGH OF PERKASIE



James Ryder, Council President

Examined and approved this ^{15th} day of ^{August}, 2016.



John Hollenbach, Mayor