

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

### NOTES TO MUNICIPALITY:

- 1) ALL CONTENTS OF THE DRAFT MODEL ORDINANCE ARE STILL SUBJECT TO PADEP REVIEW AND APPROVAL.
- 2) It is recommended that the Municipality adopt their Act 167 stormwater management Ordinance as a stand-alone ordinance. It is further recommended that it be adopted/enacted under the provisions of Act 247 Municipalities Planning Code. Enactment in this manner is anticipated to provide maximum flexibility and authority for enforcement.
- 3) If any portion of your Municipality is located within any of the following watersheds, see NOTE TO MUNICIPALITIES on the following page: Chester Creek, Conestoga River, Crum Creek, Darby Creek, (East) Valley Creek.
- 4) The Municipality may set more restrictive or stringent standards and requirements than those included herein, but they cannot be less restrictive or less stringent.
- 5) It is recommended that each municipality also adopt a companion ordinance governing prohibitions (as presented in Article VIII of the Model Ordinance) that applies to all existing development – see “Note to Editor” in Article VIII for further explanation.
- 6) The Draft Model Ordinance presents the Municipality with several options for setting limits of regulatory applicability for small projects and agricultural structures. This provides each municipality with the opportunity to consider their individual needs and interests and tailor their Ordinance to their priorities in a manner that best suits their communities. The Municipality should also closely review “Subsection 106.C. Exemptions for Specific Activities” to become familiar with those activities that are eligible for exemption (regardless of size) from engineering, design, review/approval, and inspection requirements of the Ordinance. These options are presented at the following locations in the Model Ordinance and are also proposed for use by municipalities who are modifying their existing ordinance:
  - Small Projects –
    - Subsections 106.B and 106.D;
    - Subsections 301.G and Section 304;
    - Section 402;
    - Subsection 502.A; and
    - Section 702.
  - Agricultural Structures –
    - Subsection 106.E.
- 7) The Draft Model Ordinance presents the Municipality with several options for setting the level and extent of standards and requirements to be included in the Ordinance. This provides each municipality with the opportunity to consider their individual needs and interests and tailor the Ordinance to their stormwater management priorities in a manner that best suits their communities. These options are presented at the following locations in the Model Ordinance and can also be used by municipalities who are modifying their existing ordinance:
  - Subsections 103.S and 106.C.5.a
  - Subsections 301.I, 301.O, 301.R, 301.S, 301.T, 305.D, 306.N, 306.O, and 308.A., and Section 311;
  - Subsections 402.B.8.p and 402.B.8.q;
  - Subsections 502.C, 502.D, 502.F;
  - Section 601;and
  - Article VII.
- 8) In the matrix, all cross-references to articles, sections, and subsections, tables, appendices, and matrix numbers are shaded for the user’s convenience.

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

**NOTE TO MUNICIPALITIES THAT ARE LOCATED PARTIALLY WITHIN ANY OF THE FOLLOWING WATERSHEDS THAT HAVE APPROVED ACT 167 STORMWATER MANAGEMENT PLANS** – Chester Creek, Conestoga River, Crum Creek, Darby Creek, and (East) Valley Creek:

- *Where more than one Act 167 stormwater management plan applies to any given Municipality, it is recommended that the Municipality prepare and adopt one composite stormwater management ordinance that applies to the entire Municipality. If the Municipality's existing ordinance (or the County-wide 167 Ordinance) is to be used as the basis for a composite Ordinance, then the following must be included -*
  - *The peak runoff release rate standards from the previously approved Act 167 plan(s) and a clear description and delineation of those land areas to which those peak rate standards apply, and the ground cover assumptions to be used for those peak rate calculations for those areas.*
  - *For Crum and Darby Creeks, the following must be carried forward into the Municipality's Ordinance (at least for the land areas within those watersheds):*
    - *Riparian buffer requirements; and*
    - *Requirements for proposed activities with five hundred (500) to nine hundred ninety-nine (999) square feet of Proposed Impervious Surfaces to comply with the Simplified Approach.*
- *For Chester Creek watershed, the County-wide Act 167 Model Ordinance must be used to replace the 2003 Chester Creek Act 167 Ordinance, and:*
  - *The peak runoff release rate standards (and corresponding peak rate calculation ground cover assumptions) must be carried forward from the Chester Creek ordinance into the Municipality's Ordinance (at least for the portion of the Municipality located within the Chester Creek watershed; and,*
  - *The following provisions from the Chester Creek ordinance must be carried into the Municipality's ordinance (at least for the area within the Chester Creek watershed):*
    - *Riparian buffer requirements; and*
    - *Requirements for activities with five hundred (500) to nine hundred ninety-nine (999) square feet of Proposed Impervious Surfaces to comply with the Simplified Approach.*
- *Any Municipality that chooses to adopt the applicable Act 167 ordinance(s) for only those areas of their Municipality that lie within any of the above listed watersheds (except Chester Creek), must then adopt this County-wide 167 Ordinance (or equivalent or more restrictive standards) for all remaining areas of the Municipality. In this circumstance, the following are required:*
  - *The first paragraph of Section 105 of this Ordinance must be revised to clearly and accurately indicate the land area to which this Ordinance applies.*
  - *A map clearly illustrating the boundaries of the area to which this Ordinance applies should be included in an Appendix, and referenced in paragraph 1 of Section 105.*
- *A stand-alone ordinance must be adopted to enable the Municipality to establish and enforce prohibitions such as non-stormwater discharges to, connections to, and alterations of stormwater facilities, BMPs and Conveyances, etc. in all areas of the Municipality, if not already included within another ordinance.*

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
<b>ARTICLE I – General Provisions</b>			
M-1	Statement of Findings – MS4 Regulatory Requirements	MANDATORY: Only for MS4 municipalities required to have a NPDES MS4 permit: Include a statement <u>equivalent to</u> Subsection 102.G regarding the requirement for the Municipality to comply with NPDES MS4 regulations.	• Note to Editor Subsection 102.G
INFO-1	Statement of Findings	• Text is presented in the Model Ordinance that may be helpful	• Section 102
M-2	Purpose Statement	MANDATORY: A statement equivalent to the introductory sentence of Section 103 must be included and must specifically include the following: “...to protect public health, safety and general welfare, property and water quality.”	• Section 103 – Introductory sentence
M-3	Purpose <sup>1</sup> MS4 Regulatory Requirements	MANDATORY: For MS4 municipalities required to have a NPDES MS4 permit: Include statements <u>equivalent to</u> those in Subsections 103.O and 103.Q regarding the requirement for the Municipality to comply with NPDES MS4 regulations.	• Subsections 103.O and 103.Q
INFO-2	Purpose	• Text is presented in the Model Ordinance that may be helpful.	• Section 103
M-4	Purpose <sup>1</sup> MS4 Regulatory Requirements	MANDATORY: Include a statement <u>equivalent to</u> Subsection 103.R regarding the requirement to meet provisions of other PA laws.	• Subsection 103.R
M-5	Purpose <sup>1</sup> Act 167 citation	MANDATORY: Subsection 103.U, <u>exactly as written</u> , must be included in the Municipality’s ordinance.	• Subsection 103.U
INFO-3	Statutory Authority	• Text is presented in the Model Ordinance that may be helpful.	• Section 104
M-6	Statutory Authority <sup>1</sup> Act 167 citation	MANDATORY: Subsection 104.A, <u>exactly as written</u> , must be included in the Municipality’s ordinance.	• Subsection 104.A

