

## CHAPTER 26

### WATER

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**PART 1**  
**STORMWATER MANAGEMENT**

**A. General Provisions.**

**§ 26-101. Short Title. [Ord. 10-2011, 12/21/2011]**

This Part 1 shall be known as and may be cited as the "City of Hermitage Stormwater Management Ordinance."

**§ 26-102. Statement of Findings. [Ord. 10-2011, 12/21/2011]**

The governing body of the City of Hermitage 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 floodplain 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 City, their resources, and the environment.
- C. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams and 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.

**§ 26-103. Purpose. [Ord. 10-2011, 12/21/2011]**

The purpose of this Part 1 is to promote health, safety, and welfare within the City of Hermitage and its watersheds by minimizing the harms and maximizing the benefits described in § 26-102 (Statement of Findings) of this Part 1, 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 water 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 BMPs that are implemented and constructed within the City.
- I. Provide standards to meet NPDES permit requirements.
- J. Integrate stormwater management into the land development site planning process.

**§ 26-104. Statutory Authority. [Ord. 10-2011, 12/21/2011]**

- 1. Primary Authority. The City of Hermitage is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the Stormwater Management Act, and the Pennsylvania Home Rule Charter Act.
- 2. Secondary Authority. The City of Hermitage 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.<sup>1</sup>

**§ 26-105. Applicability. [Ord. 10-2011, 12/21/2011]**

1. All regulated activities, including land development and earth disturbing activities, are subject to regulation by this Part 1.
2. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Part 1, except that the volume controls in § 26-112 and the peak rate controls of § 26-113 do not need to be retrofitted to existing impervious areas that are not being altered by proposed regulated activities.
3. The threshold impervious areas listed in § 26-11, Subsections 1 and 2, shall be calculated as the sum of all impervious areas proposed to be created within any three-year period.
4. Sites that have an existing approved stormwater management plan (SWMP) shall be governed by the existing SWMP, except that Subpart I, Enforcement and Penalties, of this Part 1 shall apply.

**§ 26-106. Repealer. [Ord. 10-2011, 12/21/2011]**

Any other ordinance provision(s) or regulation of the City inconsistent with any of the provisions of this Part 1 is(are) hereby repealed to the extent of the inconsistency only.

**§ 26-107. Severability. [Ord. 10-2011, 12/21/2011]**

In the event that a court of competent jurisdiction declares any section or provision of this Part 1 invalid, such decision shall not affect the validity of any of the remaining provisions of this Part 1.

**§ 26-108. Compatibility with Other Requirements. [Ord. 10-2011, 12/21/2011]**

Approvals issued and actions taken under this Part 1 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.

**B. Terminology.**

**§ 26-109. Definitions. [Ord. 10-2011, 12/21/2011]**

1. For the purposes of this Part 1, certain terms and words used herein shall be interpreted as follows:

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1. **Editor's Note:** See 53 P.S. 10101 et seq.

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

2. As used in this Part 1, the following terms shall have the meanings indicated:

**AGRICULTURAL ACTIVITY** — Activities associated with agriculture, such as agricultural cultivation, agricultural operation, and animal heavy-use areas. This includes the work of producing crops, including tillage, land clearing, plowing, disking, harrowing, planting, and harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

**APPLICANT** — A landowner, developer or agent of a property owner who has filed an application for approval to engage in any regulated activity at a project site in the City of Hermitage.

**BMPs (BEST MANAGEMENT PRACTICES)** — Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Part 1. Permanent stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this Part 1, "nonstructural BMPs or measures" refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas "structural BMPs or measures" are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include but are not limited to a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural permanent stormwater BMPs are permanent appurtenances to the project site.

**CHANNEL** — A natural or artificial watercourse, with a defined bed and banks, that conveys continuously or periodically flowing water.

**CITY** — The City of Hermitage, Mercer County, Pennsylvania.

**CONSERVATION DISTRICT** — A conservation district, as defined in Section 3(c) of the Conservation District Law [(3 P.S. § 851(c)], that has the authority under a delegation agreement executed with the DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code § 102.

**DEP** — The Pennsylvania Department of Environmental Protection.

**DESIGN STORM** — The magnitude and temporal distribution of precipitation from a storm event, measured in probability of occurrence (e.g., a five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems.

**DETENTION VOLUME** — The volume of runoff that is captured and released into the waters of the commonwealth at a controlled rate.

**DEVELOPMENT SITE (SITE)** — See "project site."

**DISCONNECTED IMPERVIOUS AREA (DIA)** — An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration, as specified in Subpart D.

**DISTURBED AREA** — An unstabilized land area where an earth disturbance activity is occurring or has occurred.

**EARTH DISTURBANCE ACTIVITY** — A construction or other human activity which disturbs the surface of the land, including but not limited to clearing and grubbing, grading, excavations, embankments, roadside maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**EASEMENT** — A legal right, granted by a landowner to a grantee, allowing the use of private land for conveyance or treatment of stormwater runoff and access to stormwater practices.

**EROSION** — The natural process by which the surface of the land is worn away by water, wind or chemical action.

**EROSION AND SEDIMENT CONTROL PLAN (E & S PLAN)** — A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

**EXISTING PREDEVELOPMENT CONDITION** — The dominant land cover during the five-year period immediately preceding a proposed regulated activity.

**FLOODPLAIN** — Any land area susceptible to inundation by water from any natural source or delineated by applicable Federal Emergency Management Agency (FEMA) maps and studies as being a special flood hazard area; also included are those soil groups found in Appendix 13 of the (1993) DER Technical Manual for Sewage Enforcement Officers, Soil Groups, Appendix A (as amended or replaced from time to time by the PADEP).

**FLOODWAY** — The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one-hundred-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined, the boundary of the one-hundred-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

**FOREST MANAGEMENT/TIMBER OPERATIONS** — Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, logging road design and construction, timber harvesting, site preparation and reforestation.

**HYDROLOGIC SOIL GROUP (HSG)** — Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)** — A surface that prevents the infiltration of precipitation into the ground (e.g., building area/footprint, pavement, sidewalks, driveways, etc.). Decks, gravel parking areas, gravel driveways, porous concrete, porous asphalt, porous pavers, and green roofs are not counted as impervious areas if they do not prevent infiltration.

**INFILTRATION** — The entrance of surface water into the soil, usually at the soil/air interface.

**LAND DEVELOPMENT (DEVELOPMENT)** — Inclusive of any or all of the following meanings:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (1) A group of two or more buildings; or
  - (2) The division or allocation of land or space 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.
- B. Any subdivision of land.
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

**MCCD** — The Mercer County Conservation District.

**NONSTRUCTURAL BEST MANAGEMENT PRACTICES (BMPs)** — A combination of design and planning techniques that focus on preserving open space, protecting natural systems, and incorporating existing landscape features, such as wetlands and stream corridors, into an SWM site plan to manage stormwater at its source.

**NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORMWATER DISCHARGE PERMIT** — A permit issued by the EPA, or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b), that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

**NRCS** — The USDA Natural Resources Conservation Service (previously SCS).

**O&M** — Operation and maintenance.

**OPTIONAL** — These are requirements that are recommended but may be modified or deleted at the discretion of the City of Hermitage.

**OWNER** — The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. As used herein, "owner" also refers to, in the appropriate context:

- A. Any other person authorized to act as the agent for the owner;
- B. Any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and

C. Any person responsible for complying with an approved stormwater management design plan.

**PEAK DISCHARGE** — The maximum rate of stormwater runoff from a specific storm event.

**PERMANENT STORMWATER BMP** — A stormwater (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

**PERVIOUS AREA** — Any area not defined as impervious.

**PROJECT SITE** — The specific area of land where any regulated activities in the City are planned, conducted or maintained.

**QUALIFIED PROFESSIONAL** — Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Part 1.

**RECEIVING STREAM OR CHANNEL** — A body of water or conveyance into which stormwater runoff is discharged.

**RECHARGE** — The replenishment of underground water reserves.

**REDEVELOPMENT** — A change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional non-point-source pollution.

**REGULATED ACTIVITIES** — Any alteration or land development that increases impervious surface area by 2,500 square feet or more; construction of storm drainage systems, storm sewers and stormwater management facilities.

**REGULATED EARTH DISTURBANCE ACTIVITY** — Activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92, 25 Pa. Code Chapter 102, or the Clean Streams Law.

**RESPONSIBLE PARTY** — Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns, that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more permanent stormwater BMPs.

**RETURN PERIOD** — The recurrence interval, in years, within which a storm event of a given magnitude has the probability of occurrence in any given year, i.e., the probability of a two-year storm occurring in any one year is 0.5 (a chance of 50%); the probability of a ten-year storm occurring in any one year is 0.1 (a chance of 10%). The probability of a twenty-five-year storm occurring in any one year is 0.04 (a chance of 4%); and the probability of a one-hundred-year storm occurring in any one year is 0.01 (a chance of 1%).

**RIPARIAN BUFFER** — An area of land at or near a stream bank, wetland, or water body that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may result in significant degradation to water quality.

**RUNOFF** — Any part of precipitation that flows over the land.

**SEDIMENT** — Soils or other materials transported by surface water as a product of erosion.

**STATE WATER QUALITY REQUIREMENTS** — The regulatory requirements to protect, maintain, reclaim, and restore water quality under Pennsylvania Code Title 25 and the Clean Streams Law.

**STORMWATER** — Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

**STORMWATER MANAGEMENT FACILITY** — Any structure, natural or man-made, that is designed to reduce any of the following: stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitats.

**STORMWATER MANAGEMENT PLAN** — The plan for managing stormwater runoff adopted by the County of Mercer, as required by the Act of October 4, 1978, P.L. 864 (Act 167), as amended, and known as the "Stormwater Management Act."

**STORMWATER MANAGEMENT (SWM) BMPs** — Is abbreviated as "SWM BMPs" throughout this Part 1.

**STORMWATER MANAGEMENT (SWM) SITE PLAN** — The plan prepared by the developer or his representative indicating how stormwater runoff associated with industrial, commercial, institutional, residential or other land uses will be managed at the development site in accordance with this Part 1. "Stormwater management site plan" will be designated as "SWM site plan" throughout this Part 1.

**STREAM** — A body of water with a current, confined within a bed and stream banks, less than 60 feet in width, that is subject to inundation from overflow or floodwater. A stream may be referred to as a branch, brook, creek or run.

**STRUCTURAL BEST MANAGEMENT PRACTICES (BMPs)** — A constructed facility or measure that helps to protect receiving water quality and control stormwater runoff rate and volume.

**SUBDIVISION** — As defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.<sup>2</sup>

**WATERCOURSE** — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**WATERSHED** — A region or area drained by a river, watercourse or other body of water, whether natural or artificial.

