

COUNCIL OF THE CITY OF SHARON

Bill No 08-11

Ordinance No. 08-11

Introduced by:

Passed Finally

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SHARON, MERCER COUNTY, PENNSYLVANIA; WHEREAS, the Stormwater Management Act 167 of 1978 provides for the regulation of land and water use for flood control and stormwater management, requires the Pennsylvania Department of Environmental Protection to designate watersheds, and provides for grants to be appropriated and administered by the Department for plan preparation and implementation costs, and provides that each county will prepare and adopt a watershed stormwater management plan for each designated watershed;

BE IT ORDAINED AND ENACTED by the Council of the City of Sharon, Mercer County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

**ARTICLE I - GENERAL PROVISIONS**

**SECTION 101 – Short Title**

This Ordinance shall be known as and may be cited as the “( City of Sharon)” Stormwater Management Ordinance.”

**SECTION 102 – Statement of Findings**

The governing body of the **Municipality** finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, and this **Municipality**, their resources, and the

environment.

- C. 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.
- D. 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).
- E. Public education is necessary for the proper understanding and implementation of stormwater management in the community in which it functions.

### **SECTION 103 – Purpose**

The purpose of this Ordinance is to promote health, safety, and welfare within the **Municipality** and its watershed by minimizing the harms and maximizing the benefits described in Section 102 (Statement of Findings) of this Ordinance, through provisions designed to:

- A. 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 this Commonwealth.
- B. Manage the volume, rate and quality of stormwater runoff.
- C. Preserve the natural drainage systems as much as possible.
- D. Manage stormwater runoff as close to the source as possible.
- E. Provide procedures and performance standards for stormwater planning and management.
- F. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- G. Prevent scour and erosion of stream banks and streambeds from accelerated runoff.
- H. Provide proper operation and maintenance of all permanent SWM BMP's that are implemented and constructed within the **Municipality**.
- I. Provide standards to meet NPDES permit requirements.

- J. Integrate stormwater management into the land development site planning process.

#### **SECTION 104 - Statutory Authority**

A. Primary Authority:

The **Municipality** is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the "Stormwater Management Act" and the "(appropriate municipal code)".

B. Secondary Authority:

The **Municipality** 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**

All regulated activities and all activities that may affect stormwater runoff, including land development and earth disturbing activities, are subject to regulation by this Ordinance.

For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance; except that the volume controls in Section 303 and the peak rate controls of Section 304 do not need to be retrofitted to existing impervious areas that are not being altered by proposed regulated activities.

#### **SECTION 106 - Repealer**

Any other ordinance provision(s) or regulation of the **Municipality** inconsistent with any of the provisions 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 or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

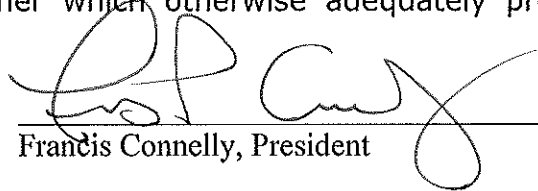
#### **SECTION 108 - Compatibility with Other Requirements**

Approvals issued and actions taken under this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any

other code, law, regulation, or ordinance.

**SECTION 109 – Obligation to Safeguard**

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.

  
Francis Connelly, President

ATTEST:

  
Lori Merolillo, Acting City Clerk

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF MERCER :

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared before me, a Notary Public, and for the Commonwealth of Pennsylvania, Francis Connelly and Lori Merolillo who have stated that their official positions in the City of Sharon are President of Council and Acting City Clerk, respectively, and who, in due form of law, acknowledge the foregoing Articles of Incorporation to be the act and deed of the City of Sharon for the purpose therein specified.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public