

**CHAPTER 26**

**WATER**

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**PART 1**

**STORMWATER MANAGEMENT**

**§26-101. General Provisions.**

1. Statement of Findings. The City of Hermitage finds that:
  - A. Inadequate management of accelerated and/or redirected runoff of stormwater from land development and/or alteration throughout the City may increase flood flows and velocities, contribute to erosion and sedimentation, overtax the carrying capacity of streams and storm sewers, greatly increase the cost of public facilities to carry and control stormwater, undermine floodplain management, reduce groundwater recharge and threaten public health and safety.
  - B. A comprehensive program of stormwater management, including reasonable regulation of development and other activities causing accelerated or redirected runoff is fundamental to the public health, safety and welfare and the protection of the people of the City of Hermitage, their resources and the environment.
  - C. The maximum rate of stormwater runoff should be no greater after development than prior to development activities.
  - D. The quantity, velocity and direction of stormwater runoff must be managed in a manner which protects health and property from possible injury.
  - E. Any activity conducted in violation of the provisions of this Part, the Stormwater Management Act, any watershed stormwater plan or regulations adopted thereunder is hereby declared to be a public nuisance.
2. General Provisions.
  - A. Purpose. These regulations are adopted and implemented to achieve the following general purposes and objectives:
    - (1) To control accelerated and/or redirected runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
    - (2) To utilize and preserve the desirable existing natural drainage systems and to preserve the flood-carrying capacity of streams.
    - (3) To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.

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- (4) To provide for adequate maintenance of all permanent stormwater management structures in the City.
- B. Applicability. The following activities involving alteration or development of land are deemed to have possible effects upon stormwater runoff characteristics and are included within the scope of this Part:
- (1) Subdivision.
  - (2) Land development.
  - (3) Earth moving involving one or more acres.
  - (4) Agricultural operations.
  - (5) Construction of new or additional impervious or semipervious surfaces (driveways, parking lots, etc.)
  - (6) Forest management operations.
  - (7) Nursery operations.
  - (8) Diversion or piping of any natural or man-made stream channel.
  - (9) Installation, replacement or substantial repair of stormwater systems or appurtenances.
  - (10) Mining operations and oil and gas drilling operations.
  - (11) Other activities which may effect or alter existing runoff rates and/or patterns so as to affect downstream persons or properties.
- C. Liability Disclaimer
- (1) Neither the granting of any approval under the stormwater management provisions of this Part, nor the compliance with the provisions of this Part, or with any condition imposed by a City official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the City for damages to persons or property.
  - (2) The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the City, 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.

(Ord. 19-91, 12/19/1991, Part 1)

**§26-102. Stormwater Management Requirements.**

1. Stormwater Management Performance Standards.

A. General Standards.

- (1) The following provisions shall be considered the overriding performance standards against which all stormwater control measures shall be evaluated and shall apply throughout the City of Hermitage:
  - (a) Any landowner and 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 shall include such actions as are required:
    - 1) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or
    - 2) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
- (2) The stormwater management plan for the site must consider all the stormwater runoff flowing over the site.
- (3) No discharge of toxic materials shall be permitted into any stormwater collection system.

B. Specific Standards.

- (1) General. The stormwater performance standards contained in this section are intended to be applied in all areas of the City of Hermitage where no approved Act 167 watershed stormwater management plan is in effect and to implement the standards and criteria for areas for which such Act 167 stormwater management plans have been adopted and approved in accordance with the Pennsylvania Stormwater Management Act. If there is any discrepancy between the provisions of this section and the standards and criteria of such approved plan, or if the watershed plan is subsequently amended, then the standards and criteria of the current watershed plan shall govern.

- (2) Storm Frequencies. Stormwater management facilities on all development sites shall control the peak stormwater discharge for the two-, ten-, twenty-five- and one-hundred-year storm frequencies. The SCS twenty-four-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions. The twenty-four-hour total rainfall for these storm frequencies in the watershed are:

**RAINFALL DEPTH**

<b>Storm Frequency</b>	<b>Inches</b>
Two-year	2.28
Ten-year	3.07
Twenty-five-year	3.48
One-hundred-year	4.56

(For additional information or data on other storm return periods, consult the Storm Intensity – Duration – Frequency Curve for Region 1, as published by the Pennsylvania Department of Transportation, Storm Intensity – Duration – Frequency Charts, May 1986 edition, or its successor publication or standard)

- (3) Calculation Methods.
- (a) Development Sites. For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using the SCS Technical Release (TR) 55 “Urban Hydrology for Small Watersheds.”
  - (b) Stormwater Collection and Conveyance Facilities. For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, the Rational Method shall be applied. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts contained in Appendix A.<sup>1</sup>
  - (c) Predevelopment Conditions. Predevelopment conditions shall be assumed to be those which exist on any site prior to the start of land alteration and/or development. Hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, crop land, etc.) shall be presumed to be in “good” condition, and the lowest recommended SCS runoff curve number (CN) shall be applied for all pervious land uses within the re-

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<sup>1</sup> Editor’s Note: Appendix A is included at the end of this chapter.

spective range for each land use and hydrologic soil group. These presumptions are not conclusive.

(4) Release Rate Percentage.

