

ARTICLE I - GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the "Wayne Township Stormwater Management Ordinance."

Section 102. Statement of Findings

The governing body of Wayne Township finds that:

Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.

A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of Wayne Township and all the people of the Commonwealth, their resources, and the environment.

Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns; accelerating stream flows (which increase scour and erosion of streambeds and stream banks thereby elevating sedimentation); destroying aquatic habitat; and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.

Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater issues.

Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of Waters of the Commonwealth.

Section 103. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within Wayne Township, Erie County, by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance through provisions intended to:

Meet legal water quality requirements under state law, including regulations at 25 PA Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the Waters of the Commonwealth.

Manage accelerated runoff and erosion and sedimentation problems close to their source, by regulating activities that cause these problems.

Preserve the natural drainage systems as much as possible.

Maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.

Maintain existing flows and quality of streams and watercourses.

Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds.

Manage stormwater impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes.

Provide procedures, performance standards, and design criteria for stormwater planning and management.

Provide proper operations and maintenance of all temporary and permanent stormwater management facilities and Best Management Practices (BMPs) that are constructed and implemented.

Provide standards to meet the NPDES permit requirements.

Section 104. Statutory Authority

- A. Primary Authority: Wayne Township is empowered to regulate these activities by the authority of the Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167), 32 P.S. Section 680.1 et seq., as amended, the "Storm Water Management Act", and the Second Class Township Code.
- B. Secondary Authority: Wayne Township also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

Section 105. Applicability

This Ordinance shall apply to all areas of Wayne Township, any Regulated Activity within Wayne Township, and all stormwater runoff entering into Wayne Township separate storm sewer system from lands within the boundaries of Wayne Township.

Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

"Regulated Activities" are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. "Regulated Activities" include, but are not limited to, the following listed items:

- A. Earth Disturbance Activities
- B. Land Development
- C. Subdivision
- D. Construction of new or additional impervious or semi-pervious surfaces
- E. Construction of new buildings or additions to existing buildings
- F. Diversion or piping of any natural or man-made stream channel
- G. Installation of stormwater management facilities or appurtenances thereto
- H. Installation of stormwater BMPs

See Section 302 of this Ordinance for Exemption/Modification Criteria.

Section 106. Repealer

Any ordinance, ordinance provision(s), or regulation of Wayne Township inconsistent with any of the provision(s) of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 107. Severability

In the event that a court of competent jurisdiction declares any section(s) or provision(s) of this Ordinance invalid, such decision shall not affect the validity of any of the remaining section(s) or provision(s) of this Ordinance.

Section 108. Compatibility with Other Ordinance Requirements

Approvals issued and actions taken pursuant to this Ordinance do not relieve the Applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Ordinance shall be followed.

Section 109. Duty of Persons Engaged in the Development of Land

Notwithstanding any provision(s) of this Ordinance, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

Section 110. Municipal Liability Disclaimer

- A. Neither the granting of any approval under this Ordinance, nor the compliance with the provisions of this Ordinance, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting there from, or as otherwise imposed by law nor impose any liability upon the Wayne Township for damages to persons or property.
- B. The granting of a permit which includes any storm water management facilities shall not constitute a representation, guarantee or warranty of any kind by the Wayne Township, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.