

**UPPER LEACOCK TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. ~~2022-04~~ 2022**

**AN ORDINANCE TO AMEND THE UPPER LEACOCK TOWNSHIP  
STORMWATER MANAGEMENT ORDINANCE**

**Background**

WHEREAS, the Pennsylvania Stormwater Management Act (Act 167) requires that municipalities “adopt or amend, and shall implement such ordinances and regulations, including zoning, subdivision and land development, building code and erosion and sedimentation ordinances, as necessary to regulate development within the municipality in a manner consistent with the applicable Watershed Stormwater Plan and the provisions of this Act”;

WHEREAS, Federal regulations require the use of ordinances by municipal separate storm sewer systems (MS4s) to address (1) the prohibition of unauthorized non-stormwater discharges, (2) erosion and sediment controls for construction activities involving earth disturbances of one acre or more, and (3) post-construction stormwater management for new development and re-development projects;

WHEREAS, Upper Leacock Township desires to update their stormwater management regulations to be consistent with the MS4 regulations;

WHEREAS, Upper Leacock Township recognizes the need to update the stormwater management regulations in order to protect the health, safety and welfare of the residents of Upper Leacock Township.

**NOW, THEREFORE,** be it and it is hereby ordained and enacted by the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, as follows:

**Section 1** The Stormwater Management Ordinance of Upper Leacock Township enacted in 2014 (the "Stormwater Ordinance"), shall be amended as follows:

a) Article II, section 202 shall be amended to add the definition of "Animal" to read as follows:

Animal: A dog, cat or other domesticated animal kept for amusement or companionship, excluding farm animals.

b) Article 1, section 111 shall be added to read as follows:

**Section 111 Waivers**

A. If the Municipality determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Municipality may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to section 111, paragraphs B and C.

B. Waivers or modifications of the requirements of this Ordinance may be approved by the Municipality if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modifications may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.

C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Municipality unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.

c) Article III, section 303.C is amended to read as set forth on exhibit "A" attached to this ordinance and incorporated by reference.

d) Article III, section 308.A.2.c shall be amended to read as follows:

c. The maximum loading ratio for volume control facilities in Karst areas shall be 3:1 impervious drainage area to infiltration area and a 5:1 total drainage area to infiltration area. The maximum loading ratio for volume control facilities in non-karst areas shall be 5:1 impervious drainage area to infiltration area and 8:1 total drainage area to infiltration area. A higher ratio would be acceptable if proper justification is submitted and approved by the Township Engineer.

e) Article VII, section 701.C shall be amended to read as set forth in Exhibit "B" attached to this ordinance and incorporated by reference.

f) Article VII, section 704 shall be added to read as follows:

(a) No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area owned by Upper Leacock Township, or on private property not owned by that owner or custodian, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.

(b) It is unlawful for any person owning, keeping or harboring an animal to cause or permit said animal to be on any property owned by Upper Leacock Township, without having in his/her immediate possession a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.

(c) It is unlawful for any person in control of, causing or permitting any animal to be on any property owned by Upper Leacock Township or on private property not owned or possessed by that person, to fail to remove feces left by such animal and dispose of it properly as described in section (d).

(d) Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet, and bagging for disposal in the owner or keeper's waste receptacle and bagging for disposal in a waste receptacle in a public park or public area.

(e) Disposal of animal waste in storm drains is prohibited.

(f) Disposal of animal waste in public compost is prohibited.

(g) The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

g) Article VIII, section 804 shall be amended to read as follows:

**Section 804. Inspections**

A. Storm Water Management BMPs shall be inspected by the landowner, or the owner's designee, according to the following list of minimum frequencies:

- 1) Annually for the first five (5) years.
- 2) Once every three (3) years thereafter.
- 3) During or immediately after the cessation of a storm event of at least 4.5 inches of rainfall in a 24-hour period.

B. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspections, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Municipality within 30 days following completion of the inspection.

