BOARD OF SUPERVISORS
WHITPAIN TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 350

"Stormwater Management Ordinance Amendments"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 125 (STORMWATER MANAGEMENT), PART 1 (WATERSHEDS OTHER THAN WISSAHICKON CREEK), ARTICLE I (GENERAL PROVISIONS), SECTION 125-1 (TITLE) TO UPDATED THE TITLE OF PART 1; AND AMENDING ARTICLE II (DEFINITIONS), SECTION 125-8 (WORD USAGE; TERMS DEFINED) TO INCLUDE NEW DEFINITIONS FOR INFILTRATION BASIN AND RAIN GARDEN; AND AMENDING ARTICLE V (GENERAL REQUIREMENTS), SECTION 125-21 (GENERAL REQUIREMENTS) TO CLARIFY CERTAIN FREEBOARD EXCAVATION AND SPECIAL DAM PROVISIONS; AMENDING ARTICLE V (GENERAL REQUIREMENTS), SECTION 125-24 (CALCULATION METHODOLOGY) TO CLARIFY CERTAIN PROVISIONS REGARDING THE TWO-YEAR, TWENTY-FIVE-YEAR AND ONE-HUNDRED-YEAR FREEBOARD REQUIREMENTS; AND AMENDING PART 2 (WISSAHICKON CREEK STORMWATER ORDINANCE), ARTICLE XIV (DEFINITIONS), SECTION 125-58 (DEFINITIONS) TO UPDATE THE DEFINITION OF RAIN GARDENS; AND FURTHER AMENDING PART 2 (WISSAHICKON CREEK STORMWATER ORDINANCE), ARTICLE XV (STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS), SECTION 125-59 (SWM SITE PLAN CONTENTS) TO UPDATE THE LANGUAGE CONTAINED IN THE DESIGN ENGINEER SIGNATURE BLOCK; AND AMENDING ARTICLE XVI (STORMWATER MANAGEMENT), SECTION 125-72 (CALCULATION METHODOLOGY) TO APPLY REQUIREMENTS REGARDING MINIMUM FREEBOARDS, DAMS, FLOW AND DISCHARGE VOLUME AND LOCATION, STORMWATER FACILITIES THAT CROSS ROADWAYS AND EASEMENT PROVISIONS TO THE WISSAHICKON CREEK WATERSHED.

The Board of Supervisors of Whitpain Township does hereby **ENACT** and **ORDAIN:**

SECTION I. - Amendment to Code

The Code of the Township of Whitpain, Chapter 125 (Stormwater Management), Part 1 (Watersheds Other than Wissahickon Creek), Article I (General Provisions) is hereby amended to repeal and replace Section 125-1 (Title) with the following new Section 125-1:

Section 125-1. Title.

This Part 1 shall be known as the "Whitpain Township Stormwater Management Ordinance for Watersheds Other than the Wissahickon."

SECTION II. - Amendment to Code

The Code of the Township of Whitpain, Chapter 125 (Stormwater Management), Part 1 (Watersheds Other than Wissahickon Creek), Article II (Definitions), Section 125-8 (Word Usage; Terms Defined), Subsection "D" is hereby amended to add the following new definitions:

Infiltration Basin – A shallow impoundment that is designed to infiltrate stormwater into the soil. Infiltration basins are believed to have a high pollutant removal efficiency, and can also help recharge the groundwater, thus restoring baseflows to stream systems. Infiltration basins can be problematic at many sites because of stringent soil requirements.

Rain Garden – A BMP that is a planted depression or shallow hole that collects stormwater runoff from impervious areas, such as roofs, driveways, hardscaping and paved parking lots. Rain gardens are designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer. A rain garden shall have a maximum ponding depth of one (1) foot and shall be in conformance with the Pennsylvania DEP BMP Guidelines, as amended from time to time.

SECTION III. - Amendment to Code

The Code of the Township of Whitpain, Chapter 125 (Stormwater Management), Part 1 (Watersheds Other than Wissahickon Creek), Article V (General Requirements), Section 125-21 (General Requirements) is hereby amended to repeal and replace Subsections "D" and "I" with the following new Subsections "D" and "I":

D. Drainage easements. Where a subdivision is traversed by watercourses other than permanent streams, there shall be provided a drainage easement

conforming substantially with the line of such watercourse. The width of the easement and watercourse shall be adequate to provide unimpeded flow of storm runoff based on calculations made in conformance with the rest of § 125-24 for the one-hundred-year return period runoff and to provide a freeboard allowance of 5/10 foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required.

I. Special dam requirements. Should any stormwater management facility qualify as a dam under PaDEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning the dam's safety.

