

D. Drainage Plan Requirements, Submittal and Review Procedures.

§141. GENERAL REQUIREMENTS.

1. The drainage plan shall be submitted to the Borough with the preliminary subdivision and/or land development plan to allow for timely review and inclusion in the final subdivision plan for any revision(s) which may result from the review(s).
2. The applicant shall submit the erosion and sediment pollution control plan directly to the Cambria County Conservation District for review and approval.
3. The Borough Council shall approve the stormwater management site plan and the Cambria County Conservation District shall review and approve the erosion and sediment pollution control plan, prior to the final approval of subdivision and/or land development plans, or the issuance of any permits.

(Ord. 110-94, -/-/1994, §401)

§142. DRAINAGE PLAN CONTENT.

The following items shall be included in the plan:

- A. Narrative report describing the project and giving the purpose and the engineering assumptions and calculations for control measures and facilities. This report should include, but not limited to, the following:
 - (1) General description of the project including statement of total impervious area created.
 - (2) Brief soil description.
 - (3) General description of stormwater management controls.
 - (4) Expected project time schedule, including anticipated start and completion dates.
 - (5) A proposed schedule of inspections (if available) which will be performed by the applicant's engineer.
 - (6) All calculations, assumptions and criteria used in the design of the control measures and structures.
 - (7) A maintenance program for all stormwater management and controls for both the construction period and after construction is complete. Include the party responsible for maintenance. This program must include the proposed ownership of the permanent controls and details for financial responsibility for any required maintenance.

WATER

- (8) Drainage plan application with fee.
- (9) A copy of the erosion and sedimentation control plan approval letter from the Cambria County Conservation District (if available).
- (10) All deed and plan restrictions, easements and rights-of-way related to stormwater management and facilities.
- (11) Training and experience of person(s) preparing the plan.

B. Map(s) of the project area shall include, but not be limited to:

- (1) The locations of the project relative to highways, municipalities or other identifiable landmarks (i.e., U.S.G.S.).
- (2) North arrow and scale.
- (3) Existing and proposed contours at intervals of 2 feet; in areas of steep slopes (greater than 15%), 5 foot contour intervals may be used.
- (4) Streams, lakes, ponds or other bodies of water within and in close proximity to the project area.
- (5) Easements and adjoining property owners.
- (6) Existing structures, roads, paved areas, buildings and earth disturbances.
- (7) Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
- (8) Locations of existing and proposed underground utilities, sewers and water lines.
- (9) Soil types and boundaries.
- (10) Proposed changes to land surfaces and vegetative cover.
- (11) Limits of disturbed area(s).
- (12) Proposed structures including roads, paved areas and buildings.
- (13) Any wetlands as delineated according to the latest acceptable manual and person(s) trained in wetland delineation.
- (14) Existing and proposed stormwater management control structures.
- (15) Details/profiles of all proposed stormwater management storage or infiltration control structures.

- (16) Drainage area(s).
- (17) When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of infiltration areas must be shown. It is recommended that any up and down gradient wells and springs be sampled at least once prior to installation to document pre-infiltration device water quality. Reasonable radius for testing is 500 feet. Also, if infiltration facilities are used they cannot discharge to any underlying deep mine.
- (18) Areas subject to special deed restrictions affecting or affected by stormwater management.
- (19) Plans for construction must be signed and sealed by an engineer registered in the Commonwealth of Pennsylvania and qualified under all applicable State and local laws to perform such duties indicating the compliance of the design of the stormwater management facilities and concepts with the provisions of this Part.

(Ord. 110-94, -/-/1994, §402)

§143. PLAN SUBMISSION.

- 1. The drainage plan shall be submitted to the local governing municipality.
- 2. The drainage plan shall be accompanied by the requisite fee, as set forth in subpart G and the fee schedule of this Part.
- 3. Four copies of the completed drainage plan must be submitted.

(Ord. 110-94, -/-/1994, §403)

§144. DRAINAGE PLAN REVIEW AND APPROVAL.

- 1. There are two options for the review of a stormwater management plan. Either option is dependant upon the local governing bodies decision on appointing a review engineer.
 - A. Option 1 - Consists of the Cambria County Planning Commission appointing a review engineer.
 - B. Option 2 - Consists of the Borough Council selecting to have its own designated engineer review the plan.
- 2. The following steps outline each option:
 - A. Option 1.

WATER

- (1) The Borough shall forward three copies of the plan to the Cambria County Planning Commission.
- (2) The Cambria County Planning Commission will distribute one copy to the Cambria County Conservation District and one copy to the review engineer who will provide their comments.
- (3) The Cambria County Planning Commission will then provide the Borough Council with a letter recommending approval or a list of deficiencies.
- (4) It will then be the responsibility of the Borough Council to issue a drainage occupancy permit or provide a list of deficiencies to the developer for plan resubmission.

