

TOWNSHIP OF SOUTH BEAVER  
ORDINANCE NO. 71

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, OF BEAVER COUNTY, PENNSYLVANIA, REGULATING AND PROHIBITING CERTAIN STORMWATER DISCHARGES INTO OR CONNECTIONS OF CERTAIN DRAINAGE SYSTEMS TO THE TOWNSHIP'S SEPARATE STORM SEWER SYSTEM OR SURFACE WATERS OF THE COMMONWEALTH; DECLARING VIOLATION OF THIS ORDINANCE OR ANY PROVISION HEREOF AS A PUBLIC NUISANCE; AND PROVIDING FOR CIVIL PENALTIES OR FINES, ASSESSMENT AND COLLECTION THEREOF FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Beaver Township, of Beaver County, Pennsylvania, and it is hereby enacted under the authority of the Second Class Township Code, including but not limited to Section 2704, for the purpose of stormwater management the following:

Section 1. Prohibited Discharges:

A. Within the municipal boundaries of the Township of South Beaver, no person shall cause or allow, or assist any other person to cause and allow, stormwater discharges into the Township's separate storm sewer system or the surface waters of the Commonwealth which are not composed entirely of stormwater except as (1) provided in subsection B hereinafter, and/or (2) discharges allowed under either a Commonwealth of Pennsylvania or Federal Permit.

B. Discharges which may be allowed, provided such discharge(s) do not significantly contribute to pollution of the surface or ground waters of the Commonwealth are as follows:

1. Discharges from fire fighting activities.
2. Potable water sources including dechlorinated water line and fire hydrant flushing.
3. Irrigation drainage.
4. Routine external building washdown (which does not use detergents or

other compounds.

5. Air conditioning condensate.
6. Water from individual residential car washing.
7. Springs.
8. Water from crawl space pumps.
9. Uncontaminated water from foundation or from footing drains.
10. Flows from riparian habitats and wetlands.
11. Lawn watering.
12. Pavement washing 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.
13. Dechlorinated swimming pool discharges,
14. Uncontaminated groundwater or surface waters, including the requirement that such groundwater or surface waters be free and clear of any soil erosion sedimentation particles.

C. In the event the Township of South Beaver determines that any of the discharges identified in the forgoing subsection B significantly contribute to the pollution of the surface waters of the Commonwealth, or is notified by the Pennsylvania Department of Environmental Protection that such discharge is contributing to the pollution of the waters of the Commonwealth, the Township will notify the responsible persons to cease the discharge and said person or persons shall immediately cease and abate the discharge into the Township's separate storm sewer system or other waters of the Commonwealth.

D. Nothing in this Section 1 of this Ordinance shall affect a discharger's responsibilities and obligations under the laws of the Commonwealth of Pennsylvania, nor any regulations promulgated pursuant to said laws of the Commonwealth.

Section 2. Prohibited Connections:

The following connections to the Township's separate storm sewer system are prohibited, except as provided in Section B of Section 1 of this Ordinance:

A. No drain or conveyance, whether on the surface or subsurface of the ground, which conveys or allows any non-stormwater discharge, including but not limited to sewage, processed wastewater, and wash water, or from indoor drains and sinks, shall be in any manner connected to the Township's separate storm sewer system, or allow or cause any such non-stormwater discharge to enter the Township's separate storm sewer system.

B. No drain or conveyance for any substance, including but not limited to stormwater runoff, whether on the surface or subsurface of the ground, from any commercial or industrial land use shall in any manner be connected to the Township's separate storm sewer system unless such connection is specifically approved by the Township pursuant to a Land Development application processed per the South Beaver Township Subdivision and Land Development Ordinance.

C. No drain or conveyance for any substance, including but not limited to stormwater runoff, whether on the surface or subsurface of the ground, from any lands involved in subdivision development or other land development or land use, either during construction or post-construction, shall in any manner be connected to the Township's separate storm sewer system unless such connection is specifically approved by the Township pursuant to either a Subdivision Application and/or a Land Development application or Permit issued/processed per the South Beaver Township Subdivision and Land Development Ordinance or other applicable Ordinances of the Township.

D. In the event the Township of South Beaver determines that any prohibited connections to the Township's separate storm sewer system exists, the Township will notify the responsible persons to remove or destroy the prohibited connection, and said person or persons shall immediately remove and abate the prohibited connection to the Township's separate storm sewer system.

Section 3. Regulated Earth Disturbance Activities:

No person shall undertake a Regulated Earth Disturbance Activity within the boundaries of South Beaver Township until and after filing a Land Development Application with South Beaver Township and receiving approval to proceed therewith per a Land Development Plan processed per the provisions of the South Beaver Township Subdivision and Land Development Ordinance.

Section 4. Definitions:

Words as used in this Ordinance shall be interpreted and applied in accordance to the definition applicable to each as contained in a published Webster's Dictionary relative to the subject matter of this Ordinance, or as hereinafter specifically defined, unless a different meaning clearly appears from the context of this Ordinance.

CIVIL CITATION - The definition of "civil citation" is the form designed and approved by the Board of Supervisors for issuance per Section 5 B of this Ordinance relative to fines for occurrences of violation of this Ordinance or any other Ordinances of South Beaver Township.