C. Inspections regarding compliance with the Storm Water Management Site Plan are a responsibility of the municipality

**Section 2** All other ordinances, sections, parts and provisions of ordinances of Upper Leacock Township shall remain in full force and effect as previously enacted and amended.

**Section 3** In the event any provision, section, sentence, clause or a part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

**Section 4** This Ordinance shall take effect and be enforced five (5) days after its enactment by the Board of Supervisors of Upper Leacock Township, as provided by law.

DULY ORDAINED AND ENACTED this 15<sup>th</sup> day of September, 2022, by the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS  
UPPER LEACOCK TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA

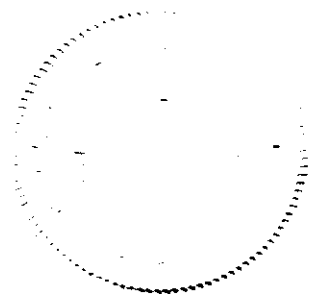
By: Ronald L. Summing

By: Nelson Bord

By: J. [Signature]

Attest:

[Signature]  
Secretary



C. Conveyance facilities shall comply with the design criteria in the following table:

Conveyance Facility Design Criteria			
Location	Within public street right-of-way	Outside public street right-of-way	
Loading	All	Vehicular loading	Non-vehicular loading
<b>(a) Pipe design</b>			
[1] Material	SLHDPE, RCP	SLHDPE, RCP	SLHDPE, RCP
[2] Slope (minimum)	0.5%	0.5%	0.5%
[3] Cover	1 foot to bottom of asphalt	1 foot to bottom of asphalt	1 foot to surface
[4] Diameter (minimum)	18 inches	18 inches*	15 inches*
[5] Street crossing angle	90°	N/A	N/A
[6] Access/maintenance port frequency (maximum)	400 feet	400 feet	600 feet
<b>(b) Inlet design</b>			
[1] Material	Concrete	Concrete	N/A
[2] Grate depression	N/A	N/A	6" w/ 20:1 side slope
<b>(c) Manhole design</b>			
[1] Material	Concrete	Concrete	Concrete
<b>(d) Swale design</b>			
[1] Freeboard (minimum)	6 inches	N/A	6 inches
[2] Velocity (maximum)	Stability check	N/A	Stability check
[3] Slope (minimum)	1%	1%	1%
[4] Side slopes (residential area)	4 : 1 max	N/A	4 : 1 max
[5] Side slopes (non-residential area)	4 : 1 max	N/A	3 : 1 max
[6] Bottom width to flow depth ratio	12 : 1	N/A	12 : 1
<b>(e) Outlet design</b>			
[1] End treatment	Concrete Headwall/endwall	Headwall/ endwall or flared end section	Headwall/ endwall or flared end section
[2] Energy dissipater	Required	Required	Required

\*Smaller pipe sizes may be approved by the Township Engineer when pipe sizing calculations are provided to confirm the size, and the design incorporates adequate upstream protection to keep leaves, sticks, trash and other debris from entering and clogging the pipe.

- C. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:

- Discharges or flows from firefighting activities	- Non-contaminated irrigation water, water from lawn maintenance and landscape drainage, flows from riparian habitats and wetlands,
- Discharges from potable water sources including water line flushing and fire hydrant flushing if such discharges do not contain detectable concentrations of total residual chlorine (TRC)	- Uncontaminated water from foundations or from footing drains
- Non-contaminated irrigation water, water from lawn maintenance and landscape drainage	- Non-contaminated pumped groundwater, rising groundwater, and groundwater infiltration
- Non-contaminated HVAC condensation and water from geothermal systems	- Residential (i.e. not commercial) vehicle wash water where cleaning agents are not utilized
- Diverted stream flows and springs	- Non-contaminated Water from crawl space pumps
- Non-contaminated hydrostatic test water discharges if such discharges do not contain detectable concentrations of TRC	