**WATERS OF THIS COMMONWEALTH** — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

**WETLAND** — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

### **C. Stormwater Management Standards.**

#### **§ 26-110. General Requirements. [Ord. 10-2011, 12/21/2011]**

1. For all regulated activities, unless preparation of an SWM site plan is specifically exempted in § 26-111 (Exemptions):
  - A. Design and implementation of an approved SWM site plan is required.
  - B. No regulated activities shall commence until the City issues written approval of an SWM site plan, which demonstrates compliance with the requirements of this Part 1.
2. An SWM site plan approved by the City, in accordance with § 26-121 (Authorization to Construct Term of Validity), shall be on site throughout the duration of the regulated activity.

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2. **Editor's Note:** See 53 P.S. § 10101 et seq.

3. The City may, after consultation with the DEP, approve measures for meeting the state water quality requirements other than those in this Part 1, provided that they meet the minimum requirements of, and do not conflict with, state law, including but not limited to the Clean Streams Law.
4. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this Part 1 and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.
5. For all regulated activities, implementation of the volume controls in § 26-112 (Volume Controls) is required.
6. Impervious Areas.
  - A. The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
  - B. For development taking place in stages, the entire development plan must be used in determining conformance with this Part 1.
7. Stormwater flow onto adjacent property created by regulated activities shall not be created, increased, decreased, relocated, or otherwise altered without a written agreement from the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Part 1.
8. All regulated activities shall include such measures, to the maximum extent practicable, to:
  - A. Protect health, safety, and property and the public welfare.
  - B. Meet the water quality goals of this Part 1 by implementing measures to:
    - (1) Minimize disturbance to floodplains, wetlands, and wooded areas.
    - (2) Maintain or extend riparian buffers.
    - (3) Maintain natural drainage patterns.
    - (4) Avoid erosive flow conditions in natural flow pathways.
    - (5) Minimize the creation of impervious surfaces.
    - (6) Minimize thermal impacts to waters of this commonwealth.

(7) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.

C. Incorporate the techniques for low-impact development practices.

9. Discharge roof drains and sump pumps to infiltration or vegetative BMPs or satisfy the criteria for DIAs. (The BMPs may be part of an approved comprehensive stormwater plan, as for a subdivision.)
10. Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Part 1.
11. Stormwater storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm.
12. The design storm volumes to be used in the analysis of peak rates of discharge will be the twenty-four-hour values as shown in the following table or the twenty-four-hour values obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

<b>Storm Frequency</b>	<b>Twenty-Four-Hour Depth (inches)</b>
2 — year	2.45
10 — year	3.44
25 — year	4.07
100 — year	5.13

13. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Part 1 and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
14. Various BMPs and their design standards are listed in the BMP Manual.
15. Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
16. Any stormwater management facility designed to store stormwater runoff and not eligible for a waiver from permit requirements pursuant to 25 Pa. Code § 105.12, requiring a berm or earthen embankment, shall be designed to provide an emergency spillway to handle flow up to and including the one-hundred-year post-development conditions. The height of embankment must

be a minimum of one-foot above the maximum pool elevation, computed when the facility functions for the one-hundred-year post-development inflow.

17. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands pursuant to 25 Pa. Code Chapter 105 regulations, as amended or replaced, shall be designed, permitted, and constructed in accordance with Chapter 105.
18. Any drainage conveyance facility and/or channel that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the twenty-five-year design storm. Conveyance facilities discharging to or exiting from stormwater management facilities shall be designed to convey the design flow to or from that structure.
19. Storm sewers must be able to convey post-development runoff from a ten-year storm event without surcharging inlets, where appropriate.
20. Adequate erosion protection shall be provided along all open channels and at all points of discharge.
21. The design of all stormwater management facilities shall incorporate sound engineering principles and practices and shall not result in the creation or continuation of adverse hydrologic or adverse hydraulic conditions within the watershed.

#### **§ 26-111. Exemptions. [Ord. 10-2011, 12/21/2011]**

1. Regulated activities that create impervious areas smaller than 2,500 square feet are exempt from the peak rate control and stormwater management site plan requirements of this Part 1, unless the City disqualifies the project for an exemption pursuant to § 26-11, Subsection 8.
2. Regulated activities that create impervious areas of 2,500 square feet to 5,000 square feet require a small project application to be submitted to the City, and volume controls must be installed to meet the requirements of the BMP Manual or to meet the requirements for the disconnected impervious area (DIA) credits in § 26-115 (Small Project Application).
3. Agricultural activity is exempt from the rate control and SWM site plan preparation requirements of this Part 1, provided that the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.
4. Forest management and timber operations are exempt from the rate control and the SWM site plan preparation requirements of this Part 1, provided that the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.

5. Oil and gas operations are exempt from the rate control and SWM site plan preparation requirements of this Part 1, provided that the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.
6. Development which has received approval of a stormwater management plan by the City of Hermitage prior to adoption of this Part 1.
7. Exemptions from any provisions of this Part 1 shall not relieve the applicant from the requirements in § 26-110 (General Requirements), Subsections 4 through 21.
8. The City of Hermitage may deny or revoke any exemption pursuant to this Subpart at any time for any project that the City believes may pose a threat to public health, safety, property or the environment.

**§ 26-112. Volume Controls. [Ord. 10-2011, 12/21/2011]**

The low-impact development practices, like those provided in the BMP Manual, shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B. For regulated activity areas equal to or less than one acre that do not require hydrologic routing to design the stormwater facilities, this Part 1 establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

- A. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
  - (1) Do not increase the post-development total runoff volume for all storms equal to or less than the two-year, twenty-four-hour-duration precipitation.
  - (2) For hydrologic modeling purposes:
    - (a) Existing predevelopment nonforested pervious areas must be considered meadow or its equivalent in good condition.
    - (b) Existing predevelopment impervious areas, when present, must consider 20% of the impervious area as meadow in good condition.
- B. The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:

- (1) Stormwater facilities shall capture at least the first two inches of runoff from all new impervious surfaces.
- (2) At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
- (3) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases, at least the first 1/2 inch of the permanently removed runoff should be infiltrated.
- (4) This method is exempt from the requirements of Section 103.4 (Rate Controls).

**§ 26-113. Rate Controls. [Ord. 10-2011, 12/21/2011]**

Post-development peak discharge rates shall not exceed the predevelopment peak discharge rates for the two-year, ten-year, twenty-five-year, and one-hundred-year storm events.

**§ 26-114. Calculation Methodology. [Ord. 10-2011, 12/21/2011]**

Stormwater runoff from all development sites shall be calculated using either the Rational Method (stormwater conveyance systems only) or a Soil-Cover-Complex Methodology, as follows:

- A. Major and minor conveyance systems up to 20 acres may be designed using the Rational Method. The Rational Method may also be used in sizing the minor conveyance systems for larger sites. Any stormwater runoff calculations involving drainage areas greater than 20 acres, including on-site and off-site areas, shall use a generally accepted runoff hydrograph technique that is based on the NRCS Soil-Cover-Complex Method. Runoff hydrograph methods must be used for design of all stormwater management facilities and for major drainage system designs for all systems with greater than 20 acres of drainage area.
- B. All calculations consistent with this Part 1 using the Soil-Cover-Complex Method shall use the appropriate design rainfall depths for the various return-period storms presented in § 26-110 (General Requirements), Subsection 12. If a hydrologic computer model is used for stormwater runoff calculations, the duration of rainfall shall be 24 hours. The SCS Rainfall Type II curve shall be used for the rainfall distribution.
- C. For the purposes of existing predevelopment runoff rate determination, undeveloped nonforested pervious areas, including disturbed areas, must be considered meadow in good condition or its equivalent in good condition. Those areas that have existing impervious areas within the planned

development area may be included in the determination of the predevelopment flow rate.

- D. All calculations using the Rational Method shall use rainfall intensities from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
- E. Times-of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55. Travel time for channel and pipe flow shall be computed using velocities determined using Manning's Equation.
- F. Runoff curve numbers (CN) for both existing (predevelopment) and proposed (post-development) conditions to be used in the Soil-Cover-Complex Method shall be obtained from Chapter 2 of Urban Hydrology for Small Watersheds, NRCS, TR-55.
- G. Where uniform flow is anticipated, the Manning Equation shall be used for hydraulic computations, such as the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Publication 584, PennDOT Drainage Manual Section 7.3. Inlet-outlet losses and conditions must be considered.
- H. Outlet structures for stormwater storage facilities shall be designed to meet the performance standards of this Part 1 using any generally accepted hydraulic analysis technique or method. Orifices smaller than three inches in diameter are not recommended; however, if the qualified professional can provide proof that the smaller orifices are protected from clogging by use of anticlogging devices, the smaller orifices may then be permitted.
- I. The design of any stormwater storage facilities intended to meet the performance standards of this Part 1 shall be verified by routing the design storm hydrograph through these facilities.
- J. Runoff coefficients (C) for both existing (predevelopment) and proposed (post-development) conditions for use in the Rational Method shall be as follows.<sup>3</sup>

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3. **Editor's Note:** The runoff coefficients are included at the end of this chapter.

**D. Stormwater Management Site Plan Requirements.****§ 26-115. Small Project Application (2,500-5,000 square feet of impervious area). [Ord. 10-2011, 12/21/2011]**

1. This section applies to projects creating new total impervious surface area up to 5,000 square feet.
2. If the total impervious surface area is 2,500 square feet to 5,000 square feet, the project requires a small project application to be submitted to the City, and volume controls must be installed to meet the requirements of the surface area or volume of BMPs required.
3. For areas where runoff from impervious areas can be directed to pervious areas that allow for infiltration, filtration, and increased time of concentration, disconnected impervious area (DIA) credits may be used. To qualify as DIA, the concentrated discharge must meet the following criteria:
  - A. For rooftop areas:
    - (1) Area draining to a downspout must be 500 square feet or less;
    - (2) Discharge must be to an area with a positive slope of 5% (one foot of fall per 20 feet of length, 20:1) or less; and
    - (3) Be a minimum distance of 75 feet from a watercourse or downslope property line.
  - B. For paved areas (driveways, sidewalks, etc.):
    - (1) Runoff draining to a point must be 1,000 square feet or less;
    - (2) Discharge must be to a gravel strip or spreading device; and
    - (3) The flow length of the pervious surface must be greater than or equal to the contributing length.
4. Subtract the DIA from the total impervious surface area to determine the adjusted impervious surface area (AISA). Multiply the AISA by 0.2 to determine the required surface area of rain gardens, which shall have a ponded water depth six-inches. Multiply the AISA by 0.5 to determine the (rock) volume of subsurface (rock-filled) infiltration beds, which shall have a maximum rock depth of 30 inches.
5. BMPs shall be constructed to the City's standards or in accordance with the Pennsylvania BMP Manual, latest version.
6. This section shall also permit the use of the design standards of § 26-116.
7. A construction inspection schedule, operation and maintenance agreement, as-built drawings, and/or recorded deed restrictions may be required by the

City if it believes those are needed to protect health, safety, or the environment.

8. Stormwater management facilities required by this section may not be altered without permission from the City, and they must be maintained so they function as intended by the approved design.