PERSON - The definition of "person" is to constitute any individual, whether a citizen or not of South Beaver Township, and whether or not an employee of a sole-proprietorship, a partnership, or a public or private corporation, a firm, trust or estate, and if an employee of a sole-proprietorship, a partnership, or a public or private corporation, a firm, trust or estate, shall also include his or her employer whether a sole-proprietorship, a partnership, or a public or private corporation, a firm, trust or estate.

REASONABLE ATTORNEY FEES - The definition of "reasonable attorney fees" in this ordinance is the hourly rate paid by the Township of South Beaver Township as

to its retained Solicitor.

**REGULATED EARTH DISTURBANCE ACTIVITY** - Any earth disturbance activity upon one acre or more with a point source discharge to the surface waters that flow or may flow within the Township, or that flow or may flow into the Township's stormwater sewer system, or any earth disturbance activity on five acres or more regardless of the planned stormwater runoff. This includes earth disturbances of any portion of, part, or during any stage of, a larger common plan of development. This only includes road maintenance activities by the Township, the Commonwealth of Pennsylvania or other governmental entity when such road maintenance activities involve twenty-five (25) acres or more of earth disturbance.

**SEPARATE STORM SEWER SYSTEM** - A conveyance or system of conveyances, including roads with drainage systems, whether private streets and roads that connect to Township or Commonwealth streets and road, the Township's streets and roads, catch basins, curbs, gutters, ditches, man-made channels or storm drains, that primarily exist and/or are used for collecting and conveying stormwater runoff.

**SURFACE WATERS OF THE COMMONWEALTH** - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

**TOWNSHIP** - The Township of South Beaver

Section 5. Public Nuisance:

Any conduct or act by any person contrary to the terms, provisions, regulations or prohibitions of this Ordinance shall constitute a public nuisance and is abatable, and may be required to be abated, in the manner as provided by the laws of the Commonwealth of Pennsylvania for the abatement of a public nuisance.

Section 6. Civil Penalty:

Any person who shall violate any provision of this Ordinance, shall in addition as to any other fine or penalty as provided by law, be subject to a civil fine, and collection/payment of same, as follows:

A. The civil penalty fine set by the Board of Supervisors for violation of this Ordinance by a person or persons, per each person, and which may be cumulative as to each occurrence of violation if one or more subparagraphs of Section 1 or Section 2 of this Ordinance, are violated during an occurrence, provided the aggregate of penalty fine per occurrence per person cited for violation shall not exceed the maximum fine amount of Six Hundred and No/100 (\$600.00) Dollars. Each day or portion of each day a prohibited discharge or prohibited connection continues is a separate offence. Civil fines shall be and are as follows:

- 1.) For first occurrence of the violation, a fine of Two Hundred and No/100 (\$200.00) Dollars is set;
- 2.) For a second or subsequent occurrence of the violation, a fine of Four Hundred and No/100 (\$400.00) Dollars is set; and
- 3.) For a third or subsequent occurrence of the violation, a fine of Six Hundred and No/100 (\$600.00) Dollars is set.

B. Upon the occurrence of any violation of this Ordinance, any police officer of the Township of South Beaver, the Secretary of the Township of South Beaver, or such other person as designated by Resolution of the Board of Supervisors, may and shall

issue a civil citation to the person or persons violating this Ordinance, which civil citation will identify the person by name, address if known, the date of the violation occurrence or occurrences, the place of the occurrence of the violation, a description of the violation or violations for which the civil citation is issued, and the amount of the civil fine per Subparagraph A of this Section 5, and payment/collection information as detailed in subparagraph 2.) hereafter.

1.) Said civil citation may be hand delivered to the person being cited for violation of this Ordinance; or hand delivered and served upon an adult member of his or her residential household, or if a business, upon an adult person at said place of business; or same may be served by certified mail unto such person's residence and/or place of business, with return receipt requested.

2.) The person or persons cited for violation of this Ordinance as aforesaid shall be granted ten (10) days, unless further time is granted by the Board of Supervisors, to pay the civil fine in full unto the Township of South Beaver, and upon failure to do so, a civil enforcement proceeding shall be filed before the district magistrate of appropriate jurisdiction, to collect said civil fine as heretofore set by the Board of Supervisors, plus all court costs and reasonable attorney fees incurred by the Township of South Beaver in filing and processing such civil enforcement proceeding and collection of the civil fine as aforesaid.

Section 7. Summary Offense:

Any violation of this Ordinance shall be deemed a summary offense, and an enforcement action may be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day or portion of each day a prohibited discharge or prohibited connection continues is a separate violation. Criminal fine shall not be less than Two Hundred and No/100 (\$200.00) Dollars nor more than One Thousand

and No/100 (\$1,000.00) dollars per violation, and upon conviction may be sentenced to imprisonment for a period not in excess of ninety (90) days.

Section 8. Repealer clause:

To the extent that any other ordinance of South Beaver Township now in effect shall be inconsistent herewith, the inconsistent provisions thereof are hereby repealed.

Section 9. Severability:

The provisions of this Ordinance are severable and if any section, clause, sentence, word, part of provision shall be deemed illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, words or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors of South Beaver Township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional portion had not been included herein.

Section 10. Effective date:

This ordinance shall be effective five (5) days after enactment.

ENACTED this 8th day of November, 2005.

ATTEST:

Carol Miller  
Secretary

SOUTH BEAVER TOWNSHIP

Maureen F. Balis  
Supervisor

Robert S. Long  
Supervisor

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Supervisor