

**ORDINANCE NO. 148**

**AN ORDINANCE OF MILFORD TOWNSHIP PROHIBITING CERTAIN DISCHARGES INTO THE MILFORD TOWNSHIP STORMWATER SYSTEM**

**BACKGROUND**

A. Townships of the Second Class are authorized and required to regulate land use activities that effect runoff, surface and groundwater quality and quantity by the Stormwater Management Act (Act of October 4, 1978, 32 P.S. §680.1 et seq.,) the Water Resources Management Act of 2002 and the Second Class Township Code.

B. The Board of Supervisors of Milford Township in furtherance of the aforesaid Acts finds it in the interests of the health and safety of the residents of Milford Township to adopt regulations prohibiting certain stormwater discharges into Milford Township's separate storm sewer system.

**NOW THEREFORE**, be it RESOLVED and ENACTED, by the Board of Supervisors of Milford Township as follows:

**ARTICLE 1 - PROHIBITIONS**

**Section 101. Prohibited Discharges**

A. No person in Milford Township (the "Township") shall allow, or cause to allow, stormwater discharges into the Township's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.

B. The following discharges are allowed based on a finding by the Township that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth:

1.	Discharges from fire fighting activities	8.	Uncontaminated water from foundation or from footing drains.
2.	Potable water sources including dechlorinated water line and fire hydrant flushings	9.	Flows from riparian habitats and wetlands
3.	Irrigation drainage	10.	Lawn Watering
4.	Routine external building washdown (which does not use detergents or other compounds)	11.	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

5.	Air conditioning condensate	12.	Dechlorinated swimming pool discharges
6.	Water from individual residential car washing	13.	Uncontaminated groundwater
7.	Spring water from crawl space pumps		

C. In the event that the Township determines that any of the discharges identified in Section 101.B. significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Township will notify the responsible person to cease the discharge.

D. Upon notice provided by the Township under Section 101.C., the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.

E. Nothing in this Section shall affect a discharger's responsibilities under state law.

**Section 102. Prohibited Connections**

A. The following connections are prohibited, except as provided in Section 101.B. above:

1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater (does not include effluent from DEP permitted domestic sewage treatment facilities), and grey water (water from bathtubs, showers, sinks, rinse tubs and automatic dish or clothing washers), to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and

2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system, which has not been documented in plans, maps, or equivalent records, and approved by the Township.

**Section 103. Roof Drains**

A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where advantageous to do so.

B. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

C. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted on a case by case basis as determined by the Township.

**Section 104. Alteration of Best Management Practices (“BMPs”)**

- A. No person shall modify, remove, fill, landscape or alter any existing stormwater control or BMP, unless it is part of an approved maintenance program, without the written approval of the Township
- B. No person shall place any structure, fill, landscaping or vegetation into a stormwater control or BMP or within a drainage easement, which would limit or alter the functioning of the stormwater control or BMP, without the written approval of the Township.

**ARTICLE 2 - ENFORCEMENT AND PENALTIES**

**Section 201. Right-of-Entry**

- A. Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to inspect the implementation, condition, or operation and maintenance of the stormwater controls or BMPs in regard to any aspect governed by this Ordinance.
- B. Stormwater control and BMP owners and operators shall allow persons working on behalf of the Township ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
- C. Persons working on behalf of the Township shall have the right to temporarily locate on any stormwater control or BMP in the Township such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater control or BMP.
- D. Unreasonable delays in allowing the Township access to a stormwater control or BMP is a violation of this Article.

**Section 202. Public Nuisance**

- A. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

**Section 203. Enforcement Generally**

A. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Township may order compliance by written notice to the responsible person. Such notice may, without limitation, require the following remedies:

1. Performance of monitoring, analyses, and reporting;

2. Elimination of prohibited connections or discharges;
3. Cessation of any violating discharges, practices, or operations;
4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs;
6. Implementation of stormwater controls and BMPs; and
7. Operation and maintenance of stormwater controls and BMPs.

B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Township or designee and the expense thereof shall be charged to the violator.

C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity. It shall be the responsibility of the Owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

#### **Section 204. Suspension and Revocation of Permits and Approvals**

A. Any building, land development or other permit or approval issued by the Township may be suspended or revoked by the Township for:

1. Non-compliance with or failure to implement any provision of the permit;
2. A violation of any provision of this Ordinance; or
3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life, health, or property of others.

B. A suspended permit or approval shall be reinstated by the Township when:

1. The Township Engineer or designee has inspected and approved the corrections to the stormwater controls and BMPs, or the elimination of the hazard or nuisance, and/or;
2. The Township is satisfied that the violation of the Ordinance, law, or rule and regulation has been corrected.

C. A permit or approval that has been revoked by the Township cannot be reinstated. The Applicant may apply for a new permit under the procedures outlined in this Ordinance.

**Section 205. Penalties**

A. Anyone violating the provisions of this Ordinance shall be subject to a fine of not more than \$1000.00 for each violation, recoverable with costs, or imprisonment of not more than 90 days, or both. Each day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.

B. In addition, the Township, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. 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.

**Section 206. Appeals**

A. Any person aggrieved by any action of the Township or its designee may appeal to the Township's Board of Supervisors within thirty (30) days of that action, pursuant to the Local Agency Law. Such appeal shall be in writing and accompanied by the appropriate filing fee as established by Resolution of the Board of Supervisors.

B. Any person aggrieved by any decision of the Board of Supervisors of Milford Township may appeal to the County Court of Common Pleas in the County where the activity has taken place within thirty (30) days of the Township decision.

**ARTICLE 3. MISCELLANEOUS**

**Section 301. Repeal**

All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are hereby repealed.

**Section 302. Severability**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, it being the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect

**Section 303. Effective Date**

This Ordinance shall take effect five (5) days after adoption.

**ENACTED** and **ORDAINED** into an Ordinance by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania on this 7th day of August, 2007.

**BOARD OF SUPERVISORS  
MILFORD TOWNSHIP**

**ATTEST:**

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Janya Awckland, Secretary

Excused

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Robert B. Mansfield, Chair

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Charles Strunk, Vice Chair

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Timothy Damiani, Member