SECTION IV. - <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 125 (Stormwater Management), Part 1 (Watersheds Other than Wissahickon Creek), Article V (General Requirements), Section 125-24 (Calculation Methodology) is hereby amended to repeal and replace Subsection "C" with the following new Subsection "C":

C. Freeboard requirements. All stormwater management facilities shall provide a minimum of 1.0 foot freeboard above the maximum pool elevation associated with the two-year through twenty-five-year events. An emergency spillway shall be designed to pass the one-hundred-year runoff event with a minimum 0.5 foot freeboard.

SECTION V. - <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 125 (Stormwater Management), Part 2 (Wissahickon Creek Stormwater Management Ordinance), Article XIV (Definitions), Section 125-58 (Definitions) is hereby amended to repeal and replace the following definition:

Rain Garden – A BMP that is a planted depression or shallow hole that collects stormwater runoff from impervious areas, such as roofs, driveways, hardscaping and paved parking lots. Rain gardens are designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer. A rain garden shall have a maximum ponding depth of one (1) foot and shall be in conformance with the Pennsylvania DEP BMP Guidelines, as amended from time to time.

SECTION VI. - <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 125 (Stormwater Management), Part 2 (Wissahickon Creek Stormwater Management Ordinance), Article XV (Stormwater Management (SWM) Site Plan Requirements), Section 125-59 (SWM Site Plan Contents) is hereby amended to repeal existing Subsection "B.(2)(c)[23]" and replace it with the following new Subsection "B.(2)(c)[23]":

[23] The following signature block for the Design Engineer:
"I, (Design Engineer), on this date (date of signature), hereby certify that this drainage plan meets all requirements of the Department of Environmental Protection's (DEP's) regulations and the Stormwater Management Ordinance of Whitpain Township."

SECTION VII. - <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 125 (Stormwater Management), Part 2 (Wissahickon Creek Stormwater Management Ordinance), Article XVI (Stormwater Management), Section 125-72 (Calculation Methodology) is hereby amended to add the following new Subsections "H" through "P":

H. Freeboard requirements. All stormwater management facilities shall provide a minimum of 1.0 foot freeboard above the maximum pool elevation associated with the two-year through twenty-five-year events. An emergency spillway shall be designed to pass the one-hundred-year runoff event with a minimum 0.5 foot freeboard.

I. Special dam requirements. Should any stormwater management facility qualify as a dam under PaDEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning the dam's safety.

J. Unimpeded flow. Storm drainage systems shall be provided in order to permit unimpeded flow of natural watercourses except as modified by stormwater detention facilities or open channels consistent with this Part 2.

K. Concentrated discharge points. The existing points of concentrated drainage discharge onto adjacent property shall not be altered.

L. Diffused discharge areas. Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this Part 2, the Wissahickon Creek Stormwater Management Ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge or otherwise prove that no harm will result from the concentrated discharge. Areas of existing diffuse drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge whether they are proposed to be concentrated or maintained as diffused drainage areas.

M. Drainage easements. Where a subdivision is traversed by watercourses other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such watercourse. The width of the easement and watercourse shall be adequate to provide unimpeded flow of storm runoff based on calculations made in conformance with the rest of § 125-72 for the one-hundred-year return period runoff and to provide a freeboard allowance of 5/10 foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required.

N. State highways. Any drainage facilities required by this Part 2, the Wissahickon Creek Stormwater Management Ordinance, that are located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.

O. Minimize erosion. Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.

P. Minimum roadway crossing requirements. Roadway crossing, including pipes, bridges, storm sewers or any other drainage conveyance facility must be able to convey, without damage to the drainage structure or roadway, runoff from the twenty-five-year design storm with a minimum of one (1.0) foot of freeboard measured below the lowest point along the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a one-hundred-year design storm with a minimum of one (1.0) foot of freeboard measured below the lowest point along the top of the roadway. Any facilities that constitute stream

enclosures, as described in PaDEP Chapter 105 regulations (as amended or replaced from time to time by PaDEP), shall be designed in accordance with Chapter 105 and will require a permit from PaDEP. Other requirements can be added, such as methods of detention or control, which may be utilized in stormwater management systems. These would include detention basins, rooftop storage, parking lot and street ponding, seepage pits and cisterns, porous pavement, grassed channels, swales, vegetative strips and decrease of impervious coverage.

SECTION VIII. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IX. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION X. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION XI. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Whitpain Township, Montgomery County, Pennsylvania, this 20th day of September, 2016.

WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS

By: _____
Adam D. Zucker, Chairman,

Attest: _____
Anthony F. Greco, Secretary

CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER OF WHITPAIN TOWNSHIP IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #350

_____
Roman M. Pronczak, P.E., Township Manager
September 20, 2016