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-7	Regulated Activities <sup>1</sup>	<p>MANDATORY:</p> <ul style="list-style-type: none"> <li>Subsection 105.A.1 must be included, <u>exactly as written</u>, in the Municipality’s ordinance to reference “Regulated Activities” and “Earth Disturbance”.</li> <li>“Earth Disturbance (Activity)”, “New Development”, “Redevelopment” and “Regulated Activity(ies)” must be defined <u>exactly as written</u> in <u>Article II</u>.</li> </ul>	<ul style="list-style-type: none"> <li>Subsection 105.A.1</li> <li>Article II</li> </ul>
M-8	Regulated Activities - Key standards from other Act 167 Plans and Ordinances <sup>1</sup>	<p>MANDATORY: Only for Regulated Activities located within the Conestoga River, Chester Creek, Darby Creek, (East) Valley Creek, or Crum Creek watershed(s), the minimum size of Regulated Activity (if more restrictive) must be carried forward from other approved Act 167 ordinance(s) for those portions of municipality within the corresponding watershed(s).</p>	<ul style="list-style-type: none"> <li>Note to Municipality (front of this Matrix)</li> <li>Section 105.A – Note to Editor</li> </ul>
M-9	Duty of Person(s) Engaged in Regulated Activities	<p>MANDATORY: Subsection 105.B must be included, <u>exactly as written</u>, in the Municipality’s ordinance.</p>	<ul style="list-style-type: none"> <li>Subsection 105.B</li> </ul>
M-10	Phased and Incremental Project Requirements <sup>2</sup>	<p>MANDATORY: The first paragraph of 105.C, <u>or equivalent performance standard</u>, must be included in the Municipality’s ordinance to require cumulative impervious surfaces to become regulated when the minimum threshold is exceeded.</p>	<ul style="list-style-type: none"> <li>Subsection 105.C</li> </ul>
M-11	Requirements for Exempt Activities <sup>1</sup>	<p>MANDATORY: Subsection 106.A, <u>or equivalent performance standard</u>, must be included in the Municipality’s ordinance.</p>	<ul style="list-style-type: none"> <li>Subsection 106.A</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-12	General Exemptions <sup>2</sup> -Maximum Thresholds of Size of Proposed Regulated Activities that are Eligible for Exemption from Certain Standards	<p>MANDATORY:</p> <ul style="list-style-type: none"> <li>• The <u>requirements</u> of Subsection <b>106.B</b> <u>must be included</u> in the Municipality’s ordinance. If equivalent text is used the standards must be the same or more stringent than those provided in the Model Ordinance.</li> <li>• Table <b>106.1</b> (including legend), <u>or equivalent content</u>, must be included in the Municipality’s ordinance and must reflect identical thresholds required above, and must only provide exemption from the components of the Municipality’s ordinance that are equivalent to the components listed in Table <b>106.1</b>.</li> <li>• “Proposed Impervious Surface” and “Impervious Surface” must be defined <u>exactly as written in Article II</u>.</li> <li>• See Notes To Municipality above regarding:               <ul style="list-style-type: none"> <li>○ requirement to incorporate requirements from other Act 167 Plans</li> <li>○ option to decrease the minimum size to be regulated</li> <li>○ option to allow use of the Simplified Approach for small projects up to 1,000 sq. ft. of Proposed Impervious Surface</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 106.B</li> <li>• Table 106.1</li> <li>• Article II</li> <li>• Notes to Municipality (above)</li> <li>• Section 106.B - Note to Editor</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
OPT-1	Exemptions for Specific Activities <sup>2</sup>	<p>OPTIONAL: The Municipality may, at its option, choose to include none, some, or all of the specific activities listed in Subsection 106.C as exempt from specific requirements of the ordinance, regardless of size; however, the following instructions must be followed and carried through into the Municipality’s ordinance:</p> <ul style="list-style-type: none"> <li>• The Municipality may choose to include any, all or none of the specific activities listed in Subsection 106.C for inclusion as “exempt”.</li> <li>• Specific activities can be exempted only from the requirements of the Municipality’s ordinance that correspond to the requirements listed in the specific Sections and Subsections listed in the opening paragraph of Subsection 106.C; ALL OTHER PROVISIONS of the Municipality’s ordinance must apply to the listed specific activities.</li> <li>• Only the specific activities listed in Subsection 106.C in the Model Ordinance may be exempted – no other activities can be added.</li> <li>• Any specific activities included in the Municipality’s ordinance must be described <u>exactly as written</u> in the Model Ordinance.</li> <li>• Agricultural Activities –               <ul style="list-style-type: none"> <li>○ Two options are provided for inclusion of “Agricultural Activities” as eligible for exemption.</li> <li>○ If either option is included by the Municipality, then the definition of “Agricultural Activities” must be defined <u>exactly as written</u> in Article II.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 106.C</li>   <li>• Subsection 106.C.5.a Note to Editor</li>   <li>• Article II</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
OPT-2	Modified Requirements for Small Projects	<p>OPTIONAL: Municipality may, at its option, choose to include provisions to allow the “modified” requirements of the Simplified Approach to be applied to small projects to comply with the requirements of the Municipality’s ordinance that correspond to those requirements presented in the Sections and Subsections of the Model Ordinance listed in the “Note to Editor” at Subsection 106.D.</p> <ul style="list-style-type: none"> <li>• The instructions presented in the “Note to Editor” at Subsection 106.D must be followed in their entirety.</li> <li>• The text of Subsection 106.D and Table 106.2 (with Legend) must be included <u>exactly as written</u>.</li> <li>• Small projects eligible for use of the Simplified Approach can be exempted only from the requirements of the Municipality’s ordinance that correspond to the requirements presented in the specific Articles, Sections and Subsections listed in the opening paragraph of Subsection 106.D; ALL OTHER PROVISIONS of the Municipality’s ordinance must apply to the small projects.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 106.D - Note to Editor</li> <li>• Table 106.2</li> </ul>
OPT-3	Modified Requirements for Agricultural Structures	<p>OPTIONAL: Municipality may, at its option, choose to include provisions to allow the use of the “modified” requirements presented in Subsection 106.E for eligible agricultural structures as described in the Model Ordinance in the “Note to Editor” at Subsection 106.E; allowing the use of the “modified” requirements exempts the activity only from certain requirements of the Municipality’s ordinance:</p> <ul style="list-style-type: none"> <li>• The instructions presented in the “Note to Editor” at Subsection 106.E must be followed in their entirety.</li> <li>• The text of Subsection 106.E and Table 106.2 (with Legend) must be included <u>exactly as written</u>.</li> <li>• Agricultural structures that are eligible for use of the “modified” requirements can be exempted only from the requirements of the Municipality’s ordinance that correspond to the requirements presented in the specific Sections and Subsections listed in the opening paragraph of Subsection 106.E; ALL OTHER PROVISIONS of the Municipality’s ordinance must apply to the agricultural structures.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 106.E - Note to Editor</li> <li>• Table 106.2</li> </ul>
INFO-4	Repealer	<ul style="list-style-type: none"> <li>• Text is presented in the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 107</li> </ul>
INFO-5	Severability	<ul style="list-style-type: none"> <li>• Text is presented in the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 108</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
INFO-6	Compatibility with Other Ordinances or Legal Requirements	<ul style="list-style-type: none"> <li>Text is presented in the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>Section 109</li> </ul>
INFO-7	Financial Security	<ul style="list-style-type: none"> <li>Text is presented in the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>Section 110</li> </ul>
M-13	Waivers <sup>1</sup> and PADEP Review Required	<p>MANDATORY: The following must be included in the Municipality’s ordinance, regardless of whether or not the Municipality desires to include provisions allowing waivers:</p> <ul style="list-style-type: none"> <li>Subsection 111.A, <u>or its equivalent</u>, with specific reference included to Subsection 111.C.</li> <li>Subsection 111.C, <u>exactly as written</u>.                             <ul style="list-style-type: none"> <li>“Regulated Earth Disturbance Activity” must be defined <u>exactly as written</u> in Article II.</li> <li>“Site” must be used with a meaning consistent with the definition of the term presented in Article II of the Model Ordinance.</li> </ul> </li> </ul> <p>MANDATORY: If the Municipality’s chooses to include provisions allowing for waivers, the following must be included:</p> <ul style="list-style-type: none"> <li>Subsection 111.A, <u>or its equivalent</u>, with specific references included to Subsections 111.B and 111.C.</li> <li>Subsection 111.B, <u>or its equivalent</u>.</li> <li>Subsection 111.C, <u>exactly as written</u>.                             <ul style="list-style-type: none"> <li>“Regulated Earth Disturbance Activity” must be defined <u>exactly as written</u> in Article II.</li> <li>“Site” must be used with a meaning consistent with the definition of the term presented in Article II of the Model Ordinance.</li> </ul> </li> </ul> <p>MANDATORY: If the Municipality’s ordinance allows for exemption from the stormwater plan and design standards based on applicant’s claim that proposed project would cause “no harm” to others, or to downstream entities, such exemption <u>must be removed</u> from the Municipality’s ordinance prior to adoption.</p>	<ul style="list-style-type: none"> <li>Subsection 111.A</li> <li>Subsection 111.C</li> <li>Article II</li> <li>Subsection 111.A</li> <li>Subsection 111.B</li> <li>Subsection 111.C</li> <li>Article II</li> <li>NA</li> </ul>



## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
INFO-8	Erroneous Permit	<ul style="list-style-type: none"> <li>Text is presented in the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>Section 112</li> </ul>
<b>ARTICLE II – Definitions</b>			
INFO-9	Definitions- Interpretation	<ul style="list-style-type: none"> <li>Text is presented in the Model Ordinance that may be helpful, particularly Subsection <b>201.F</b>.</li> </ul>	<ul style="list-style-type: none"> <li>Section 201</li> </ul>
M-14	Definitions – “Structure”	<p><b>MANDATORY:</b> Do not include a definition for the term “structure” within the Municipality’s ordinance to avoid conflict with the meaning of the definition of “Impervious Surface”.</p>	<ul style="list-style-type: none"> <li>Section 202</li> </ul>
M-15	Mandatory Definitions	<p><b>MANDATORY:</b> The following terms must be defined within the Municipality’s ordinance <u>exactly as written</u> in <b>Article II</b> of the Model Ordinance:</p> <ul style="list-style-type: none"> <li>○ Agricultural Activity<sup>1</sup></li> <li>○ Conservation Plan</li> <li>○ Conservation Practices</li> <li>○ Disturbed Area</li> <li>○ Earth Disturbance (or Earth Disturbance Activity)<sup>1</sup></li> <li>○ Impervious Surface</li> <li>○ New Development</li> <li>○ Pervious Surface (Pervious Area)</li> <li>○ Post-construction</li> <li>○ Predevelopment</li> <li>○ Proposed Impervious Surface</li> <li>○ Redevelopment</li> <li>○ Regulated Activity<sup>1</sup></li> <li>○ Regulated Earth Disturbance Activity<sup>1</sup></li> <li>○ Separate Storm Sewer System<sup>1</sup></li> <li>○ Waters of the Commonwealth</li> <li>○ Woods</li> </ul>	<ul style="list-style-type: none"> <li>Section 202</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
INFO-10	Other Definitions	<p>The following terms and their definitions as presented in <b>Article II</b> are used extensively throughout various mandatory components of the Model Ordinance and may be helpful to the Municipality in incorporating the mandatory Act 167 provisions:</p> <ul style="list-style-type: none"> <li>○ Applicant</li> <li>○ As- built Plans</li> <li>○ BMP (Best Management Practice)</li> <li>○ Conveyance</li> <li>○ Detention (or To Detain)</li> <li>○ Easement</li> <li>○ Erosion and Sediment Control Plan</li> <li>○ Governing Body</li> <li>○ Landowner</li> <li>○ Licensed Professional</li> <li>○ Retention (or To Retain)</li> <li>○ Site</li> <li>○ Stormwater Management (SWM) Site Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Section 202</li> </ul>
<b>ARTICLE III – Stormwater Management Standards</b>			
M-16	Approved SWM Site Plan Required <sup>2</sup>	MANDATORY: Subsection <b>301.A</b> , <u>or equivalent performance standard</u> , must be included in the Municipality’s ordinance.	• Subsection 301.A
M-17	Phased Approach to Calculation of Impervious Surfaces <sup>2</sup>	MANDATORY: Subsection <b>301.B</b> , <u>or equivalent performance standard</u> , must be included in the Municipality’s ordinance.	• Subsection 301.B
M-18	Approval Required Prior to Proceeding <sup>1</sup>	MANDATORY: Subsection <b>301.C</b> , <u>or equivalent performance standard</u> , must be included in the Municipality’s ordinance.	• Subsection 301.C
M-19	Other Laws Apply	MANDATORY: Subsection <b>301.D</b> , <u>or equivalent performance standard</u> , must be included in the Municipality’s ordinance.	• Subsection 301.D
M-20	Site Design Process	MANDATORY: Subsection <b>301.E</b> , <u>or equivalent performance standard</u> , must be included in the Municipality’s ordinance. (See also M-29)	• Subsection 301.E
M-21	Discharge to Same Water Body	MANDATORY: Subsection <b>301.F</b> , <u>or equivalent performance standard</u> , must be included in the Municipality’s ordinance.	• Subsection 301.F
M-22	Protection of Downgradient Properties <sup>1</sup>	MANDATORY: Subsection <b>301.G</b> , <u>exactly as written</u> , must be included in the Municipality’s ordinance.	• Subsection 301.G