(a) Definition. The release rate percentage defines the percentage of the pre-development peak rate of runoff that can be discharged from an outfall on the site after development. It applies uniformly to all land development or alterations within a subarea. In the absence of an approved Act 167 Stormwater Management Plan, a uniform release rate percentage of 100% shall be applied. In areas for which an approved Act 167 Plan is in effect, the appropriate release rate percentage defined in the plan shall be applied.

(b) Procedure for Use.

- 1) Determine the appropriate release rate percentage.
- 2) Compute the pre- and post-development runoff hydrographs for each stormwater outfall on the development site using the prescribed calculation method for the two-, ten-, twenty-five- and one-hundred-year storms. Apply no on-site detention for stormwater management, but include any techniques to minimize impervious surfaces and/or increase the time of concentration for stormwater runoff flowing from the development site.

If the post-development peak runoff rate and the runoff volume are less than or equal to the pre-development peak runoff rate and volume, then additional stormwater control shall not be required at that outfall. If the post-development peak runoff rate and volume are greater than the pre-development peak runoff rate and volume, then stormwater detention will be required and the capacity of the detention facility must be calculated in the manner prescribed below.

- 3) Multiply the subarea release rate percentage by the pre-development rate of runoff from the development site to determine the maximum allowable release rate from any detention facility for the four prescribed storm events.

2. Design Criteria for Stormwater Management Controls.

A. General Criteria.

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- (1) Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls must be subject to approval of the City Engineer. The City Engineer shall request specific information on design and/or operating features of the proposed stormwater controls as necessary to determine their suitability and adequacy in terms of the standards of this Part.
- (2) The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the City Engineer may require in-depth studies by a competent geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.
- (3) The stormwater management practices to be used in developing a stormwater management plan for a particular site shall be selected according to the following order of preference:
  - (a) Infiltration of runoff on site.
  - (b) Flow attenuation by use of open vegetated swales and natural depressions.
  - (c) Stormwater detention/retention structures.
- (4) Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

### B. Criteria for Infiltration Systems.

- (1) Infiltration systems shall be sized and designed based upon local soil and groundwater conditions.
- (2) Infiltration systems greater than three feet deep shall be located at least 10 feet from basement walls.
- (3) Infiltration systems designed to handle runoff from commercial or industrial parking areas shall be located a minimum of 100 feet from any water supply well.
- (4) Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.

- (5) The stormwater infiltration facility design shall provide an overflow system with measures to provide a nonerosive velocity of flow along its length and at the outfall.

C. Criteria for Flow Attenuation Facilities.

- (1) If flow attenuation facilities are employed to assist in the control of peak rates of discharge, their effects must be quantified using the SCS Technical Release (TR) 55, "Urban Hydrology for Small Watersheds." The effects of the flow attenuation facilities on travel time should be reflected in the TR-55 calculations as outlined in the TR-55 manuals.
- (2) Flow attenuation facilities such as swales and natural depressions should be properly graded to insure positive drainage and avoid prolonged ponding of water.
- (3) Swales shall be properly vegetatively stabilized.
- (4) The design of swales shall be in accordance with the recommendations contained in the Commonwealth of Pennsylvania, "Erosion and Sediment Pollution Control Program Manual."

D. Criteria for Stormwater Detention Facilities.

- (1) If detention facilities are utilized for the development site, the facility(ies) shall be designed such that post-development peak runoff rates from the developed site are controlled to those rates defined by the subarea release rate percentage for the two-, ten-, twenty-five-, and one-hundred-year storm frequencies.
- (2) All detention facilities shall be equipped with outlet structures to provide discharge control for the four designated storm frequencies. Provisions shall also be made to safely pass the post-development one-hundred-year storm runoff without damaging (i.e., impairing) the continued function of the facilities.
- (3) Shared storage facilities, which provide detention of runoff for more than one development site within a single subarea, may be considered and are encouraged. Such facilities shall meet the criteria contained in this section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared storage facilities. The rights and obligations of all parties to a shared storage facility shall be set forth in writing and be recorded in the Recorder's Office of Mercer County, Pennsylvania.

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- (4) Where detention facilities will be utilized, multiple use facilities, such as wetlands, lakes, ballfields or similar recreational/open space uses are encouraged wherever feasible, subject to the approval of the City.
- (5) Other considerations which should be incorporated into the design of the detention facilities include:
  - (a) Inflow and outflow structures shall be designed and installed to prevent erosion and bottoms of impoundment-type structures should be protected from soil erosion.
  - (b) Standpipes shall be constructed of reinforced concrete or cast-in-place, precast or block and shall be provided with debris grates.
  - (c) Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration.
  - (d) Inflow and outflow structures, pumping stations, and other structures shall be designed and protected to minimize safety hazards.
  - (e) An emergency spillway or overflow shall be provided that is capable of passing the peak flow generated by a one-hundred-year, twenty-four-hour storm following construction.
  - (f) The water depth at the perimeter of a storage pond should be limited to that which is safe for children. This is especially necessary if bank slopes are steep or if ponds are full and recirculating in dry periods. Restriction of access (fence, walls, etc.) may be necessary depending on the location of the facility. Unless otherwise approved, the maximum planned water depth shall not exceed four feet.
  - (g) The facility shall be designed with a minimum freeboard of one foot between the peak emergency spillway design flow elevation and the top of the embankment.
  - (h) Side slope of storage ponds shall not exceed a ratio of two to one horizontal to vertical dimension.
  - (i) All embankments shall be designed according to sound engineering practice for such structures and must meet the approval of the City.
  - (j) Landscaping shall be provided for the facility which harmonizes with the surrounding area.

- (k) The facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.
- (l) All detention facilities shall be provided with suitable access, as determined to be appropriate by the City Engineer. Access shall be located within permanent easements, and shall not be obstructed by the property owner or others.

E. Criteria for Collection/Conveyance Facilities.

- (1) All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards:
  - (a) All collection/conveyance facilities shall be designed to convey the runoff from what has been calculated to be a ten-year storm for this vicinity as shown on the Pennsylvania Department of Transportation rainfall charts contained in Appendix A.<sup>1</sup> Where the flow from the ten-year storm exceeds 20 c.f.s., then from that point downstream, all storm drainage systems and structures shall be designed to handle the peak flow from a twenty-five-year storm.

Where a storm drainage structure must handle the flow in a stream within a federally designated floodplain, the structure shall be designed to handle the peak flow from a one-hundred-year storm. The developer and the Planning Commission should keep in mind that more severe storms occur at less frequent intervals and, where feasible, so design subdivisions that especially heavy runoff, exceeding the capacity of the required channels or storm sewers, can be handled with the least possible damage to improvements and structures.

- (b) The rational method shall ordinarily be used in computing runoff using the formula:

$$Q = C * I * A$$

Wherein:

Q = water reaching the channel, culvert, bridge or storm sewer in cubic feet per second (c.f.s.).

I = rainfall rate in inches per hour.

A = drainage area in acres.

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<sup>1</sup> Editor's Note: Appendix A is included at the end of this chapter.

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C = coefficient of runoff as follows:

Areas primarily paved or in building (such as shopping centers) - C = 0.90.

Primarily residential areas with lots smaller than 7,500 square feet of apartment areas - C = 0.60.

Primarily residential areas with lots 7,500 square feet to 1/2 acre - C = 0.50.

Primarily residential areas with lots 20,000 square feet or over C = 0.40.

Cemeteries, parkland and other permanent areas - C = 0.35.

In computing "I," the concentration time for each collection area shall be computed and the rainfall rate per hour determined by use of the Storm Intensity – Duration – Frequency Curve for Region 1 as published by the Pennsylvania Department of Transportation Storm Intensity – Duration – Frequency Charts, May 1986 edition, or its successor publication or standard.

- (c) Required design of streets and grading in relation to storm drainage shall be such that runoff from roofs, driveways and other impervious surfaces shall be towards the street or other approved storm drainage system and will be collected in the storm sewers or street drainage system or other stormwater collection system as approved by the City.
- (d) All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.
- (e) Lots located on the high side of streets shall extend roof and trench drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and trench drains to a stormwater collection/conveyance/control system or natural watercourse in accordance with the approved stormwater management plan for the development site.
- (f) Storm sewers shall be required to be installed along both sides of the street in all new subdivisions.
- (g) Open channel drainage between or across lots carrying stormwater from public rights-of-way or storm sewers shall not be

permitted. Such drainage shall be contained in approved storm sewers. Open channel drainage shall be permitted in natural streams or stream beds provided adequate provisions for erosion control are made where necessary.

- (h) Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.
  - (i) Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.
- (2) Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:
- (a) Storm sewers shall be located according to the specifications of the City Engineer.
  - (b) The design of storm sewer layout, including the handling of abrupt changes in direction, shall be as approved by the City Engineer.
  - (c) Where practical, storm sewers should be designed to traverse under seeded and planted areas. If constructed beneath or within two feet of road paving, walks or other surfaced areas, drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development.
  - (d) Storm sewers preferably should be installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of three feet cover and/or adequate protection during the fill construction.
  - (e) Storm sewers shall be designed:
    - 1) With cradle when traversing fill areas of indeterminate stability.
    - 2) With anchors when gradient exceeds 20%.
    - 3) With encasement or special backfill requirements when traversing under a paved area.
  - (f) Storm sewers shall be designed to adequately handle the anticipated stormwater flow and be economical to construct and

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maintain. The minimum pipe size shall be 12 inches in diameter and a minimum grade of 0.5%.

- (g) Storm sewer pipe, trenching, bedding and backfill requirements shall conform to the requirements of this Part and, where applicable, PennDOT Specifications Form 408 and those of the City of Hermitage.
- (h) Pipe used for storm sewers within a municipal right-of-way shall be provided in accordance with the latest ASTM and AASHTO edition for the following:
  - 1) Reinforced Concrete Pipe (RCP) shall be manufactured in accordance with ASTM C-76 for circular pipe and ASTM C-507 for elliptical pipe with bell and spigot joints meeting ASTM C-76 for roadway shoulders and easement areas and ASTM C-443 for roadway and spillway crossings.
  - 2) High density polyethylene pipe (HDPE) shall be smooth wall pipe meeting the standards of AASHTO M-252 and M-294. Pipe joint connections shall be bell and spigot type meeting ASTM F-477 silt tight for roadway shoulders and easement areas and ASTM F-477 watertight for roadway and spillway crossings.
- (i) Storm inlets and inlet boxes shall be from a PennDOT approved manufacturer. Inlet boxes shall be sized to allow for the proper installation of the storm sewer pipe with a minimum size of 2 x 4 feet. Inlets shall be placed to provide for the collection of all surface runoff but shall be placed no farther than 400 feet center to center along the connected sewer run. Inlets shall be placed no closer than seven feet from the edge of roadways without curbs; no closer than 10 feet from the point of curvature and tangent of intersecting streets; and no closer than 10 feet from a sanitary sewer manhole. The rim elevation of all inlets shall be set such that it is equal to the invert elevation of the stormwater transport swale. Driveway inlets shall be installed at the up-gradient side of each driveway unless waived by the City. Driveway inlets shall be no smaller than 2 x 2 feet and installed in accordance with the standard details of the City.
- (j) All inlet grates in public right-of-ways and easements shall be bicycle safe. All grates shall be constructed in accordance with the latest edition of PennDOT Specifications Form 408.
- (k) Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches or less are used and not more than 450 feet apart

where larger sizes are installed. When approved by the City Engineer, inlets may be substituted for manholes.

- (l) Manholes shall be designed so that the top shall be at finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude “rattling.”
- (m) Where proposed sewer connects with an existing storm sewer system, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional flow.
- (n) Storm sewer outfalls shall be equipped with energy-dissipation devices to prevent erosion and conform with applicable requirements of the Pennsylvania DEP for stream encroachments (Chapter 105 of Pennsylvania DEP rules and regulations).

3. Erosion and Sedimentation Controls.

- A. Erosion/sedimentation plan shall be provided in accordance with the Pennsylvania erosion/sedimentation regulations (25 Pa. Code, Chapter 102) and the standards and guidelines of the County Conservation District.
- B. Proposed erosion/sedimentation measures shall be submitted with the stormwater management plan as part of the preliminary and final applications.

4. Maintenance of Stormwater Management Controls.

- A. Maintenance Responsibilities.
  - (1) The stormwater management plan for the site shall contain a operation and maintenance plan prepared by the developer and approved by the City Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the facility(ies).
  - (2) The stormwater management plan for the site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principals:
    - (a) If a land development/alteration consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the City, stormwater control facilities should also be dedicated to and maintained by the City.

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- (b) If a development site is to be maintained in single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.
- (3) The Board of Commissioners, upon recommendation of the City Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The Board of Commissioners reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

### B. Maintenance Agreement for Privately Owned Stormwater Facilities.

- (1) Prior to final approval of the site's stormwater management plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities which are to be privately owned. The agreement shall stipulate that:
  - (a) The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner.
  - (b) The owner shall convey to the City easements and/or rights-of-way to assure access for periodic inspections by the City and maintenance if required.
  - (c) The owner shall keep on file with the City the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the City within 10 days of the change.
  - (d) If the owner fails to maintain the stormwater control facilities following due notice by the City to correct the problem(s), the City may perform the necessary maintenance work or corrective work and the owner shall promptly reimburse the City for all costs.
- (2) Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the City Solicitor and Board of Commissioners.

### C. City Stormwater Maintenance Fund.

- (1) Persons installing stormwater storage facilities shall be required to pay a specified amount to the City stormwater maintenance fund to

help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

- (a) If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the City for a period of 10 years, as estimated by the City Engineer. After that period of time, inspections will be performed at the expense of the City.
  - (b) If the storage facility is to be owned and maintained by the City, the deposit shall cover the estimated costs for maintenance and inspections for 10 years. The City Engineer will establish the estimated costs utilizing information submitted by the applicant.
- (2) If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the City may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.
- (3) If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

5. Stormwater Plan Requirements.

A. General Requirements.

- (1) No final subdivision/land development plan shall be approved, no permit authorizing construction shall be issued, or any earth moving or land disturbance activity initiated until the final stormwater management plan for the development site is approved in accordance with the provisions of this Part.

B. General Exemptions. The following activities are specifically exempt from the plan preparation provisions of this Part unless the City determines that the proposed ongoing or completed activity is likely to, has, or will negatively impact the findings set forth in §26-101, Subsection 1, or the general provisions in §26-101, Subsection 2. Upon making such determination, the City shall give notice in writing to the landowner and the developer, if known, and direct the landowner and any developer to immediately cease and desist all activity and affirmatively comply with the formal plan, submission and approval procedures of this Part.

- (1) Land disturbances affecting less than one acre of ground surface.

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- (2) Land disturbances associated with existing one- and two-family dwellings.
- (3) Use of land for gardening for home consumption.
- (4) Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan prepared by the Conservation District.
- (5) Forest management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.
- (6) Subdivisions which are solely for non-building lots or replats.
- (7) Construction of impervious or semipervious surfaces less than 5,000 square feet, provided that the total of such surfaces after completion of the proposed construction is less than 5,000 square feet and any additional construction is less than 1,000 square feet.

### C. Exemptions for Small Developments.

- (1) At the time of application, the City shall determine if the subdivision/land development qualifies as a "small development" and, therefore, is eligible for a simplified stormwater plan submission. For the purposes of this Part, a small development is any subdivision or land development which results in (or will result in when fully constructed) the creation of 5,000 square feet or less of impervious or semipervious surface area.
- (2) Applications for small developments shall include a plan which describes the type and location of proposed on-site stormwater management techniques or the proposed connection to an existing storm sewer system. The plan should show accurately site boundaries, five-foot interval contours, locations of watershed and/or subarea boundaries on the site (if applicable) and any watercourses, floodplains or existing drainage facilities structures located on the site. The City reserves the right to require that the plan be prepared by a registered professional engineer, surveyor or landscape architect.
- (3) The City Engineer shall review and approve the proposed provisions for stormwater management in accordance with the standards and requirements of this Part.

### D. Stormwater Plan Contents.

- (1) General Format. The stormwater plan shall be drawn to a scale of not less than one inch equals 50 feet. All sheets shall contain a title block with name and address of applicant and engineer, scale, north arrow, legend and date of preparation.
- (2) Existing and Proposed Features. The plan shall show the following:
  - (a) Watershed Location. Provide a key map showing the location of the development site within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed names(s) and subarea number(s).
  - (b) Floodplain Boundaries. Identify one-hundred-year floodplains on the development site (as appropriate) based on the City Flood Insurance Study maps.
  - (c) Natural Features. Show all bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site, or which will be affected by runoff from the development.
  - (d) Soils. Provide an overlay showing soil types and boundaries within the development site (consult county, SCS and U.S. Geological Survey for information).
  - (e) Contours. Show existing and final contours at intervals of two feet; in areas with slopes greater than 15%, five-foot contour intervals may be used.
  - (f) Land Cover. Show existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed.
  - (g) Drainage Area Delineations. Show the boundaries of the drainage areas employed in the runoff calculations performed.
  - (h) Stormwater Management Controls. Show any existing stormwater management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc., which are located on the development site, or which are located off site but will be affected by runoff from the development.
- (3) Professional Certification. The stormwater management plan (including all calculations) must be prepared and sealed by a registered professional engineer, surveyor or landscape architect with training and

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expertise in hydrology and hydraulics. Documentation of qualifications may be required by the City.

- (4) **Runoff Calculations.** Calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities must be submitted with the stormwater management plan. All calculations shall be prepared using the methods and data prescribed by this Part.
- (5) **Stormwater Controls.** All proposed stormwater runoff control measures must be shown on the plan including methods for collecting, conveying and storing stormwater runoff on site, which are to be used both during and after construction. Erosion and sedimentation controls shall be shown in accordance with applicable City and County Conservation District requirements. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and relationship to the existing watershed drainage system.
  - (a) If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.
  - (b) A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.
  - (c) If appropriate, a justification should be submitted as to why any preferred stormwater management techniques, as listed in §26-101, Subsection 3, are not proposed for use.
- (6) **Easements, Rights-of-Way, Deed Restrictions.** All existing and proposed easements and rights-of-way for drainage and/or access to stormwater control facilities shall be shown and the proposed owner identified. Show any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.
- (7) **Other Permits/Approvals.** A list of any approvals/permits relative to stormwater management that will be required from other governmental agencies (e.g., an obstructions permit from Pennsylvania DEP) and anticipated dates of submission/receipt should be included with the stormwater plan submission. Copies of permit applications may be requested by the City where they may be helpful for the plan review.
- (8) **Maintenance Program.** The application shall contain a proposed maintenance plan for all stormwater control facilities in accordance with the following:

- (a) Identify the proposed ownership entity (e.g., City, property owner, private corporation, homeowners' association or other entity).
  - (b) Include a maintenance program for all facilities, outlining the type of maintenance activities, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.
  - (c) Identify method of financing continuing operation and maintenance if the facility is to be owned by other than the City or a governmental agency.
  - (d) Submit any legal agreements required to implement the maintenance program and copies of the maintenance agreement as required by this Part.
- (9) Financial Guarantees. Submit financial guarantees in accordance with the provisions of this Part.
- (10) The City Engineer shall have the right under appropriate circumstances to waive or modify certain requirements of plan content. Appropriate circumstances include where strict adherence to a plan content requirement is unnecessary to meet the findings in §26-101, Subsection 1, and the general provisions in §26-101, Subsection 2, and where:
- (a) Compliance would be unduly burdensome.
  - (b) A lesser or modified requirement would equally or better assist the City in reviewing the proposed plan.
  - (c) A re-submission of a previously approved plan.
  - (d) The proposed activity is of such a nature that although it is not enumerated in §26-102, Subsection 5B, it does not require complete compliance with all plan content requirements to permit review. The Engineer's discretion under this provision is limited solely to plan content requirements and not to compliance with this Part as a whole.

6. Plan Review Procedures.

A. Preapplication Phase.

- (1) Before submitting the stormwater plan, applicants are urged to consult with the City on the requirements for safely managing stormwater runoff from the development site in a manner consistent with the

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City ordinances and applicable watershed stormwater management plan. These agencies may also be helpful in providing necessary data for the stormwater management plan.

- (2) Applicants are encouraged to submit a sketch plan with a narrative description of the proposed stormwater management controls for general guidance and discussion with the City.
- (3) The preapplication phase is not mandatory; any review comments provided by the City or other agencies are advisory only and do not constitute any legally binding action on the part of the City.

### B. Stormwater Plan Reviews.

- (1) **Submission of Plans.** Stormwater plan applications shall be submitted with the preliminary and final subdivision/land development applications.
- (2) If the stormwater management plan relates to land development or subdivision or other such activity which requires submission to the Planning Commission and ultimately requires approval or disapproval by the Board of Commissioners, then said stormwater plan shall be submitted along with the preliminary and final subdivision or land development applications and will be reviewed and determined by the Planning Commission and Board of Commissioners along with said subdivision and land development application. If said stormwater plan does not fall within the above-enumerated situation, then the City Engineer shall approve or disapprove the stormwater management plan based on the requirements of the City ordinances, the standards and good engineering practice. The Engineer shall submit a written report along with supporting documentation stating reasons for approval or disapproval.
- (3) **Status of the City Engineer's Determination.** The approval/disapproval of the site's stormwater management plan by the City Engineer shall be considered final. The Board of Commissioners shall not reverse the Engineer's determination by approving or disapproving the site's stormwater management plan or any specific control measure in contradiction to the Engineer's action. The Board of Commissioners may request modifications or alternative approaches to the stormwater management controls, provided these are agreed to by the City Engineer and the applicant's engineer.
- (4) Any approval or disapproval of the site stormwater management plan by the City Engineer shall be considered final unless within 30 days of the issuance of said determination an application is filed with the City requesting review by the Board of Commissioners. In the event of said

application, the Board of Commissioners shall approve or disapprove the submitted plan.

7. Status of the Stormwater Plan After Final Approval.

- A. Upon final stormwater plan approval and receipt of all necessary permits, the applicant may commence to install or implement the approved stormwater management controls.
- B. If site development or building construction does not begin within two years of the date of final approval of the stormwater management plan, then before doing so, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously approved stormwater management controls. Further, if for any reason development activities are suspended for two years or more, then the same requirement for resubmission of the stormwater management plan shall apply.

8. Stormwater Plan Modifications.

- A. If the request for a plan modification is initiated before construction begins, the stormwater plan must be resubmitted and reviewed according to the procedures contained in §26-102, Subsection 7, above.
- B. If the request for a plan modification is initiated after construction is underway, the City Engineer shall have the authority to approve or disapprove the modification based on field inspection, provided:
  - (1) The requested changes in stormwater controls do not result in any modifications to other approved municipal land use/development requirements (e.g., building setbacks, yards, etc.); and
  - (2) The performance standards in §26-101, Subsection 2, are met.

Notification of the Engineer's action shall be sent to the Board of Commissioners, which may issue a stay of the plan modification within five days and require the permittee to resubmit the plan modification for full stormwater plan review in accordance with §26-102, Subsection 7, above.

9. Inspections of Stormwater Management Controls.

- A. The City Engineer or a designated representative shall inspect the construction of the temporary and permanent stormwater management system for the development site. The permittee shall notify the City Engineer 48 hours in advance of the completion of the following key development phases:

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- (1) At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities.
  - (2) At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
  - (3) During construction of the permanent stormwater facilities at such times as specified by the City Engineer.
  - (4) Completion of permanent stormwater management facilities including established ground covers and plantings.
  - (5) Completion of final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.
- B. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the City Engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.
- C. If during construction, the contractor or permittee identifies any site condition, such as subsurface soil conditions, alterations in surface or subsurface drainage which could affect the feasibility of the approved stormwater facilities, he/she shall notify the City Engineer within 24 hours of the discovery of such condition and request a field inspection. The City Engineer shall determine if the condition requires a stormwater plan modification.
- D. In cases where stormwater facilities are to be installed in areas of landslide-prone soils or other special site conditions exist, the City may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the permittee.
10. Financial Guarantees and Dedication of Public Improvements.
- A. **Guarantee of Completion.** A completion guarantee in the form of a bond, cash deposit, certified check or other negotiable securities acceptable to the City shall be filed. The guarantee shall cover all streets, sanitary sewers, stormwater management facilities, water systems, fire hydrants, sidewalks and other required improvements; it shall be in the amount and form prescribed by the Municipalities Planning Code (§509).
  - B. **Release of Completion Guarantee.** The completion guarantee shall be returned or released upon written certification by the City Engineer or a designated agent that improvements and facilities have been installed and

completed in accordance with the approved plan and specifications. The procedures for requesting and obtaining a release of the completion guarantee shall be in a manner prescribed by the Municipalities Planning Code (§510).

- C. Default of Completion Guarantee. If improvements are not installed in accordance with the approved final plan, the Board of Commissioners may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Commissioners may, at its option, install part of such improvements in all or part of the development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.
- D. Dedication of Public Improvements.
- (1) When streets, sanitary sewers, stormwater management facilities, water lines or other required improvements in the development have been completed in accordance with the final approved plan, such improvements shall be deemed private until such time as they have been offered for dedication to the City and accepted by separate ordinance or resolution or until they have been condemned for use as a public facility.
  - (2) Prior to acceptance of any improvements or facilities, the City Engineer shall inspect it to ensure that it is constructed in accordance with the approved plan and is functioning properly. In the case of any stormwater control facility, it must be free of sediment and debris.
  - (3) The owner shall submit as-built plans for all facilities proposed for dedication.
- E. Maintenance Guarantee. Prior to acceptance of any improvements or facilities, the applicant shall provide a financial security to secure the structural integrity and functioning of the improvements. The security shall:
- (1) Be in the form of a bond, cash, certified check or other negotiable securities acceptable to the City.
  - (2) Be for a term of 18 months.
  - (3) Be in an amount equal to 15% of the actual cost of the improvements and facilities so dedicated.

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11. Fee Schedule. The Board of Commissioners may adopt by resolution from time to time a reasonable schedule of fees to cover the cost of plan reviews, inspections and other activities necessary to administer the provisions of this Part. All fees shall be set in accordance with the applicable provisions of the Municipalities Planning Code and any dispute over the fee amount shall be resolved in the manner prescribed by the Planning Code.

(Ord. 19-91, 12/19/1991, Part 2; as amended by Ord. 11-98, 9/23/1998; and by Ord. 20-99, 8/25/1999, §1)

### **§26-103. Enforcement.**

1. Enforcement Procedures and Remedies.
  - A. Right of Entry. Upon presentation of proper credentials, duly authorized representatives of the City may enter at reasonable times upon any property to investigate or ascertain the condition of the subject property in regard to an aspect regulated by this Part.
  - B. Notification. In the event that the applicant, developer, owner or his/her agent fails to comply with the requirements of this Part or fails to conform to the requirements of any permit, a written notice of violation shall be issued. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Upon failure to comply within the time specified, unless otherwise extended by the City, the applicant, developer, owner or his/her agent shall be subject to the enforcement remedies of this Part.
  - C. Preventive Remedies.
    - (1) In addition to other remedies, the City may institute and maintain appropriate actions by law or in equity to restrain, correct or abate a violation, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building or premises.
    - (2) In accordance with the Planning Code (§515.1), the City may refuse to issue any permit or grant approval to further improve or develop any property which has been developed in violation of this Part.
  - D. Enforcement Remedies.
    - (1) Any person who has violated or permitted the violation of the provisions of this Part shall, upon being found liable there for in a civil enforcement proceeding commenced by the City, pay a judgment of not less than \$50 and not more than \$500 plus court costs, including reasonable attorney fees incurred by the City. No judgment shall com-

mence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice.

- (2) If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to applicable rules of civil procedure.
- (3) Each day that a violation continues shall constitute a separate violation unless the District Justice further determines that there was a good-faith basis for the person violating this Part to have believed that there was no such violation. In such case there shall be deemed to have been only one such violation until the fifth day following the date of the District Justice's determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.
- (4) All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the City.
- (5) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (6) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section.

E. **Additional Remedies.** In addition to the above remedies, the City may also seek remedies and penalties under applicable Pennsylvania statutes, or regulations adopted pursuant thereto, including but not limited to the Stormwater Management Act (32 P.S. §§693.1- 693.27) and the Erosion and Sedimentation Regulations (25 Pa. Code, Chapter 102). Any activity conducted in violation of this Part or any Pennsylvania approved watershed stormwater management plan may be declared a public nuisance by the City and abatable as such.

(Ord. 19-91, 12/19/1991, Part 3; as amended by Ord. 11-98,9/23/1998)

#### **§26-104. Definitions.**

**ACT** — the Stormwater Management Act (Act of October 4, 1978, P.L. 864, No. 167, as amended by the Act of May 24, 1984, No. 63, 32 P.S. §680.1 et seq.).

**APPLICANT** — a landowner or developer who has filed an application for development, including his/her heirs, successors and assigns.

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CHANNEL — a perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

CONSERVATION DISTRICT — the Mercer County Conservation District.

CULVERT — a closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment.

DESIGN CRITERIA –

- A. Engineering guidelines specifying construction details and materials.
- B. Objectives, results or limits which must be met by a facility, structure or process in performance of its intended functions.

DESIGN STORM — see “storm frequency.”

DETENTION — the slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION POND — a pond or reservoir, usually small, constructed to impound or retard surface runoff temporarily.

DEVELOPER — the person, persons or any corporation, partnership, association, or other entity or any responsible person therein or agent there for that undertakes the activities associated with changes in land use. The term “developer” is intended to include, but not necessarily be limited to, the term “subdivider,” “owner,” and “builder” even though the individuals involved in successive stages of a project may vary.

DEVELOPMENT — any activity, construction, alteration, change in land use or practice that affects stormwater runoff characteristics.

DISCHARGE — the flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

DRAINAGE — in general, the removal of surface water from a given area; commonly applied to surface water and groundwater.

DRAINAGE AREA –

- A. The area of a drainage basin or watershed, expressed in acres, square miles or other unit of area; also called catchment area, watershed, river basin.
- B. The area served by a sewer system receiving storm and surface water, or by a watercourse.

ENCROACHMENT — any structure or activity which in any manner changes, expands or diminishes, the course, current or cross section of any watercourse, floodway or body of water.

EROSION — wearing away of the lands by running water, glaciers, winds and waves.

EROSION CONTROL — the application of measures to reduce erosion of land surfaces.

FOREST MANAGEMENT OPERATIONS — activities involving the commercial harvesting of timber, including such associated activities as the construction of haul roads and staging areas.

GROUND COVER — materials covering the ground surface.

GROUNDWATER — subsurface water occupying the saturation zone, from which wells and springs are fed.

GROUNDWATER RECHARGE — replenishment of groundwater naturally by precipitation or runoff or artificially by spreading or injection.

IMPERVIOUS — not allowing, or allowing only with great difficulty, the movement of water; impermeable.

INFILTRATION –

- A. The flow or movement of water through the interstices or pores of a soil or other porous medium.
- B. The absorption of liquid by the soil.

LAND DEVELOPMENT — any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels or land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

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B. A subdivision of land.

LAND DISTURBANCE — any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

MAINTENANCE — the upkeep necessary for efficient operation of physical properties.

MUNICIPALITY — the City of Hermitage.

NATURAL STORMWATER RUNOFF REGIME — a watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

OUTFALL –

A. The point, location or structure where drainage discharges from a sewer, drain or other conduit.

B. The conduit leading to the ultimate discharge point.

OUTLET CONTROL STRUCTURE — the means of controlling the relationship between the headwater elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

PEAK FLOW — maximum flow.

PENNSYLVANIA DEP — the Pennsylvania Department of Environmental Protection.

PERFORMANCE STANDARD — a standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

RELEASE RATE PERCENTAGE — the watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

RETENTION POND — a basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

RETURN PERIOD — the average interval in years over which an event of a given magnitude can be expected to recur.

RUNOFF — that part of precipitation which flows over the land.

**RUNOFF CHARACTERISTICS** — the surface components of any watershed which affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to, vegetation, soils, slopes and manmade landscape alterations.

**SCS** — the U.S. Department of Agriculture Soil Conservation Service.

**SEDIMENT** — mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

**SEDIMENTATION** — the process by which mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

**SEMIPERVIOUS SURFACE** — a ground surface or ground surface covering which has been modified from its natural state so as to greatly diminish its natural tendency to allow the downward movement of water into the subsurface.

**STORAGE FACILITY** — see “detention pond” and “retention pond.”

**STORM FREQUENCY** — the average interval in years over which a storm event of a given precipitation volume can be expected to occur.

**STORM SEWER** — a sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

**STORMWATER** — that portion of precipitation which runs over the land.

**STORMWATER COLLECTION SYSTEM** — natural or man-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

**STORMWATER MANAGEMENT PLAN** — a plan for managing stormwater runoff adopted by Mercer County as required by the Stormwater Management Act.

**SUBDIVISION** — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

**SWALE** — a low-lying stretch of land which gathers or carries surface water runoff.

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**WATERCOURSE** — any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATERSHED** — the entire region or area drained by a river or other body of water whether natural or artificial. A “designated watershed” is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

**WATERSHED STORMWATER MANAGEMENT PLAN** — a plan for managing stormwater runoff throughout a designated watershed adopted by Mercer County as required by the Pennsylvania Stormwater Management Act.

(Ord. 19-91, 12/19/1991, Part 4; as amended by Ord. 11-98, 9/23/1998)

**PART 2**

**CROSS-CONNECTIONS PROHIBITED**

**§26-201. Definitions.**

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section:

**CROSS-CONNECTION** — any pipe, conduit, valve, fitting or other fixture of any kind whatsoever which allows or is designed to allow water from different sources to intermingle, except as wastewater.

**PRIVATE WATER SUPPLY** — a source of water other than a municipality, municipal authority or water company under the supervision of the Pennsylvania Public Utility Commission.

**PUBLIC WATER SUPPLY** — a source of water which is a municipality, municipal authority or water company under the supervision of the Pennsylvania Public Utility Commission.

(Ord. 8-64, 9/2/1964, §1)

**§26-202. Certain Cross-Connections Prohibited.**

Cross-connections between a private water supply and a public water supply shall be prohibited in the City of Hermitage.

(Ord. 8-64, 9/2/1964, §2; as amended by Ord. 18-83, 12/22/1983)

**§26-203. Location of Private Water Supply Taps.**

If a property located within City of Hermitage is served by a public water supply, the faucet or tap for any water from a private water supply shall be located outside of the house on said property.

(Ord. 8-64, 9/2/1964, §3; as amended by Ord. 18-83, 12/22/1983)

**§26-204. Abandoned Wells.**

All wells located in the City of Hermitage which have been abandoned for a period of 30 days shall be capped with a strong and sturdy, watertight cover, provided that the Pennsylvania Department of Environmental Protection has been notified as provided by law. Nothing other than said cover shall be placed or dropped into any such well.

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(Ord. 8-64, 9/2/1964, §4; as amended by Ord. 33-75, 12/17/1975, §1; by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998)

### **§26-205. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 8-64, 9/2/1964, §6; as amended by Ord. 33-75, 12/17/1975, §2; and Ord. 11-98, 9/23/1998)

**PART 3**

**PRIVATE GROUNDWATER WELLS**

**§26-301. Use Prohibited; Exceptions.**

No owner, lessor, lessee or occupier of any property in the City of Hermitage in the area designated in §26-302 hereof shall use or drill a groundwater well for any use, including but not limited to potable or agricultural use, subject to the following exceptions:

- A. Monitoring wells are allowed, provided that such wells are installed and abandoned in accordance with the Pennsylvania Department of Environmental Protection Ground Water Monitoring Guidance Manual. For purposes of this Part, the term "monitoring well" shall mean a well used to observe water levels and/or obtain samples of groundwater for the purpose of water quality analysis.

(Ord. 2-2008, 2/27/2008)

**§26-302. Applicable Area.**

The provisions set forth in this Part shall be applicable within the following area within the City of Hermitage:

BEGINNING at a point of intersection of the north line of Broadway Avenue with the west line of the City boundary; thence south along the west line of the City boundary to a point of intersection of the north bank of the Shenango River; thence east along the north bank of the Shenango River to a point of intersection with the east line of the Permanent Parcel Number (PPN) 12-170-048 boundary; thence north along the east line of the PPN 12-170-048 boundary to its point of intersection with the north line of Broadway Avenue; thence west along the north line of Broadway Avenue to its point of intersection with the west line of the City boundary, being the place of beginning.

(Ord. 2-2008, 2/27/2008)