B. Option 2.

- (1) The Borough Council shall distribute one copy of the stormwater management plan to the Cambria County Conservation District and one copy to their designated engineer.
- (2) The Conservation District and the Borough's Engineer shall provide their comments to the Borough Council recommending approval or a list of deficiencies.
- (3) It will then be the responsibility of the Borough Council to issue a drainage occupancy permit or provide a list of deficiencies to the developer for plan resubmission.

(Ord. 110-94, -/-/1994, §404)

§145. MODIFICATION OF PLANS.

A modification to an approved drainage plan 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 approved application (as determined by the Borough Engineer or its designee) shall be considered for approval pursuant to the procedures contained in §§143 and 144 of this Part.

(Ord. 110-94, -/-/1994, §405)

E. Permit Requirements and Procedures.

§151. PERMIT REQUIREMENTS AND EXEMPTIONS.

All subdivision/land development activities as specified in §104, except those specifically exempt from drainage plan submittal and review requirements specified in §105, shall be conducted only after the issuance of a drainage permit.

(Ord. 110-94, -/-/1994, §501)

§152. PERMIT ISSUANCE.

The applicant shall obtain the required drainage permit after obtaining the required drainage plan approval as specified in subpart D of this Part. This drainage permit will be issued by the Borough Council concurrently with final subdivision/land development approval.

(Ord. 110-94, -/-/1994, §502)

§153. MODIFICATION OF DRAINAGE PLANS.

A modification to an approved drainage plan, when required under §145 of this Part, shall require a new drainage permit. The permit shall be issued following approvals of the revised plan.

(Ord. 110-94, -/-/1994, §503)

§154. STORMWATER MANAGEMENT OCCUPANCY PERMIT.

1. All drainage occupancy permits required by this Part shall be made on forms supplied by the Borough provided in Appendix B of this Part.
2. The drainage occupancy permit shall be issued by the local Borough Council following approval of the stormwater management site drainage plan.

(Ord. 110-94, -/-/1994, §504)

§155. EXPIRATION AND RENEWAL.

1. All drainage permits shall expire 36 months from the date of issuance.
2. A renewal of the expired drainage permit may be issued by the Borough following a resubmittal of the drainage permit application form. Additional fees must be paid for the resubmittal of an expired permit.
3. The refusal of the Borough Council to reissue an expired drainage permit shall contain

WATER

the reasons for such refusal.

- A. Changes in project site conditions and requirements for the drainage plan may occur over a period of time.
- B. If the requirements for the drainage plan have changed as determined by the Borough Council, reapplication, review and permit issuance requirements must be performed pursuant to this Part.

(Ord. 110-94, -/-/1994, §505)

§156. COMPLIANCE AND GUARANTEES.

The Borough may require a guarantee bond from the developer/applicant to assure that the proposed stormwater facility will be installed and constructed in a timely manner. The Borough will set the appropriate amount of bond based on the size and type of facility. Subsequent to the successful completion of the installation of the stormwater facility and inspection by the Borough Engineer and certifying the completion in accordance with the approved plans, the Borough may release the guarantee bond.

(Ord. 110-94, -/-/1994, §506)

F. Inspections.

§161. RESPONSIBILITY OF INSPECTIONS.

It is the applicant's engineer or qualified designee's responsibility to make inspections to assure that the facility is being constructed according to the project plans.

(Ord. 110-94, -/-/1994, §601)

§162. GOVERNING BODIES RIGHTS.

If at any stage of the work, the Borough Council or its designee determines that the conditions are not as stated or shown in the approved application, the Borough Council may suspend or revoke existing permits until a revised plan is submitted and approved.

(Ord. 110-94, -/-/1994, §602)

G. Fees and Expenses.

§171. GENERAL.

Drainage permit fees are to cover costs of the Borough Council and designated engineer for drainage plan review and permit issuance. No permit to begin any work on the project shall be issued and no reviews performed until the requisite fees have been paid. The submission shall be considered incomplete if the required fees have not been paid.

(Ord. 110-94, -/-/1994, §701)

§172. MODIFICATION OF PLANS.

1. If it is determined that a modification to the existing drainage site plan is required under §145 of this Part, a new drainage permit shall not be issued until the additional fees have been paid by the applicant. The fee associated with the resubmission of a drainage plan is listed on the schedule of fees.
2. If the reviewing agency determines that any stormwater management control facility design is not based on sound engineering practice, the applicant will be responsible for the review of any additional facilities and additional fees as set within this Part.

(Ord. 110-94, -/-/1994, §702)

§173. SCHEDULE OF FEES.

All fees and expenses shall be outlined by resolution of the Borough Council, and included as part of the drainage permit application provided within this Part.

(Ord. 110-94, -/-/1994, §703)

H. Maintenance.

§181. MAINTENANCE BY INDIVIDUAL OR MULTIPLE OWNERSHIP(S).

The maintenance responsibilities for permanent stormwater runoff control facilities/controls shall be determined based upon the type of ownership of the property.

- A. Single Entity Ownership. In all cases 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 the single entity owner. In this case a legally binding agreement between the entity and the Borough shall be made providing for maintenance of all permanent control facilities, and allowing inspection by the Borough of all such facilities at any reasonable time. A single entity shall be defined as an individual, association, public or private corporation, partnership firm, trust, estate or any other legal entity empowered to own real estate.
- B. Multiple Ownership. In cases where the property is in multiple ownership (i.e. many individual owners of various portions of the property) the developer(s) shall enter into an agreement with the Borough to determine the maintenance of the permanent stormwater facilities/controls.
- C. When stormwater management control measures are located on an individual lot, and when they are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
- D. If the Borough determines at any time that any permanent stormwater management control facilities have been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Borough may cause the work to be done and lien all costs against the property. This provision is in addition to any remedies under §194 of this Part.

Note: Based on ownership, a maintenance agreement shall be executed in the form of language which will be placed on preliminary and final plat, in addition to a proposed deed.

(Ord. 110-94, -/-/1994, §801)

§182. MAINTENANCE RESPONSIBILITIES.

Maintenance of the stormwater management facility is the responsibility of the owner. A maintenance plan should be developed and implemented to assure proper function of the stormwater management facility.

- A. The owner shall maintain all facilities in accordance with the approved

WATER

maintenance schedule and shall keep all facilities in a safe and attractive manner.

- B. The owner shall keep on file with the Borough the name, address and telephone number of the persons or company responsible for maintenance activities.
- C. If the owner fails to maintain the stormwater control facilities following due notice by the Borough to correct the problems, the Borough may perform the necessary maintenance work or corrective work and the owner shall reimburse the Borough for all costs.

(Ord. 110-94, -/-/1994, §802)

I. Enforcement and Penalties.

§191. RIGHT-OF-ENTRY.

Duly authorized representatives of the Borough may enter at reasonable times upon any property within the Borough to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Part.

(Ord. 110-94, -/-/1994, §901)

§192. ENFORCEMENT.

The Borough Council is hereby authorized and directed to enforce all of the provisions of this Part.

- A. A set of design plans approved by the Borough shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Borough or designee during construction.
- B. It shall be unlawful for any person, firm or corporation to undertake any earth disturbance activity on any property except as provided for in the approved drainage plan and pursuant to this Part. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this Part or to allow the property to remain in a condition which does not conform to the approved drainage plan.
- C. At the completion of the project the owner or his representative shall provide to the Borough:
 - (1) A certification of completion from an engineer or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
 - (2) A set of as-built drawings (if appropriate).
- D. After receipt of the certification of completion by the Borough, a final inspection may be conducted by the governing body or its designee to certify compliance with this Part.
- E. Prior to revocation or suspension of a permit, the Borough Council will schedule a meeting to discuss the noncompliance if there is no immediate damage to life, public health or property.
- F. **Suspension and Revocation of Permits.**
 - (1) Any permit issued under this Part may be suspended or revoked by the local Borough Council for:

WATER

- (a) Noncompliance or failure to implement any provision of the plan.
 - (b) A violation of any provision of this Part or any other applicable law, ordinance, 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, pollution or which endangers the life or property of others, or as outlined in this Part.
- (2) A suspended permit shall be reinstated by the Borough Council when:
- (a) The Borough Council, Planning Commission or their designee have inspected and approved the corrections to the stormwater management measure(s), or the elimination of the hazard or nuisance.
 - (b) The Borough Council is satisfied that the violation of this Part, law or rule and regulation has been corrected.
- (3) A permit which has been revoked by the Borough Council cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Part.

(Ord. 110-94, -/-/1994, §902)

§193. NOTIFICATION.

1. As a result of an onsite inspection by the designee of the Borough Council or a majority of the Borough Council, and it has been determined that an owner, subdivider, developer or his agent has failed to comply with the requirements of this Part, or fails to conform to the requirements of any permit issued thereunder, the Borough Council or designee shall provide written notification of violation within 10 days of said onsite inspection. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(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 (§194) or other penalty.
2. Each day that the violation continues shall be a separate offense. In addition, the Borough Council may institute injunctive mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Ord. 110-94, -/-/1994, §903)

§194. ENFORCEMENT REMEDIES AND PENALTIES.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Part, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, in addition to other remedies, may institute in the name of the Borough, any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

(Ord. 110-94, -/-/1994, §904)