

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 121, Stormwater Management and Erosion Control, To Revise the Requirements Under Which a Property Owner Must Submit On-Site Stormwater Management System Inspection Reports And To Amend Chapter 155, Zoning, To Provide That Recharge Facilities Required When Impervious Surface Limitations Are Expanded Must Be Maintained.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 121 thereof, entitled Stormwater Management and Erosion Control, Article VI, Maintenance of Runoff and Erosion Control Measures, §121-26.1, Maintenance of Stormwater Management Systems, subsection A thereof, shall be amended to provide as follows:

Article VI. Maintenance of Runoff and Erosion Control Measures

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§ 121-26.1 Maintenance of stormwater management systems.

- A. ~~In the following circumstances a~~ A property owner shall provide for the periodic inspection of the stormwater management system and the preparation of an inspection report in a form acceptable to the Township Engineer by a licensed, qualified engineer or a qualified MS4 inspector ~~no less frequently than every two years, to ensure that it is functioning properly and as designed. The~~ inspections report shall forwardbe performed and the inspection report shall be submitted to the Township ~~following the inspection that engineer's certification, according to the following schedule in a form acceptable to the Township Engineer, that the stormwater management system has been inspected and is functioning properly as designed.~~

Documentation shall be submitted as outlined below.

(1) Every _____ *years:

(1) a. _____ Where the impervious surface limitation ~~otherwise~~ applicable to the property has been expanded pursuant to the impervious surface expansion provisions of § 155-11Y(7) or § 155-141.5 in the Zoning Code.

(2) b. _____ Where a covenant or zoning/land development condition of approval imposes on the owner an obligation to maintain the stormwater management facilities.

(3) c. _____ Where runoff rate control is required.

**Upon passage of this ordinance the Board of Commissioners will determine a number between 2 and 5 years.*

(2) _____ Every two years ~~When a National Pollutant Discharge Elimination System (NPDES) permit has been issued after 2003.~~

B. If the system is not found to be functioning properly, the property owner's engineer shall so state, and the property owner shall promptly perform such repairs/replacements as are required to bring the system into a properly functioning condition and shall submit documentation of the repairs to the Township.

C. _____ The Township Engineer shall have the right periodically to inspect the drainage system upon reasonable notice.

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Section 2. The Code of the Township of Lower Merion, Chapter 155 thereof, entitled Zoning, Article XXV, General Regulations, §155-141.5, Impervious surface expansion, subsection C(6) thereof, shall be amended to provide as follows:

Article XXV. General Regulations

§ 155-141.5 Impervious surface expansion.

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C. The impervious surface on any lot in a residential zoning district used exclusively as a dwelling may exceed the maximum impervious surface permitted in the underlying zoning district by an additional 5% of the lot area or 1,500 square feet, whichever is less, provided all of the following requirements have been met:

* * * * *

(6) The property owner shall covenant to periodically provide to the Township ~~obtain and provide the Township with~~ a certification from a qualified engineer or MS4 certified inspector every two years concerning the functioning of that ~~the~~ stormwater management system as provided by Chapter 121 hereof. ~~required by this section has been inspected and is functioning as designed.~~

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Section 3. Nothing in this Ordinance or in Chapter 121 or 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 121 or 155 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this _____ day of _____, 2019.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary