

**ORDINANCE NO. 2022-02**

**LANCASTER TOWNSHIP, BUTLER COUNTY  
AMENDMENT TO ORDINANCE NO. 93**

**AMENDMENT TO THE CODE ORDINANCES OF THE TOWNSHIP OF LANCASTER, CHAPTER 229 STORMWATER MANAGEMENT TO MODIFY THE CURRENT RELEASE RATES AND REMOVE THE FORM MAINTENANCE AGREEMENT FROM BODY OF THE ORDINANCE, PROVIDING FOR SEVERANCE AND REPEAL OF PRIOR INCONSISTENT ORDINANCES.**

**RECITALS:**

**WHEREAS**, the Pennsylvania Stormwater Management Act (Act 167) requires that each Pennsylvania municipality adopt a stormwater management ordinance to implement a stormwater management plan; and

**WHEREAS**, pursuant to Act 167 and the County of Butler, the TOWNSHIP has adopted and codified a stormwater management ordinance; and

**WHEREAS**, the Township Supervisors have considered a proposed amendment, finding that:

Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.

A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of Municipality and all the people of the Commonwealth, their resources, and the environment.

Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns; accelerating stream flows (which increase scour and erosion of streambeds and stream banks thereby elevating sedimentation); destroying aquatic habitat; and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.

Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

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).

and

**WHEREAS**, the Township Supervisors have determined that this amendment to ]Lancaster Township Ordinance No. 93, codified as Chapter 229, Stormwater Management, is consistent with the state and local laws and in the best interest of the health, safety and welfare of the Township of Lancaster residents.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LANCASTER, BUTLER COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE SAME THAT:**

**Section 1:** This Amendment is signified by ~~striking out~~ deleted text and underling newly added text:

**Section 2:** Chapter 229, Section 305 is amended as follows:

**Section 305. Rate Controls**

~~Lands contained within Butler County that have not had release rates established under an approved Act 167 Stormwater Management Plan post-development discharge rates shall not exceed the pre-development discharge rates for the 1-year, 2-year, 10-year, 25-year, 50-year, and 100-year storms.~~

In accordance with the Lower Connoquenessing Stormwater Planning Study prepared by Herbert, Rowland & Grubic, Inc., dated March 10, 2021, release rates for the watersheds located within Lancaster Township shall not exceed 90% of the respective pre-construction peak flow rate.

**Section 3:** Attachment 1 Appendix A “Operation and Maintenance (O&M) Agreement Stormwater Management Best Management Practices (SWM BMPs) is deleted from Chapter 229, including the physical attached document and all references to the form agreement.

**Section 4: Repeal.** All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**Section 5: Savings and Severability.** The provisions of this Ordinance shall be deemed severable, and the invalidity or unenforceability of any one provision, part, or clause thereof shall not affect the validity or enforceability of the other provisions, parts, or clauses hereof. If any provision or clause of this Agreement, or portion thereof, shall be held by any court or other tribunal of competent jurisdiction to be illegal, void, or unenforceable in such jurisdiction, the

remainder of such provision shall not be thereby affected and shall be given full effect, without regard to the invalid portion.

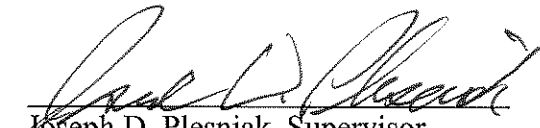
**Section 6: Incorporation into the Code of Ordinances.** By this Ordinance all provisions adopted herein shall be incorporated into the Township of Lancaster Code of Ordinances by incorporating the adopted text, revising any index, appendix or table of contents, alphabetizing and numbering each section in accordance and consistent with the construction and format of the codification of ordinances.

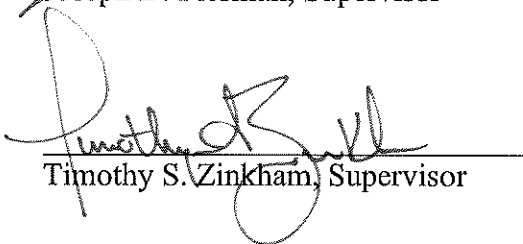
**Section 7. Effective Date.** This Ordinance shall become effective within 30 days of adoption.

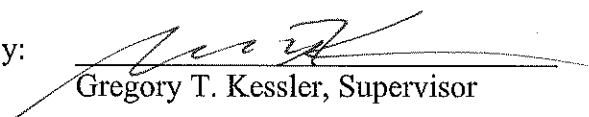
Ordained and Enacted at a meeting of the Board of Supervisors of Lancaster Township, Butler County, Pennsylvania, this 18<sup>th</sup> day of April, 2022.

LANCASTER TOWNSHIP

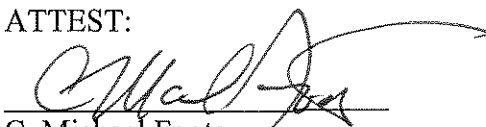
BOARD OF SUPERVISORS

By:   
Joseph D. Plesniak, Supervisor

By:   
Timothy S. Zinkham, Supervisor

By:   
Gregory T. Kessler, Supervisor

ATTEST:

  
C. Michael Foote  
Township Manager, Secretary, Treasurer