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
OPT-4	Protection of Downgradient Properties	OPTIONAL: The Municipality may, at its option, insert the language from the first Note to Editor in Subsection 301.G, <u>exactly as written</u> , to specify a size threshold for the applicability of Subsection 301.G.	<ul style="list-style-type: none"> <li>• Subsection 301.G</li> <li>• Subsection 301.G (first Note to Editor)</li> </ul>
OPT-5	Protection of Downgradient Properties	OPTIONAL: The Municipality may, at its option, modify the language of Subsection 301.G with either option of text <u>exactly as written</u> in the second Note to Editor box in Subsection 301.G to create a less stringent provision for smaller projects.	<ul style="list-style-type: none"> <li>• Subsection 301.G</li> <li>• Subsection 301.G.1 (second Note to Editor)</li> </ul>
M-23	BMPS to Meet Requirements of State Law	<p>MANDATORY:</p> <ul style="list-style-type: none"> <li>• Subsection 301.H, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> <li>• Subsection 301.J, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 301.H</li> <li>• Subsection 301.J</li> </ul>
M-24	Mitigation of By-pass of BMPs	<p>MANDATORY: Subsection 301.I, <u>exactly as written</u>, must be included in the Municipality's ordinance.</p> <ul style="list-style-type: none"> <li>• NOTE – include the 5-year storm and/or the 10-year storm in Subsection 301.I only if the Municipality's final peak rate controls (as presented in Table 308.1 of the Model Ordinance) require the 5-year and/or the 10-year storm peak rate to be reduced to the 2-year storm peak rate.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 301.I</li> <li>• Subsection 301.I Note to Editor</li> </ul>
M-25	Hotspots and Contaminated Sites	<p>MANDATORY:</p> <ul style="list-style-type: none"> <li>• Subsection 301.M, <u>or equivalent performance standard</u>, must be included in the Municipality's ordinance.</li> <li>• Subsection 301.N, <u>or equivalent performance standard</u>, must be included in the Municipality's ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 301.M</li> <li>• Subsection 301.N</li> </ul>
OPT-6	Additional Water Quality/TMDL Requirements <sup>2</sup>	<p>OPTIONAL: Subsection 301.O, <u>or equivalent performance standard</u>, may be included in the Municipality's ordinance to provide additional protections for special management areas.</p> <ul style="list-style-type: none"> <li>• See also OPT-12 (regarding Subsection 305.G)</li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 301.O</li> <li>• Subsection 301.O Note to Editor</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-26	References to PACD 1998 and MD 2000 Manuals Removed <sup>1</sup>	<p>MANDATORY:</p> <ul style="list-style-type: none"> <li>Subsection <u>301.P, or equivalent performance standard</u>, must be included in the Municipality's ordinance.</li> <li>All references to Maryland and all previous PA BMP and stormwater manuals and calculation methods <u>must be removed</u>.</li> </ul>	<ul style="list-style-type: none"> <li>Subsection 301.P</li> </ul>
M-27	Karst/ Carbonate Geology	<p>MANDATORY: Subsection <u>301.Q, or equivalent performance standard</u>, must be included in the Municipality's ordinance if such geology or features are present within the Municipality.</p>	<ul style="list-style-type: none"> <li>Subsection 301.Q</li> </ul>
OPT-7	Additional Floodplain Management	<p>OPTIONAL: The Municipality may, at its option, consider:</p> <ul style="list-style-type: none"> <li>Reviewing municipal floodplain management and zoning ordinances to ensure that they area at least consistent with current FEMA requirements.</li> <li>Adopting more stringent standards such as - design Regulated Activities to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream; to the maximum extent practicable, preserve and restore the flood-carrying capacity of floodplains; etc.</li> </ul>	<ul style="list-style-type: none"> <li>Subsection 301.R</li> </ul>
OPT-8	Waterways and Wetlands Non-Disturbance Zone	<p>OPTIONAL: Subsection <u>301.S, or equivalent performance standard</u>, may be included in the Municipality's ordinance to further protect waterways and wetlands from disturbance.</p>	<ul style="list-style-type: none"> <li>Subsection 301.S</li> </ul>
OPT-9	Riparian Buffers	<p>OPTIONAL: The Municipality may, at its option, include in their stormwater ordinance or other ordinance:</p> <ul style="list-style-type: none"> <li>Standards for the establishment, protection or enhancement of riparian buffers along all waterways during new development and redevelopment activities (in addition to those carried forward from other approved Act 167 Plans).</li> </ul>	<ul style="list-style-type: none"> <li>Subsection 301.T Note to Editor</li> </ul>
INFO-11	Permit Requirements by Other Government Entities	<ul style="list-style-type: none"> <li>Text is presented in the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>Section 302</li> </ul>
M-28	Erosion and Sediment Controls <sup>1</sup>	<p>MANDATORY: Section <u>303, exactly as written</u>, must be included in the Municipality's ordinance.</p>	<ul style="list-style-type: none"> <li>Section 303</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-29	Site Design Process <sup>2</sup>	MANDATORY: Section 304, <u>or equivalent performance standard</u> , must be included in the Municipality's ordinance.	• Section 304
OPT-10	Site Design Process (Modified)	OPTIONAL: The Municipality may, at its option, insert the text from the Note to Editor in Section 304, <u>exactly as written</u> , to exclude small projects with less than ten thousand (10,000) square feet of proposed Earth Disturbance AND/OR with less than two thousand (2,000) square feet of Proposed Impervious Surfaces from the requirements of Section 304.	• Section 304 Note to Editor
M-30	Water Quality and Runoff Volume Requirements <sup>1,2</sup>	MANDATORY: <ul style="list-style-type: none"> <li>• Subsection 305.A, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> <li>• Subsection 305.B, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> <li>• Subsection 305.E, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> <li>• Subsection 305.H, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> <li>• Subsection 305.I, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> <li>• Subsection 305.J, <u>exactly as written</u>, must be included in the Municipality's ordinance.</li> </ul>	• Subsection 305.A • Subsection 305.B • Subsection 305.E • Subsection 305.H • Subsection 305.I • Subsection 305.J
OPT-11	Thermal Control	OPTIONAL: The Municipality may, at its option, include in its ordinance one, both, or none of the following: <ul style="list-style-type: none"> <li>• Subsection 305.D, <u>or equivalent performance standard</u>.</li> <li>• Text provided in the Subsection 305.D Note to Editor, <u>or equivalent performance standard</u>.</li> </ul>	• Subsection 305.D and Note to Editor
OPT-12	Additional Water Quality/ TMDL Requirements	OPTIONAL: The Municipality may, at its option, require additional water quality and runoff control measures for stormwater discharging to special management areas such as those listed in Subsection 305.G. (See also OPT-6)	• Subsection 305.G
INFO-12	Water Quality and Runoff Volume Requirements	• Additional provisions are provided in Section 305 of the Model Ordinance that may be helpful.	• Subsections 305.C, F and K

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT = Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-31	Infiltration Requirements <sup>2</sup>	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those in the following subsections must be included in the Municipality's ordinance. If equivalent text is used the standards must be the same or more stringent than those provided in the Model Ordinance:</p> <ul style="list-style-type: none"> <li>• Subsection 306.A, <u>or equivalent text.</u></li> <li>• Subsection 306.B, <u>or equivalent text.</u></li> <li>• Subsection 306.C, <u>exactly as written.</u></li> <li>• Subsection 306.D, <u>or equivalent text.</u></li> <li>• Subsection 306.E, <u>or equivalent text.</u></li> <li>• Subsection 306.F, <u>or equivalent text.</u></li> <li>• Subsection 306.J.3, <u>or equivalent text.</u></li> <li>• Subsection 306.M, <u>or equivalent text.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 306.A</li> <li>• Subsection 306.B</li> <li>• Subsection 306.C</li> <li>• Subsection 306.D</li> <li>• Subsection 306.E</li> <li>• Subsection 306.F</li> <li>• Subsection 306.J.3</li> <li>• Subsection 306.M</li> </ul>
M-32	Infiltration Requirements – Karst and Sinkholes	<p>MANDATORY: Subsection 306.N, <u>or equivalent performance standard</u>, must be included in the Municipality's ordinance if areas underlain by karst or carbonate geology are present within the Municipality.</p>	<ul style="list-style-type: none"> <li>• Subsection 306.N</li> </ul>
INFO-13	Infiltration Requirements	<ul style="list-style-type: none"> <li>• Additional engineering standards are included in Section 306 of the Model Ordinance that may contribute to improving the effectiveness of infiltration BMP selection, design, construction, and performance.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsections 306.G through T</li> </ul>
M-33	Stream Channel Protection Requirements <sup>2</sup>	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those in the following subsections must be included in the Municipality's ordinance. If equivalent text is used for Subsection 307.B the standards must be the same or more stringent than those provided in the Model Ordinance:</p> <ul style="list-style-type: none"> <li>• Subsection 307.A, <u>exactly as written.</u></li> <li>• Subsection 307.B, <u>or equivalent text.</u></li> <li>• Subsection 307.C, <u>exactly as written.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 307.A</li> <li>• Subsection 307.B</li> <li>• Subsection 307.C</li> </ul>
INFO-14	Stream Channel Protection – Additional Provisions	<ul style="list-style-type: none"> <li>• Additional engineering standards are presented in Section 307 of the Model Ordinance that may be helpful regarding minimum orifice size for small storm peak rate control.</li> </ul>	<ul style="list-style-type: none"> <li>• Subsections 307.D through G</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-34	Stormwater Peak Rate Control Requirements <sup>1,2</sup>	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those in the following subsections must be included in the Municipality's ordinance. If equivalent text is used the standards must be the same or more stringent than those provided in the Model Ordinance:</p> <ul style="list-style-type: none"> <li>• Subsection 308.A, <u>or equivalent text.</u></li> <li>• Table 308.1, <u>exactly as written.</u> (See option in Note to Editor for Table 308.1)</li> <li>• Subsection 308.B, <u>or equivalent text.</u></li> <li>• Subsection 308.C, <u>exactly as written.</u></li> <li>• Subsection 308.D, <u>or equivalent text.</u></li> <li>• Subsection 308.E, <u>or equivalent text.</u></li> <li>• Subsection 308.F, <u>or equivalent text.</u></li> <li>• Subsection 308.G, <u>or equivalent text.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 308.A</li> <li>• Table 308.1 and Note to Editor</li> <li>• Subsection 308.B</li> <li>• Subsection 308.C</li> <li>• Subsection 308.D</li> <li>• Subsection 308.E</li> <li>• Subsection 308.F</li> <li>• Subsection 308.G</li> </ul>
M-35	Stormwater Peak Rate Control Requirements – From Other Approved Act 167 Plan Standards <sup>1</sup>	<p>MANDATORY: If any portion of the Municipality is located within Conestoga River, Chester Creek, Darby Creek, (East) Valley Creek, or Crum Creek watershed(s) then Subsection 308.H, <u>exactly as written</u>, and other required information, as explained in the Note to Editor, must be included in the Municipality's ordinance.</p>	<ul style="list-style-type: none"> <li>• Section 308.H Note to Editor</li> </ul>
M-36	Calculation Methodology	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those presented in Subsection 309.A must be included in the Municipality's ordinance. If equivalent text is used the standards must be the same or more stringent than those provided in the Model Ordinance.</p>	<ul style="list-style-type: none"> <li>• Subsection 309.A</li> </ul>
M-37	Calculation Methodology – Rainfall Data, Depth and Intensities	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those in the following subsections must be included in the Municipality's ordinance. If equivalent text is used the standards must be the same or more stringent than those provided in the Model Ordinance:</p> <ul style="list-style-type: none"> <li>• Subsection 309.B, <u>or equivalent text.</u></li> <li>• Subsection 309.C, <u>or equivalent text.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 309.B</li> <li>• Subsection 309.C</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT = Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-38	Calculation Methodology – Predevelopment Ground Cover Assumptions <sup>2</sup>	<p>MANDATORY: The following must be included in the Municipality’s ordinance:</p> <ul style="list-style-type: none"> <li>• Subsection 309.D.1, <u>exactly as written.</u></li> <li>• Subsection 309.D.2, <u>exactly as written.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 309.D.1</li> <li>• Subsection 309.D.2</li> </ul>
M-39	Calculation Methodology – Applicability of New Development and Redevelopment Standards to Mixed Sites	<p>MANDATORY: Subsection 309.D.3, <u>exactly as written,</u> must be included in the Municipality’s ordinance.</p>	<ul style="list-style-type: none"> <li>• Subsection 309.D.3</li> </ul>
M-40	Calculation Methodology – Runoff Calculations	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those in the following subsections must be included in the Municipality’s ordinance. If equivalent text is used the standards must be the same or more stringent than those provided in the Model Ordinance:</p> <ul style="list-style-type: none"> <li>• Subsection 309.G, <u>or equivalent text.</u></li> <li>• Subsection 309.I, <u>or equivalent text.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 309.G</li> <li>• Subsection 309.I</li> </ul>
M-41	Conveyance of Large Storm Flows	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those in the following subsections must be included in the Municipality’s ordinance. If equivalent text is used the standards must be the same or more stringent than those provided in the Model Ordinance:</p> <ul style="list-style-type: none"> <li>• Subsection 310.C, <u>or equivalent text.</u></li> <li>• Subsection 310.E, <u>or equivalent text.</u></li> <li>• Subsection 310.G, <u>or equivalent text.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 310.C</li> <li>• Subsection 310.E</li> <li>• Subsection 310.G</li> </ul>
INFO-15	Calculation Methodology – Additional Components	<ul style="list-style-type: none"> <li>• The list of acceptable methodologies presented in Table 309.1 may be helpful.</li> <li>• Additional technical components related to calculation methodologies are presented in Section 309 of the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>• Table 309.1</li> <li>• Section 309.E, F, and H</li> </ul>



## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT = Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
INFO-16	Stormwater Management Standards - Other Requirements	<ul style="list-style-type: none"> <li>Additional technical components are presented in Section 310 of the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>Section 310</li> </ul>
INFO-17	Stormwater Management Standards - Other Conveyance and System Design Standards	<ul style="list-style-type: none"> <li>The Municipality may, at its option, choose to include its other conveyance and system design standards within their stormwater ordinance. (See Note to Editor, Section 311)</li> </ul>	<ul style="list-style-type: none"> <li>Section 311, Note to Editor</li> </ul>
<b>ARTICLE IV - Stormwater Management (SWM) Site Plan Requirements</b>			
M-42	Stormwater Management (SWM) Site Plan Requirements <sup>2</sup>	<p>MANDATORY: The following, <u>or equivalent performance standards</u>, must be included in the Municipality's ordinance:</p> <ul style="list-style-type: none"> <li>For any Regulated Activity, unless exempt per the provisions of Section 106:                             <ul style="list-style-type: none"> <li>Preparation and implementation of an approved SWM Site Plan is required.</li> <li>A complete SWM Site Plan that complies with all applicable provisions of the Municipality's ordinance shall be submitted to the Municipality for review and approval.</li> <li>No Regulated Activity shall commence until the Municipality issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance and, if required, a letter of adequacy has been issued by the Conservation District for an Erosion and Sediment Control Plan.</li> <li>All or portions of the final approved SWM Site Plan shall be recorded (e.g. as "record plans") per the instructions of the Municipality.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Subsection 401.A</li> <li>Section 403</li> <li>Subsection 401.B</li> <li>Subsection 404.I and 502.I</li> </ul>
INFO-18	SWM Site Plan - Other General Requirements	<ul style="list-style-type: none"> <li>Additional components are presented in Section 401 of the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>Subsections 401.C and D</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-43	SWM Site Plan Contents	<p>MANDATORY: The following instructions must be followed and carried through in the Municipality's ordinance:</p> <ul style="list-style-type: none"> <li>• Municipality must include requirements specifying SWM Site Plan contents that at a minimum, contain all items necessary to comply with the mandatory requirements of the following:                             <ul style="list-style-type: none"> <li>○ Protection of Downgradient Properties from Adverse Discharges and Conveyances from the Site (M-22, OPT-4, and OPT-5);</li> <li>○ Site Design Process to Minimize Disturbance and Maintain Hydrologic Regime (M-29 and OPT-10);</li> <li>○ As-built Plans (M-45);</li> <li>○ O&amp;M Plans(M-48);</li> <li>○ O&amp;M Agreements(M-49);</li> <li>○ Permanent protection of all BMPs and Conveyances proposed or to be involved with the Regulated Activity;</li> <li>○ Easements (M-50); and</li> <li>○ Erosion and Sediment Control Plan requirements.</li> </ul> </li> <li>• Any additional SWM Site Plan content requirements can be determined by the Municipality. Section 402 of the Model Ordinance presents a comprehensive listing of SWM Site Plan content items that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 402</li> <li>• Subsection 301.G and Section 402</li> <li>• Sections 402.and 304</li> <li>• Sections 402 and 502</li> <li>• Sections 402 and 702</li> <li>• Sections 402 and 703</li> <li>• Sections 402 and 703</li> <li>• Sections 402 and 704</li> <li>• Sections 402 and 303</li> <li>• Section 402</li> </ul>
OPT-13	SWM Site Plan Contents	<p>OPTIONAL: The Municipality may, at its option, choose to reduce the SWM Site Plan content requirements for smaller projects as instructed by the Note to Editor in Section 402.</p>	<ul style="list-style-type: none"> <li>• Section 402 Note to Editor</li> </ul>
INFO-19	SWM Site Plan Submission, Review, Revision, and Resubmission	<ul style="list-style-type: none"> <li>• Additional components are presented in Sections 403 through Section 406 of the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>• Sections 403 through 406</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
<b>ARTICLE V- Inspections and Final As-built Plans</b>			
M-44	Performance and Inspection of Regulated Activities <sup>2</sup>	<p>MANDATORY: Performance standards equivalent to (or more stringent than) those in the following subsections must be included in the Municipality's ordinance. Care should be taken to ensure that each requirement is adequately addressed to cover scenarios during construction, at completion of construction and long-term operation, maintenance, and inspection. Equivalent text may be used so long as all requirements are covered.</p> <ul style="list-style-type: none"> <li>• Subsection 501.A, <u>or equivalent text.</u></li> <li>• Subsection 501.B, <u>or equivalent text.</u></li> <li>• Subsection 501.C, <u>or equivalent text.</u></li> <li>• Subsection 501.D, <u>or equivalent text.</u></li> <li>• Subsection 501.E, <u>or equivalent text.</u></li> <li>• Subsection 501.F, <u>or equivalent text.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Subsection 501.A</li> <li>• Subsection 501.B</li> <li>• Subsection 501.C</li> <li>• Subsection 501.D</li> <li>• Subsection 501.E</li> <li>• Subsection 501.F</li> </ul>
M-45	Final As-built Plans <sup>1</sup>	MANDATORY: Subsection 502.A must be included, <u>exactly as written</u> , in the Municipality's ordinance.	<ul style="list-style-type: none"> <li>• Subsection 502.A</li> </ul>
OPT-14	Final As-built Plans (modified)	OPTIONAL: The Municipality may, at its option, change the text of Subsection 502.A (M-45) as described in the Note to Editor box in Subsection 502.A to modify As-built Plan requirements based on project size.	<ul style="list-style-type: none"> <li>• Subsection 502.A and Note to Editor</li> </ul>
OPT-15	Final As-built Plans (modified)	OPTIONAL: Subsection 502.C, <u>exactly as written</u> , may be included in the Municipality's ordinance to require a certification of completion to be submitted with Final As-built Plans.	<ul style="list-style-type: none"> <li>• Subsection 502.C and Note to Editor</li> </ul>
INFO-20	Final As-built Plans	<ul style="list-style-type: none"> <li>• Additional components are presented in Section 502 of the Model Ordinance that may be helpful.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 502</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
<b>ARTICLE VI – Fees and Expenses</b>			
OPT-16	Fees and Expenses	<p>OPTIONAL: The Municipality may, at its option, include the following Sections, or their equivalent, in its ordinance:</p> <ul style="list-style-type: none"> <li>• Section 601 – SWM Site Plan Review and Inspection Fees.</li> <li>• Section 602 – Expenses Covered by Fees.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 601</li> <li>• Section 602</li> </ul>
<b>ARTICLE VII – Operation and Maintenance (O&amp;M) Responsibilities and Easements</b>			
M-46	Operation and Maintenance Responsibilities and Easements	<p>MANDATORY: Review the Note to Editor at the opening of <b>Article VII</b> for important information regarding required ordinance provisions for establishing O&amp;M-related responsibilities.</p> <p>Requirements equivalent to (or more stringent than) those presented in Sections <b>701</b>, <b>702</b>, and <b>703</b>, Subsection <b>704.A</b>, and Section <b>705</b> must be included in the Municipality’s ordinance; however the process and chronology for submittal, review, approval, and recordation of required documents (e.g., maps/plan sheets, O&amp;M Plan, agreements, etc.) maybe modified where needed to better suit the Municipality’s anticipated circumstances. Subsections <b>704.B</b>, <b>704.C</b>, and <b>704.D</b> may be included or modified at the Municipality’s discretion.</p> <p><u>Equivalent text may be used</u>; however care should be taken to ensure that the final language used in the Municipality’s ordinance is sufficient to support the Municipality’s ability to implement the requirements of <b>Article VII</b>. Also, care should be taken to make any related changes necessary to other articles, sections or subsections of the Municipality’s ordinance to maintain consistency with final text included by the Municipality in this Article.</p> <p>Further details regarding required content are included below.</p>	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li>   <li>• Article VII</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-47	Protection, Operation and Maintenance of Stormwater BMPs and Conveyances – General Requirements <sup>1</sup>	<p>MANDATORY: All requirements presented in Section 701 and its Subsections must be included in the Municipality’s ordinance. <u>Equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality:</p> <ul style="list-style-type: none"> <li>• Subsection 701.A.</li> <li>• Subsection 701.B.</li> <li>• Subsection 701.C.</li> <li>• Subsection 701.D.</li> <li>• Subsection 701.E.</li> <li>• Subsection 701.F.</li> <li>• Subsection 701.G.</li> </ul>	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li>   <li>• Subsection 701.A</li> <li>• Subsection 701.B</li> <li>• Subsection 701.C</li> <li>• Subsection 701.D</li> <li>• Subsection 701.E</li> <li>• Subsection 701.F</li> <li>• Subsection 701.G</li> </ul>
M-48	O&M Plans <sup>2</sup>	<p>MANDATORY: Requirements for the content of O&amp;M Plans are required to be included in the Municipality’s ordinance. The requirements presented in Section 702 and its Subsections should be reviewed and considered for inclusion. The Municipality may alter the list of items required to be included. For those selected and used from the Model Ordinance, <u>equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality:</p> <ul style="list-style-type: none"> <li>• Subsection 702.A.</li> <li>• Subsection 702.B.</li> <li>• Subsection 702.C.</li> <li>• Subsection 702.D.</li> <li>• Subsection 702.E.</li> </ul>	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li>   <li>• Subsection 702.A</li> <li>• Subsection 702.B</li> <li>• Subsection 702.C</li> <li>• Subsection 702.D</li> <li>• Subsection 702.E</li> </ul>
OPT-17	O&M Plans (modified)	<p>OPTIONAL: The Municipality may, at its option, reduce (but not eliminate) the requirements for O&amp;M Plans as described in the Note to Editor at Section 702.</p>	<ul style="list-style-type: none"> <li>• Section 702 Note to Editor</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
M-49	O&M Agreements	MANDATORY: All requirements presented in Subsection 703 in their entirety must be included. <u>Equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality.	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li> <li>• Subsection 703</li> </ul>
M-50	Easements <sup>2</sup>	MANDATORY: All requirements included in Section 704.A must be included in the Municipality's ordinance. <u>Equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality.	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li> <li>• Subsection 704.A</li> </ul>
OPT-18	Easement Agreements	OPTIONAL: The requirements included in Subsection 704.B should be carefully reviewed and considered for inclusion in the Municipality's ordinance, but may be included or modified at the Municipality's discretion as per the Note to Editor at the opening of Article VII and M-50 above. For those items selected and used from Subsection 704.B, <u>equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality.	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li> <li>• Subsection 704.B</li> </ul>
OPT-19	Drainage Easement Agreements	OPTIONAL: The requirements included in Subsection 704.C should be carefully reviewed and considered for inclusion in the Municipality's ordinance, but may be included or modified at the Municipality's discretion as per the Note to Editor at the opening of Article VII and M-50 above. For those items selected and used from Subsection 704.C, <u>equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality.	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li> <li>• Subsection 704.C</li> </ul>
OPT-20	Deed Restrictions	OPTIONAL: The requirements included in Subsection 704.D should be carefully reviewed and considered for inclusion in the Municipality's ordinance, but may be included or modified at the Municipality's discretion as per the Note to Editor at the opening of Article VII and M-50 above. For those items selected and used from Subsection 704.D, <u>equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality.	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li> <li>• Subsection 704.D</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
OPT-21	Post-Construction Responsibilities	OPTIONAL: The requirements included in Section 705 should be carefully reviewed and considered for inclusion in the Municipality's ordinance, but may be included or modified at the Municipality's discretion as per the Note to Editor at the opening of Article VII and M-50 above. For those items selected and used from Section 705, <u>equivalent text may be used</u> so long as care is taken to provide sufficient legal language and foundation to implement and enforce the requirements for all scenarios anticipated by the Municipality.	<ul style="list-style-type: none"> <li>• Article VII Note to Editor</li> <li>• Section 705</li> </ul>
OPT-22	Municipal Stormwater Control and BMP O&M Fund	OPTIONAL: Section 706 should be carefully reviewed by the Municipality's Solicitor prior to use – municipality enabling legislation may or may not be interpreted by the Municipality's solicitor to permit the funding provided for in this Section.	<ul style="list-style-type: none"> <li>• Section 706 Note to Editor</li> <li>• Section 706</li> </ul>
<b>ARTICLE VIII - Prohibitions</b>			
M-51	Prohibited Discharges, Connections or Modifications <sup>1</sup>	MANDATORY: <u>Article VIII</u> of the Model Ordinance, <u>exactly as written</u> , must be included in the Municipality's ordinance.	<ul style="list-style-type: none"> <li>• Sections 801 through 804</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
<b>ARTICLE IX – Enforcement and Penalties</b>			
M-52	Enforcement and Penalties <sup>2</sup>	<p>MANDATORY: Provisions for enforcement and penalties must be included within the ordinance. <b>Article IX</b> of the Model Ordinance presents a comprehensive framework for establishing the necessary provisions and rights of the Municipality and Applicant to allow for effective enforcement consistent with both Acts 167 and 247. The Municipality must include sufficient provisions for effective enforcement and penalties, and should consider all Sections and Subsections presented in <b>Article IX, or their equivalent:</b></p> <ul style="list-style-type: none"> <li>• Public Nuisance – as per PA Act 167, violations of Act 167 or this ordinance are considered “public nuisance”.</li> <li>• Right of Municipal Entry – mandatory for all “Regulated Activities” (exempt and non-exempt) and for during construction, upon completion of construction, for final inspection, and for the long-term inspection and enforcement of O&amp;M Plans and Agreements related to permanent BMPs and Conveyances.</li> <li>• Enforcement – establishes authority, actions, process and remedies.</li> <li>• Suspension and Revocation of Permits and Approvals.</li> <li>• Penalties - including fines and process; and allowing right of municipal entry to correct problem and recover costs.</li> <li>• Appeals - process.</li> <li>• Effective Date – of the ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 901</li> <li>• Section 902</li> <li>• Section 903</li> <li>• Section 904</li> <li>• Section 905</li> <li>• Section 906</li> <li>• Section 907</li> </ul>



## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
<b>APPENDICES</b>			
OPT-23	Appendix A – Simplified Approach	<p>OPTIONAL: If Municipality includes Subsection 106.D, then Appendix A Simplified Approach must be included in its entirety, <u>exactly as written</u>. The Municipality must complete the information required on the cover page of Appendix A.1. All provisions of Section 106.D and instructions in Appendix A must be adhered to. Appendix A includes:</p> <ul style="list-style-type: none"> <li>• A.1 Applicability, Submittal and Approval Requirements</li> <li>• A.2 “Simplified Approach to Stormwater Management for Small Projects – Handbook”</li> <li>• A.3 “Simplified Approach – Stormwater Best Management Practices Operation, Maintenance, and Inspection Plan and Agreement” (Sample Document)</li> </ul>	<ul style="list-style-type: none"> <li>• Appendix A</li> </ul>
M-53	Stormwater Best Management Practices and Conveyances Operation and Maintenance Agreement	<p>MANDATORY: The Municipality must include or otherwise provide a standard O&amp;M Agreement template to meet the requirements of Article VII. Appendix E of the Model Ordinance includes a sample O&amp;M Agreement that addresses all the requirements listed in Article VII.</p>	<ul style="list-style-type: none"> <li>• Appendix E</li> </ul>

## Matrix of Minimum Mandatory Ordinance Standards For Municipal Act 167 Ordinances --- DRAFT (July 18, 2012)

Number	Component	Description <sup>3</sup>	Cross Reference to Model Ordinance
M = Mandatory OPT =Optional INFO = FYI	Listed in the order they appear in the County-wide Model Ordinance		
INFO-21	Additional Appendices	<p>The following documents are included in the appendices of the Model Ordinance and may be helpful to the Municipality:</p> <ul style="list-style-type: none"> <li>• <b>Appendix B</b> – Site Design Process (Natural Hydrology Site Design) – material presented augments and supports the requirements presented in Section 304.</li> <li>• <b>Appendix C</b> – runoff coefficient tables excerpt from original sources, in support of calculation methodology requirements presented in Section 309 of the Model Ordinance                         <ul style="list-style-type: none"> <li>○ <b>Table C-1</b> Runoff Curve Numbers (excerpt from TR-55)</li> <li>○ <b>Table C-2</b> Rationale Runoff Coefficients (excerpt from PADEP “Erosion and Sediment Pollution Control Program Manual”)</li> <li>○ <b>Table C-3</b> Manning’s Values (excerpt from “HEC-RAS” manual).</li> </ul> </li> <li>• <b>Appendix D</b> – West Nile Virus Design Guidance (prepared by Monroe County, PA Conservation District, 2004), as referenced in Section 310 of the Model Ordinance</li> </ul>	<ul style="list-style-type: none"> <li>• Appendix B</li> <li>• Appendix C</li> <li>• Appendix D</li> </ul>

*Footnotes:*

*1 Required by PADEP to be included as mandatory, and for which PADEP established the minimum quantitative standard.*

*2 Required by PADEP to be included as mandatory, and for which PADEP allows the WPAC to establish the minimum quantitative standard.*

*3 Capitalized terms are used herein as defined in Article II of the Model Ordinance.*