

AN ORDINANCE

NO. 1139

AN ORDINANCE To Amend The Code Of Township Of Upper Dublin, Chapter 212, Subdivision and Land Development, By Adding and Amending Definitions; By Adding Provisions to Protect and Conserve Floodplains and Riparian Corridors; and By Adding Provisions Regulating Stormwater Management.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 212, Subdivision and Land Development, shall be amended by revising the chapter to provide as follows:

§ 212-5. Definitions.

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DETENTION BASIN -- A stormwater management structure with a controlled release rate which is essentially dry while not receiving stormwater.

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DRAINAGE FACILITY -- Any ditch, pipe, culvert, storm sewer, stream, channel, swale, conduit or structure designed, intended or constructed for the purpose of diverting surface water from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or land development.

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FLOODPLAIN -- The area along a watercourse which is periodically flooded by water therefrom, as defined in the Township Code, Chapter 255, Zoning, Article XXII, Floodplain Conservation District.

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IMPERVIOUS SURFACE -- A surface which prevents the infiltration of water into the ground. Impervious surfaces shall include roof areas, paved areas, sidewalks, and the horizontal surface area of stormwater management structures.

IMPERVIOUS SURFACE RATIO -- The amount of impervious surface on a site compared to the total site area. The impervious surface ratio is determined by dividing the total area of all impervious surfaces on a site by the total area of the site.

RETENTION BASIN -- A stormwater management structure with a controlled release rate and which maintains a constant water level while not receiving stormwater.

RIPARIAN CORRIDOR -- A vegetated or natural area directly adjacent to (or surrounding) a water body, including watercourses, ponds, lakes, and wetlands, that serves a variety of functions important to the health and welfare of humans and the environment by: (1) preserving water quality by filtering sediment from runoff before it enters the water body; (2) protecting stream banks from erosion; (3) providing a storage area for flood waters; (4) providing food and habitat for fish and wildlife; (5) providing shade to regulate water temperature; and (6) preserving open space and aesthetic surroundings. A riparian corridor is determined by boundaries set by a horizontal measurement extending from the top of bank or high water mark of a water body to one foot above the one-hundred-year base flood elevation or a horizontal measurement extending 50 feet from the top of bank or high water mark of the water body, whichever distance is greater.

RUNOFF -- The surface water discharge of a given watershed after precipitation that does not enter the soil but runs off the surface of the land.

SWALE -- A low-lying stretch of land which intercepts, collects, or carries surface water runoff.

WATERCOURSE -- A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

§ 212-14. General principles, requirements and standards.

- C. Whenever possible, applicants shall preserve trees, groves, floodplains, riparian corridors, watercourses, scenic points, historic and cultural resources, and other community assets and landmarks.

- E. Land within the Floodplain Conservation District or any riparian corridor shall not be subdivided or developed for any purpose or use except for those uses permitted within the Floodplain Conservation District under Chapter 255, Article XXII, Floodplain Conservation District.

§ 212-23. Grading.

- C. Fills shall not encroach on watercourses, riparian corridors, stormwater management facilities, or the Floodplain Conservation District.
- D. Fills placed adjacent to watercourse, riparian corridors, stormwater management facilities, or the Floodplain Conservation District shall have suitable protection against erosion and sedimentation.

§ 212-24. Drainage.

- B. Requirements.
 - (1) When required. Stormwater management facilities shall be required to be constructed by the subdivider to take stormwater runoff and surface water from the bottom of vertical grades, the grades of which slope on both sides toward the bottom; to lead water away from springs; and to avoid excessive use of cross gutters at street intersections and elsewhere.
 - (2) Drainage. Drainage easements shall be required along natural watercourses to a minimum width of 25 feet from the center line and may be used for storm and sanitary sewers and as open space. Where conditions warrant,

such as in floodplains and riparian corridors, additional width shall be required in such cases where runoff treatment requires a wider easement. Runoff studies must prove such requirements beyond the floodplain or riparian corridor.

- (3) Dedication. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the subdivider, developer or builder shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge of drainage and for carrying off of such water and for the maintenance, repair and reconstruction of the same, including vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The subdivider, developer or builder shall convey, at no cost, the easements to the Township upon demand.

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C. Design.

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- (4) Stormwater roof drains. Direct connections of roof drains to watercourses and stormwater management facilities are prohibited. Roof runoff shall be infiltrated on-site or conveyed into watercourses on the property or to a stormwater management facility through vegetated conveyances. Discharges from roof drains onto sidewalks, driveways, or parking areas or into gutters are prohibited.
- (5) Drainage from unnatural sources. Water originating from other than natural sources, such as air-conditioning units, sump pumps or other dry weather flow, wherever practicable, shall be connected to the storm drainage system of the township or discharged into watercourses on the property, at the direction of the Township Engineer. These facilities may not be used for pollution matter. Water from swimming pools or similar uses containing chlorine shall be pretreated to remove chlorine to acceptable limits prior to discharge to a watercourse or a township storm sewer system.

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- (10) When subdivisions or land developments are submitted to the township for

approval in sections, a complete stormwater management design for the proposed subdivision and land development shall be submitted. The proposed design must include the entire tract and not just a portion.

§ 212-25. Erosion and sediment control

A. General Provisions.

- (2) A qualifying tract shall be a tract for which a permit is required under Chapter 99, Excavations; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

C. Grading for drainage. In order to provide more suitable sites for building and other uses, to improve surface drainage and to control erosion, the following requirements shall be met:

- (1) All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Board.
- (2) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest stormwater management facility. Where drainage swales are used to divert surface waters away from building, they shall be sodded or planted as required and shall be of such slope, shape and size as to conform to the requirements of the township.
- (3) Excavations and fills.
 - (a) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Board when handled under special conditions.
 - (b) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

- (c) Cuts and fills shall not endanger adjoining property.
- (d) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (e) Fills shall not encroach on watercourses or other water bodies.
- (f) Fills placed adjacent to watercourses and other water bodies shall have suitable protection against erosion.
- (g) Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the property owner and the Board.
- (h) During grading operations, necessary measures for dust control will be exercised.
- (i) Grading equipment will not be allowed to cross through watercourse. Provisions will be made for the installation of culverts or bridges.

D. Responsibility.

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- (3) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain, riparian corridor, or right-of-way thereof to maintain, as nearly as possible, in its present state the stream, watercourse, swale, floodplain, riparian corridor, or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
- (4) Maintenance of stormwater management facilities, watercourses, or other drainage facilities originating and completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.

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- (6) Where a subdivision is traversed by a watercourse or other waters of the Commonwealth, there shall be provided a drainage easement as required by § 212-24 of this Chapter.

- (7) Each person, corporation or other entity which makes any surface changes shall be required to:
 - (a) Manage stormwater runoff as required by Chapter 206 and other applicable sections of the Code.

- (8) It shall be the obligation of every property owner to maintain his property in such manner so as to permit at all times the free flow of water through any drain, ditch, stream, swale, stormwater management facility, or watercourse, whether natural or man-made, occupying such land, including the removal of any trees, bushes, undergrowth, tree limbs, trash or debris which might interfere with the free flow of water in the event of a storm.

- (9) To the extent that a property owner fails to maintain his property in such manner so as to permit at all times the free flow of water, the township shall exercise its discretion to take action as necessary to ensure the free flow of water.

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§ 212-41. Plans required for approval.

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- E. A stormwater management plan shall be submitted, if required pursuant Chapter 206, Stormwater Management, in accordance with the provisions outlined therein.

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§ 212-43. Preliminary plan requirements.

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- C. Existing features.

- (1) All typographic and physical features surrounding the tract being subdivided which impacts it shall be shown:

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- (b) The location of watercourses, floodplains, riparian corridors,

stormwater management facilities and drainage flows.

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- (2) Within and abutting the tract being subdivided, the plan shall show:

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- (b) The location of watercourses, floodplains, riparian corridors, stormwater management facilities and drainage flows.

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- (3) The plan shall show additional information as follows:

- (a) Contours at vertical interval of two feet in sufficient detail to show the course, structure and capacity of all stormwater management facilities, including the method of drainage of adjacent tracts. If the distance between contour lines exceeds 100 feet horizontally, a lesser contour interval will be required as determined by the Township Engineer. Benchmarks to which contour elevations refer shall be noted on the plan and shall be United States Coast and Geodetic Survey datum.

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- D. Proposed features (lots and improvements). All proposed improvements as required by the design standards (accompanied by all supporting documents) shall be shown on the plan.

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- (5) The location and size of sanitary sewers, stormwater management facilities, culverts, watercourses, on-site sewage facilities, if applicable, water mains, fire hydrants, special structures and all appurtenances.

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- (8) The purpose, location, width and boundaries by dimensions of all rights-of-way and/or easements to be created for all stormwater management facilities, drainage, utilities or to other pertinent reasons.