**§ 26-116. SWM Plan (greater than 5,000 square feet of impervious area). [Ord. 10-2011, 12/21/2011]**

The following items shall be included in the SWM site plan:

- A. Appropriate sections from the City of Hermitage Subdivision and Land Development Ordinance [Chapter 22], and other applicable local ordinances, shall be followed in preparing the SWM site plans.
- B. The developer shall not receive approval of any SWM site plan that is deficient in meeting the requirements of this Part 1. When an SWM site plan is found to be deficient, the City, at its sole discretion and in accordance with this Subpart D, may either disapprove the submission, require a resubmission, or, in the case of minor deficiencies, the City may accept submission of modifications.
- C. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the operation and maintenance procedures discussed in Subsection E(14).
- D. The following signature block for the qualified professional:

"The stormwater management site plan shown hereon complies with all design standards and criteria of the City of Hermitage Stormwater Management Ordinance No. \_\_\_\_\_."

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Date

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Signature

- E. The SWM site plan shall be black and white and provide the following information, at a minimum:
  - (1) Proposed name or identifying title of the project.
  - (2) Name and address of the landowner and/or developer of the project.
  - (3) Plan date, date of the latest revision, North arrow, graphic and written scale.
  - (4) Project location map overlaid on the title sheet showing the project and the nearest intersecting street.
  - (5) Tract boundaries, showing bearings, distances, and curve data.

- (6) Existing and proposed contours at a vertical interval of one foot, unless steeper slopes do not permit the visual representation at this scale.
- (7) Existing and proposed natural and/or artificial objects thereon.
- (8) Existing subsurface objects as required by PA One Call, as well as proposed subsurface objects.
- (9) A soil erosion and sediment control plan. When applicable: as prepared for and submitted to the approval authority (Mercer Conservation District or PA DEP).
- (10) Plan and profile drawings of all SWM BMPs, including drainage structures and pipes.
- (11) A plan showing the locations of existing and proposed on-lot wastewater facilities and water supply wells.
- (12) Operation and maintenance procedures for all existing and proposed physical stormwater management facilities that shall address long-term ownership and responsibilities for O&M.

F. The SWM plan report shall contain the following:

- (1) A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as brownfields.
- (2) Stormwater runoff design calculations, assumptions, criteria, methodology and documentation used in the design to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Part 1, including the recommendations and general requirements in § 26-110 (General Requirements).
- (3) Definition of watersheds and subareas. Boundaries including upstream off-site areas and watershed areas for predevelopment and post-development, showing that total predevelopment area equals total post-development area or explaining why they differ. Plans shall also show contributory areas for BMPs and points of interest for calculations.
- (4) Identification of one-hundred-year floodplain boundaries.
- (5) All bodies of water (natural or artificial), watercourses (permanent or intermittent), swales, wetlands, and other natural drainagecourses on the development site or those that will be affected by runoff from the development.
- (6) An overlay showing soil types and boundaries.

- (7) Predevelopment and post-development land cover to support and illustrate calculations.
- (8) A table summarizing and showing that the predevelopment and post-development subarea totals are equal or an explanation if the totals are not equal.
- (9) Tables that summarize the predevelopment runoff rates and volumes, the uncontrolled post-development runoff rates and volumes, and the post-development total runoff rates and volumes as controlled.
- (10) Operation and maintenance plan, including ownership and responsible parties.
- (11) The seal of a qualified professional.

**§ 26-117. Plan Submission. [Ord. 10-2011, 12/21/2011]**

- 1. Three copies of the SWM site plan shall be submitted to the City.
- 2. Additional copies shall be submitted as requested by the City or other regulatory authorities.

**§ 26-118. Plan Review. [Ord. 10-2011, 12/21/2011]**

- 1. The SWM site plan shall be reviewed by a qualified professional for the City for consistency with the provisions of this Part 1. After review, the qualified professional shall provide a written recommendation for the City to approve or disapprove the SWM site plan. If it is recommended to disapprove the SWM site plan, the qualified professional shall state the reasons for the disapproval in writing. The qualified professional also may recommend approval of the SWM site plan with conditions and, if so, shall provide the acceptable conditions for approval in writing. The SWM site plan review and recommendations shall be completed within the time allowed by the Municipalities Planning Code for reviewing subdivision plans.
- 2. The City shall notify the applicant in writing within 30 days whether the SWM site plan is approved or disapproved. If the SWM site plan involves a subdivision and land development plan, the notification period is 60 days. If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be notified by the City. If the City disapproves the SWM site plan, the City shall cite the reasons for disapproval in writing.

**§ 26-119. Modification of Plans. [Ord. 10-2011, 12/21/2011]**

A modification to a submitted SWM site plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because the City has determined that other conditions are not as stated

on the SWM site plan, shall require a resubmission of the modified SWM site plan in accordance with this Subpart D.

**§ 26-120. Resubmission of Disapproved SWM Site Plans. [Ord. 10-2011, 12/21/2011]**

A disapproved SWM site plan may be resubmitted, with the revisions addressing the City's concerns, to the City in accordance with this Subpart. The applicable review fee must accompany a resubmission of a disapproved SWM site plan.

**§ 26-121. Authorization to Construct; Term of Validity. [Ord. 10-2011, 12/21/2011]**

The City's approval of an SWM site plan authorizes the regulated activities contained in the SWM site plan for a maximum term of validity of five years following the date of approval. The City may specify a term of validity shorter than five years in the approval for any specific SWM site plan. Terms of validity shall commence on the date the City signs the approval for an SWM site plan. If an approved SWM site plan is not completed according to § 26-122 (As-Built Plans, Completion Certificate, and Final Inspection) within the term of validity, then the City may consider the SWM site plan disapproved and may revoke any and all permits. SWM site plans that are considered disapproved by the City shall be resubmitted in accordance with § 26-120 (Resubmission of Disapproved SWM Plans) of this Part 1.

**§ 26-122. As-Built Plans, Completion Certificate, and Final Inspection. [Ord. 10-2011, 12/21/2011]**

1. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM site plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the City.
2. The as-built submission shall include a certification of completion signed and sealed by a qualified professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. The following is the certification block for the qualified professional:

"I have inspected the stormwater management BMPs shown hereon, and it is my opinion that they were constructed according to the approved stormwater management plan for this project."

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Date

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Signature

3. After receipt of the completion certification by the City, the City may conduct a final inspection.

**E. Stormwater Facility and System Design Requirements.****§ 26-123. Applicability. [Ord. 10-2011, 12/21/2011]**

The requirements of this Subpart E shall apply to stormwater management facilities and stormwater infrastructure that is dedicated to and maintained by the City or located within City rights-of-way or easements.

**§ 26-124. Stormwater Management Facility Design Requirements. [Ord. 10-2011, 12/21/2011]**

1. Standpipes shall be constructed of reinforced concrete. Other materials may be approved by the City. The connection between the standpipe and the outlet culvert must be watertight. Overflows shall be protected with debris grates/racks.
2. Control and removal of debris in the storage structure and in all inlet and outlet devices shall be a design consideration.
3. Overflow capacity for the post-construction one-hundred-year storm shall be provided. For ponds, this shall be an emergency spillway that provides one foot of freeboard from the top of flow to the top of embankment.
4. Public safety must be considered in the design of the facilities. Provide access restrictions where needed based on the location (fencing, walls, etc.). Unless otherwise approved, the maximum planned water depth shall not exceed four feet.
5. Side slopes of ponds shall not exceed a ratio of two horizontal to one vertical. If the City will own the pond, the side slope shall not exceed 3H:1V.
6. All embankments shall be designed according to sound engineering practice and must meet the approval of the City.
7. Landscaping that harmonizes with the surrounding area shall be provided for the facility.
8. All facilities shall be provided with suitable access for maintenance, and this access must not be obstructed by the property owner or others. Permanent easements must be provided for publicly owned facilities.

**§ 26-125. Storm Sewer Requirements for Storm Sewers Installed in City Rights-of-Way or City Stormwater Easements. [Ord. 10-2011, 12/21/2011]**

1. Storm sewers shall be installed on both sides of streets in new subdivisions. The design of the storm sewer layout, including the handling of abrupt changes in direction, shall be as approved by the City Engineer.
2. Where practical, storm sewers should be designed to traverse under seeded and planted areas. Backfill in these areas may be native materials

compacted to 95% Standard Proctor. If constructed beneath or within two feet of road paving, walks or other paved areas, backfill shall be PennDOT No. 2A coarse aggregate compacted to 95% Modified Proctor.

3. Storm sewer bedding material shall be AASHTO No. 57 or No. 67 stone, four inches minimum under the pipe, six inches minimum on each side of the pipe, and 12 inches minimum on top of the pipe. Bedding shall be well-compacted without distorting the pipe cross section.
4. Storm sewers shall be installed after any excavation and fill is completed, unless the sewer is installed in original ground with a minimum of three feet of cover and/or adequate protection during the fill construction.
5. Storm sewers shall be designed:
  - A. With a concrete cradle when traversing areas of indeterminate stability.
  - B. With anchors when the gradient exceeds 20%.
6. The minimum pipe size shall be 12 inches in diameter and a minimum grade of 0.5%.
7. 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:
  - A. 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.
  - B. 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.
8. Storm inlets and inlet boxes shall be from a PennDOT approved manufacturer (or Ohio DOT approved for two by two inlets). Inlet boxes shall be sized to allow for the proper installation of the storm sewer pipe with a minimum size of two feet by two feet. Inlets shall be placed to provide for the collection of all surface runoff but shall be placed no farther than 300 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 swale. Driveway inlets shall be installed at the upgradient side of each driveway, unless waived by the City.

9. All inlet grates in public rights-of-way and easements shall be bicycle safe. All grates shall be constructed in accordance with the latest edition of PennDOT Specifications, Form 408.
10. 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.
11. 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."
12. Where the 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.
13. Storm sewer outfalls shall be equipped with energy-dissipation devices to prevent erosion and conform to applicable requirements of the Pennsylvania DEP for stream encroachments (Chapter 105 of the Pennsylvania DEP Rules and Regulations).

#### **F. Operation and Maintenance (O&M).**

##### **§ 26-126. Responsibilities of Developers and Landowners. [Ord. 10-2011, 12/21/2011]**

1. The City shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan. The City may require a dedication of such facilities as part of the requirements for approval of the SWM site plan. Such a requirement is not an indication that the City will accept the facilities. The City reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management facilities.
2. Facilities, areas, or structures used as SWM BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
3. The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land. The City itself is exempt from the requirement to sign and record an O&M agreement.
4. The responsible party named in the stormwater maintenance agreement shall maintain in good condition and promptly repair and restore all structural and nonstructural permanent stormwater BMPs and all necessary access routes and appurtenances.

5. The City may take enforcement actions against an owner for any failure to satisfy the provisions of this Subpart F.

**§ 26-127. Operation and Maintenance Agreements. [Ord. 10-2011, 12/21/2011]**

1. Prior to final approval of the SWM site plan, the property owner shall sign and record an operation and maintenance (O & M) agreement covering all stormwater control facilities that are to be privately owned.
  - A. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O & M Plan.
  - B. The owner shall convey to the City conservation easements to assure access for periodic inspections by the City and maintenance as necessary.
  - C. The owner shall keep on file with the City the name, address, and telephone number of the entity responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the City within 10 days of the change.
2. The owner is responsible for O&M of the SWM BMPs. If the owner fails to adhere to the O&M agreement, the City may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

**G. Fees and Expenses.****§ 26-128. Fees and Expenses. [Ord. 10-2011, 12/21/2011]**

1. The City may charge to the applicant all reasonable costs incurred in its review.
2. The review fee may include but is not limited to costs for the following:
  - A. Administrative and/or clerical processing.
  - B. Review of the SWM site plan and associated documents by any duly authorized representatives of the City.
  - C. Attendance at public and/or municipal meetings relating to the enforcement of this Part 1.
  - D. Inspection of stormwater management facilities.

**H. Prohibitions.****§ 26-129. Prohibited Discharges and Connections. [Ord. 10-2011, 12/21/2011]**

1. Any drain or conveyance, whether on the surface or subsurface, that allows a nonstormwater discharge, including sewage, process wastewater, and wastewater, to enter the waters of this commonwealth is prohibited.
2. No persons shall allow, or cause to allow, discharges into surface waters of this commonwealth which are not composed entirely of stormwater, except:
  - A. As provided in § 26-130, Subsection 1, below; and
  - B. Discharges allowed under a state or federal permit.

**§ 26-130. Authorized Discharges. [Ord. 10-2011, 12/21/2011]**

1. The following discharges are authorized, unless they are determined to be significant contributors to pollution to the waters of this commonwealth:
  - A. Discharges from fire-fighting activities.
  - B. Flows from riparian habitats and wetlands.
  - C. Potable water sources, including waterline and fire hydrant flushing.
  - D. Uncontaminated water from foundations or from footing drains.
  - E. Irrigation drainage.
  - F. Lawn watering.
  - G. Air-conditioning condensate.
  - H. Dechlorinated swimming pool discharges.
  - I. Springs.
  - J. Uncontaminated groundwater.
  - K. Groundwater from crawl space and basement sumps.
  - L. Water from individual residential car washing.
  - M. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
  - N. Routine external building washdown (which does not use detergents or other compounds).

- O. Discharge from diverted stream flows.
2. In the event that the City or DEP determines that any of the discharges identified in Subsection 1 significantly contribute to pollution of the waters of this commonwealth, the City or DEP will notify the responsible person(s) to cease the discharge.

**§ 26-131. Alteration of SWM BMPs. [Ord. 10-2011, 12/21/2011]**

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the City.

**I. Enforcement and Penalties.****§ 26-132. Right of Entry. [Ord. 10-2011, 12/21/2011]**

Upon presentation of proper credentials, duly authorized representatives of the City of Hermitage may enter at reasonable times upon any property within the City to inspect the condition of the stormwater structure and facilities in regard to any aspect regulated by this Part 1.

**§ 26-133. Inspections. [Ord. 10-2011, 12/21/2011]**

1. SWM BMPs should be inspected annually by the landowner or the owner's designee (including the City for dedicated and owned facilities).
2. All inspections shall be documented in writing and shall document any maintenance and repair needs.

**§ 26-134. Violations. [Ord. 10-2011, 12/21/2011]**

1. When the City determines that an activity is not being carried out in accordance with the requirements of this Part 1, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
  - A. The name and address of the owner or applicant.
  - B. The address, when available, or a description of the building, structure or land upon which the violation is occurring.
  - C. A statement specifying the nature of the violation and a time schedule for the completion of such remedial action.
  - D. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

- E. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 15 days of service of notice of violation.
2. Persons receiving a notice of violation will be required to halt all construction activities. This stop-work order will be in effect until the City confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Part 1.

**§ 26-135. Enforcement. [Ord. 10-2011, 12/21/2011]**

1. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM site plan, unless specifically exempted in § 26-111 (Exemptions).
2. It shall be unlawful to violate § 26-131 (Alterations of SWM BMPs) of this Part 1.
3. Inspections regarding compliance with the SWM site plan are a responsibility of the City.

**§ 26-136. Suspension and Revocation. [Ord. 10-2011, 12/21/2011]**

1. Any approval or permit issued by the City pursuant to this Part 1 may be suspended or revoked for:
  - A. Noncompliance with or failure to implement any provisions of the approved SWM site plan or O&M agreement.
  - B. A violation of any provision of this Part 1 or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.
  - C. The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.
2. A suspended approval may be reinstated by the City when:
  - A. The City has inspected and approved the corrections to the violations that caused the suspension.
  - B. The City is satisfied that the violation has been corrected.
3. An approval that has been revoked by the City cannot be reinstated. The applicant may apply for a new approval under the provisions of this Part 1.
4. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the City may provide a limited time period for the

owner to correct the violation. In these cases, the City will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the City may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Part 1.

5. If a violation causes immediate danger to life, public health, or property, at its sole discretion, the City may take action to remediate the danger and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

**§ 26-137. Penalties. [Ord. 10-2011, 12/21/2011]**

1. Anyone violating the provisions of this Part 1 shall be guilty of a summary offense and, upon conviction, shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense, and penalties shall be cumulative.
2. In addition, the City may institute injunctive, mandamus, or any other appropriate action or proceeding of law or in equity for the enforcement of this Part 1. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

**§ 26-138. Appeals. [Ord. 10-2011, 12/21/2011]**

1. Any person aggrieved by any action of the City or its designee relevant to the provisions of this Part 1 may appeal to the Hermitage Board of Appeals within 30 days of that action.
2. Any person aggrieved by any decision of the Hermitage Board of Appeals relevant to the provisions of this Part 1 may appeal to the Mercer County Court of Common Pleas within 30 days of the decision of the Board of Appeals.



**PART 2**  
**CROSS-CONNECTIONS PROHIBITED**

**§ 26-201. Definitions. [Ord. 8-64, 9/2/1964, § 1]**

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.

**§ 26-202. Certain Cross-Connections Prohibited. [Ord. 8-64, 9/2/1964, § 2; as amended by Ord. 18-83, 12/22/1983]**

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

**§ 26-203. Location of Private Water Supply Taps. [Ord. 8-64, 9/2/1964, § 3; as amended by Ord. 18-83, 12/22/1983]**

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.

**§ 26-204. Abandoned Wells. [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]**

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.

**§ 26-205. Penalties. [Ord. 8-64, 9/2/1964, § 6; as amended by Ord. 33-75, 12/17/1975, § 2; and Ord. 11-98, 9/23/1998]**

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.

**PART 3**  
**PRIVATE GROUNDWATER WELLS**

**§ 26-301. Use Prohibited; Exceptions. [Ord. 2-2008, 2/27/2008]**

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.

**§ 26-302. Applicable Area. [Ord. 2-2008, 2/27/2008]**

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.

**§ 26-303. Additional Applicable Land. [Ord. No. 10-2024, 7/24/2024]**

In addition to those lands provided in § 26-302, the prohibitions in this Part shall apply to those lands generally south of Broadway Avenue in the former Borough of Wheatland, as included in the attached "Exhibit A,"<sup>4</sup> and more specifically described as follows:

Beginning at a point of intersection of Broadway Avenue with the prolonged western line of Mercer County Tax Parcel Number (MCTPN) 12-170-048 where it meets the centerline of Broadway Avenue;

Thence in a westerly direction along the centerline of Broadway Avenue to the point of intersection with municipal boundary line of the City of Farrell and the City of Hermitage;

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4. Editor's Note: Said exhibit is on file at the City offices.

Thence in a southerly direction along the joint municipal boundary line S 0° 39' W a distance of 273.62' to a point;

Thence southwesterly S 57° 42' W a distance of 1,463.06' to a point intersecting with the centerline of Ohio Street;

Thence in a westerly direction along the centerline of Ohio Street N 89°53' W a distance of 313.5' to the east bank of the Shenango River;

Thence in a southerly direction along the east bank of the Shenango River S 11° 22' W a distance of 462.0' to a point;

Thence continuing in a southerly direction S 2° 22' W a distance of 198.0' to a point;

Thence in a southeasterly direction still following the east bank of the Shenango River S 25° 37' E a distance of 324.8' to a point;

Thence in a southwesterly direction crossing the Shenango River S 33° 26' W a distance of 254.76' to a point;

Thence continuing in a southwesterly direction S 24° 10' W a distance of 165.0' to a point;

Thence continuing S 17° 10' W a distance of 165.0' to a point;

Thence continuing S 13° 40' W a distance of 363.16' to a point.

Thence in an easterly direction N 89° 30' E a distance of 528.0' to a point;

Thence in a southwesterly direction N 23° 0' E a distance of 264.83' to a point near the north line of MCTPN 76-910-003;

Thence in a southwesterly direction along MCTPN 76-910-003 N 67° 15' E a distance of 307.73' to a point;

Thence continuing N 28° 0' E a distance of 182.49' to a point;

Thence in a southerly direction N 4° 30' E a distance of 118.0' to a point;

Thence N 24° 30' W a distance of 158.0' to a point;

Thence in a southeasterly direction S 51° 0' E a distance of 280.83' to a point along the south line of MCTPN 76-910-003;

Thence continuing near the south line of MCTPN 76-910-003 in an easterly direction S 76° 30' E a distance of 264.0' to a point;

Thence S 87° 15' E a distance of 264.0' to a point near the center of the Shenango River;

Thence in an easterly direction N 80° 30' E a distance of 413.33' to a point;

Thence in a southeasterly direction S 71° 15' E a distance of 182.0' to a point near the east bank of the Shenango River;

Thence continuing near the east bank of the Shenango River S 56° 45' E a distance of 209.06' to a point;

Thence S 36° 30' E a distance of 397.32' to a point;

Thence S 13° 0' E a distance of 231.0' to a point;

Thence in a southerly direction near the center of the Shenango River S  $4^{\circ} 15'$  W a distance of 363.0' to a point;

Thence S  $26^{\circ} 45'$  E a distance of 116.49' to a point;

Thence in an easterly direction near the center of the Shenango River S  $76^{\circ} 15'$  E a distance of 107.0' to a point;

Thence in a northeasterly direction N  $70^{\circ} 15'$  E a distance of 1,336.5' to a point near the north bank of the Shenango River;

Thence easterly N  $89^{\circ} 45'$  E a distance of 605.5' to a point near the centerline of Council Avenue;

Thence continuing easterly near the north bank of the Shenango River N  $73^{\circ} 30'$  E a distance of 451.53' to a point;

Thence N  $78^{\circ} 30'$  E a distance of 174.24' to a point being the southwest corner of MCTPN 12-170-048;

Thence in a northerly direction along west line of MCTPN 12-170-048 to the point of beginning at the centerline of Broadway Avenue.