- (9) Typical cross-sections and center-line profile for each new or widened

street cartway, as well as the profile for sanitary sewers and stormwater management facilities, including manholes, inlets and catch basins.

- (10) Soil erosion and sediment control facilities during and after construction and stormwater management facilities, including the layout of water detention structures, bridges and culverts.

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§ 212-44. Minor subdivision plan (final).

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D. Existing features.

- (1) Within 100 feet of any part of the tract being subdivided, the plan shall show:

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- (b) The location, size and ownership of sanitary sewers, water and gas mains, private wells, stormwater management facilities, fire hydrants, pipelines and electric transmission lines.

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- (2) Within and abutting the tract being subdivided, the plan shall show:

- (a) The location, size and ownership of utilities and stormwater management facilities, including width of easements or rights-of-way above or below ground.

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E. Proposed features (lots).

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- (2) The location and size of sanitary sewers, stormwater management facilities, water mains, private wells, fire hydrants or on-site sewage facilities, if applicable.

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§ 212-44.1. Minor land development plan.

C. Existing features.

(1) Within 100 feet of any part of the tract being developed, the plan shall show:

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(b) The location, size and ownership of sanitary sewers, water and gas mains, private wells, stormwater management facilities, fire hydrants, pipelines and electric transmission lines.

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(2) Within and abutting the tract being subdivided, the plan shall show:

(a) The location, size and ownership of utilities and stormwater management facilities, including width of easements or rights-of-way above or below ground.

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D. Proposed features.

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(2) The location and size of sanitary sewers, stormwater management facilities, water mains, private wells, fire hydrants or on-site sewage facilities, if applicable.

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§ 212-45. Final plan.

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B. Improvement construction plan.

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(2) Information to be shown. The plan shall contain all the information and

details, both on- and off-site, to provide working plans for the construction of the proposed streets, and widening of existing streets, sanitary sewers and stormwater management facilities, utilities, erosion and sediment control, landscaping, including all appurtenances, as shown on the approved preliminary plan. The information shall include but not be limited to:

- (a) Horizontal plan. The horizontal plan shall show details of the horizontal layout as follows:

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- [5] The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric and other utility pipes or conduits and of stormwater management facilities, inlets and manholes.

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- (b) Profiles. The profile plan shall show vertical details of the horizontal plan as follows:

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- [3] Profiles of stormwater management facilities showing basin structures, basin inlet and discharge points, manhole and/or inlet locations, swales, and other significant structures, conveyances, and control measures.

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- (c) Cross-section. The cross-section shall comply with the township's standards and specifications as minimum requirements. It shall show a typical cross-section across the road with details of grading and construction as follows:

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- [6] The typical location, size and depths of sewers, stormwater management facilities and utilities.

- (d) Additional information. Additional information shall be submitted with the final plan as follows:

[1] All required local, state and federal permits shall be submitted. These permits may include Upper Dublin Township, Montgomery County, Pennsylvania Department of Transportation PennDOT) and Pennsylvania Department of Environmental Protection DEP) permits. DEP permits may be required for stormwater management, stream alteration, dams, erosion and sedimentation control, air pollution or sanitary sewer facilities.

[2] All engineering calculations which support the proposed improvements, such as stormwater management, sanitary facility design or structural calculations shall be submitted.

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C. Record plan.

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(2) Existing features. Within the boundary of the land being subdivided or developed, existing features shall be shown as follows:

- (a) The location, name, widths and surface conditions of existing streets and alleys, including the right-of-way lines, easements and curblines.
- (b) The location and size of existing sanitary sewers, stormwater management facilities, water mains, watercourses, floodplains, and riparian corridors.

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- (g) The location and size of stormwater management facilities, sanitary sewers, culverts, major structures, water mains and fire hydrants.

Section 2. Nothing in this Ordinance or in the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

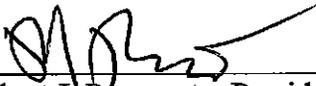
Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, 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 if such illegal, invalid, or

unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take affect and be in force from and after its approval as required by law.

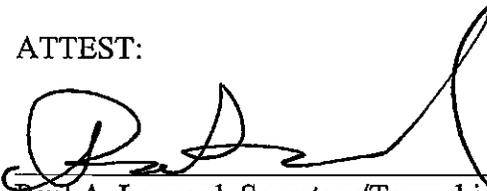
Enacted by the Board of Commissioners of Upper Dublin Township this 14th day of September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager