

## **1.0 AUTHORITY**

These by-laws are adopted under authority granted by the Home Rule Amendment of the Pennsylvania, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the Mayor, Council and residents of the City of Chester at the January 14, 2016 Chester City Council Meeting.

## **2.0 PURPOSE**

The purpose of the Stormwater Authority of the City of Chester (SAC) is to regulate discharges to the Municipal Separate Storm Sewer System (MS4), to regulate discharges to the Municipal Combined Sewer System, to protect the City of Chester & Delaware County's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment.

Increased and contaminated Stormwater runoff associated with construction sites, developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater. This is accomplished through the following:

- 2.1 Institute water resource protection measures identified in the Commonwealth of Pennsylvania Environmental Master Plan 25 Section 9.1.2.2
- 2.2 Protect groundwater and surface water from degradation.
- 2.3 Promote groundwater recharge
- 2.4 Require practices to control the flow of Stormwater from new and redeveloped sites into the City storm drainage system in order to prevent flooding and erosion
- 2.5 Require practices that eliminate soil erosion and sedimentation and control the volume and rate of Stormwater runoff resulting from land disturbance activities
- 2.6 Prevent pollutants from entering the City's municipal separate storm sewer system (MS4) and minimize discharge of pollutants from the MS4

2.7 Ensure that soil erosion and sedimentation control measures and Stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;

2.8 Ensure adequate long-term operation and maintenance of structural Stormwater best management practices so that they work as designed

2.9 comply with state and federal statutes and regulations relating to Stormwater discharges

2.10 Establish the city's authority to ensure compliance with the provisions of these by-laws through inspection, monitoring, and enforcement.

2.11 These by-laws are intended to complement the requirements of either, the City of Chester & Delaware County zoning Bylaw, General Bylaw, or any other Bylaw that may be adopted by the City of Chester & Delaware County. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

### **3.0 DEFINITIONS**

Definitions that apply in the interpretation and implementation of these Bylaws shall be included as part of any Stormwater Regulations promulgated as permitted under Section 9.0 of this Bylaw

### **4.0 APPLICABILITY**

No person undertaking construction activity that requires a Stormwater Authority of the City of Chester (SAC) review (including new residential subdivisions and multi-family development, new commercial/industrial development or commercial/industrial redevelopment), a Building Permit (such as new single family residential development or redevelopment), utility line work, or any other threshold set forth in sections 2.2, 2.4, or 2.9, of these by-laws may proceed without obtaining a Stormwater Management Permit (SMP) or a simple Stormwater Management Permit (SSMP) from the Stormwater Authority of the City of Chester (SAC) .

### **5.0 STORMWATER MANAGEMENT**

A Stormwater Management Permit (SMP) is required for the following:

5.1 Any activity that will disturb or alter 20,000 square feet or more of land, or which is part of a common plan for development that will disturb or alter 20,000 square feet or more of land.

5.2 Any activity that must undergo Site plan Review per the Stormwater Authority of the City of Chester (SAC) Site Plan Review Rules and Regulations.

5.3 Simple Stormwater Permit (SSMP)

A Simple Stormwater Management Permit (SSMP) is required for the following:

5.3.1 Any activity, except as exempted under Section 6.0 that will disturb or alter less than 10,000 square feet of land, or which is part of a common plan for development that will disturb or alter less than 10,000 square feet of land.

5.3.2 Construction or maintenance and repair of utility lines or systems (gas, water, electric, telephone, fire alarms, drainage, etc.) that will disturb or alter less than 10,000 square feet of land and that will temporarily or permanently alter terrain, ground cover, or drainage patterns.

## **6.0 EXEMPTIONS**

No person shall disturb or alter land within the City of Chester & Delaware County without having obtained a Stormwater Management Permit (SMP) or Simple Stormwater Management Permit (SSMP) for the property with the following exceptions:

6.1 Normal maintenance and improvement of land in agricultural use as defined by the Damp Safety and Encroachment Act under Chapter 105 of PA Code Title 25.

6.2 Maintenance of existing Landscaping, gardens or lawn areas.

6.3 Creating impervious area consisting of a previously existing unpaved driveway for a single family dwelling, or expansion of an existing paved driveway for a single family dwelling.

6.4 The construction of fencing that will not alter existing terrain or drainage patterns.

6.5 Construction or maintenance and repair of utility service lines (gas, water, electric, telephone, fire alarms, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns.

6.6 Emergency repairs to any Stormwater management facility or situation that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority of the City of Chester (SAC).

6.7 Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this Bylaw.

6.8 Construction of decks, patios, walkways, driveways, sheds, swimming pools, tennis or basketball courts, or replacement of septic systems on lots having an existing dwelling.

6.9 An increase in the footprint of a house by less than 600 square feet.

6.10 Repair or upgrade of septic systems when required by the Board of Health for the protection of public health.

## **7.0 ADMINISTRATION**

The Authority shall administer, implement and enforce these by-laws. Any powers granted to or duties imposed upon the Stormwater Authority of the City of Chester (SAC) may be delegated in writing by the Stormwater Authority of the City of Chester (SAC) to its employees or agents.

7.1 Board of Directors; subject to the provisions of the Pennsylvania Municipal Authorities Act and any limitations in the Articles of Incorporation, the business affairs of the Stormwater Authority of the City of Chester shall be managed, and Authority powers shall be exercised, by or under the direction of the board of directors.

7.2 Number and Qualification of Directors; the authorized number of directors shall be at least five (5) but not more than eleven (11). The directors must be residents of the City of Chester.

7.3 Term of Office of Directors; the term of office for directors shall be set forth by the municipal governing body.

Terms of board members expire on the first Monday in January. After a vacancy has occurred because of the expiration of a member's term, the municipal governing body appoints a member for a term of five years from the date of the expiration of the prior term. Appointments cannot be made by a Municipality until the vacancy actually exists, in other words, until the existing member's term has expired.

7.4 Election and Vacancies; Any vacancy on the board shall be filled by the municipal governing body.

7.5 Resignations; Except as provided in this paragraph, any director may resign, on giving written notice to the Board Chairperson or the Board of Directors, then submitted to the Mayor and Council for approval.

7.6 Place of Meetings; Regular meetings of the board of directors may be held at any place within the City of Chester which are open to the public. Special meetings of the board of directors shall be held any place within or outside of the City of Chester that has been noticed and may be held by conference telephone or similar communication equipment.

7.7 Meetings; Public board meetings shall be held at least six times a year with proper public notice given to the public by way of publication.

7.8 Record of Meeting; Minutes of each meeting shall be taken and distributed to each member of the board within a reasonable time after the meeting. A reasonable time is at least one (1) week before the next meeting.

7.9 Fees and Compensation of Directors; Directors may receive such compensation, if any, for their services, and such reimbursement of expenses, as may be determined by resolution of the board of directors to be just and reasonable.

Board members can be compensated for all expenses that they incur on behalf of the Authority. However, all compensation of board members is determined by the establishing Municipality. No salary increase can be made during the existing term of a Board member. Any salary change will

be effective only for subsequently appointment members. Any change in the salary for authority board members must be approved by the governing body of the incorporating municipality. Salary increases can only be made by a Municipality for the new term of any Board member.

## 8.0 OFFICERS

8.1 Officers; The officers of the authority shall be the Board Chairperson, Board Vice-chairperson, Board Secretary, Executive Manager, Executive Secretary, and Chief Financial Officer (CFO).

8.2 Appointment of Officers; The officers of the authority shall be chosen by the board of directors and each shall serve until removed or resigned, subject to the rights, if any, of an officer under any contract of employment

8.2.1 Board Chairperson; the chair of the board shall preside at meetings of the board of directors and exercise and perform such powers and duties as may be from time to time assigned by the board of directors or prescribed by the bylaws.

8.2.2 Board Vice-chairperson; in absence of Chairperson, shall perform the duties

8.2.3 Board Secretary; shall sign all loan and grant documents

8.2.4 Executive Manager; Subject to such supervisory powers as may be given by the board of directors, the Executive Manager shall, subject to the control of the board of directors, generally supervise, direct and control the business and the officers of the authority. The Executive Manager may not enter into any contractual obligation on behalf of the authority, including but not limited to, vendors' contracts, construction contracts, service contracts, employment contracts, settlement agreements, etc., without approval of the board of directors

8.2.5 Executive Secretary; the secretary shall keep a book of minutes of all meetings and actions of the board of directors with the time and place of such meetings, whether regular or special, the names of those present at the meetings, and the proceedings of such meetings.

8.2.6 Chief Financial Officer (CFO); the chief financial officer shall keep and maintain adequate and correct books and records of accounts of the properties and business transactions of the authority, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, retained funds, and other matters customarily included in financial statements. The records of such accounts shall be open to inspection by any director at all reasonable times.

8.3 Removal of Officers; Subject to any contract of employment, any officer may be removed from office, with or without cause, by a majority vote of directors at any regular or special meeting.

8.4 Resignation of Officers; An officer may resign at any time by giving written notice to the authority.

8.5 Vacancies in Officers; A vacancy in any office because of death, resignation, removal, disqualification, or any other such cause shall be filled within a reasonable time

## **9.0 RULES AND REGULATIONS**

*The Stormwater Authority of the City of Chester may adopt, and periodically amend, Rules and Regulations relating to the tariffs, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this comprehensive Stormwater Management Bylaw by majority vote of the Stormwater Authority of the City of Chester (SAC) , after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven*

*(7) Days prior to the hearing date. After public notice and public hearing, the Stormwater Authority of the City of Chester (SAC) may promulgate Rules and Regulations to effectuate the purposes of this Bylaw. Failure by the Stormwater Authority of the City of Chester (SAC) to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.*

## **10.0 STORMWATER MANAGEMENT HANDBOOK.**

The Stormwater Authority of the City of Chester (SAC) will utilize the policy, criteria and information including specifications and standards of the latest edition of the Pennsylvania Stormwater Management standards and Handbook for



execution of the provisions of this Bylaw. This Handbook includes a list of acceptable Stormwater treatment practices, including the specific design criteria for each Stormwater practice. The standards and handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the city of Chester & Delaware county Stormwater Regulations, Stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Pennsylvania water quality standards.

### **11.0 SIMPLE STORMWATER MANAGEMENT PERMIT (SSMP)**

The Stormwater Authority of the City of Chester (SAC) shall have the authority to develop a Simple Stormwater Management Permit (SSMP) for specific types of projects and thresholds as defined in Section 2.0 of this Bylaw. Requirements of the SSMP shall be defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

### **12.0 ACTIONS**

The Stormwater Authority of the City of Chester (SAC) may take any of the following actions as a result of an application for a Stormwater Management permit as more specifically defined as part of Stormwater Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, or Disapproval.

### **13.0 APPEALS OF ACTIONS**

A decision of the Stormwater Authority of the City of Chester (SAC) shall be final. Further relief of a decision by the Stormwater Authority of the City of Chester (SAC) made under this Bylaw shall be reviewable in the Superior Court in and action filed within 60 days thereof, in accordance with Damp safety and Encroachment Act under Chapter 105 of PA Code Title 25.

### **14.0 PERMITS AND PROCEDURES**

Permit procedures and Requirements shall be defined and included as part of any Rules and Regulations promulgated as permitted under Section 9.0 of this Bylaw.

### **15.0 WATER RESOURCES MITIGATION FUND.**

The Stormwater Authority of the City of Chester (SAC) may allow the applicant to contribute to the City of Chester & Delaware County water Resources Mitigation Fund in lieu of an onsite Stormwater facility where it has been demonstrated that there are not sufficient conditions for onsite Stormwater best management practices in order to meet the Performance Standards as described in the



Regulations promulgated under this Bylaw. Funds may be used to design and construct storm water projects that will improve the quality and quantity of surface waters in Chester by treating and recharging storm water from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The fee for contribution to the fund shall be determined by the Stormwater Authority of the City of Chester (SAC).

#### **16.0 ENFORCEMENT**

Any person who violates any provision of this By-law shall be punished by a fine of \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. The Stormwater Authority of the City of Chester (SAC) or an authorized agent of the Stormwater Authority of the City of Chester (SAC), shall enforce this Bylaw and Regulation promulgated hereunder by means including without limitation, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater Regulations promulgated as permitted under Section 9.0 of this Bylaw. As an alternative to criminal prosecution or civil action, the Stormwater Authority of the City of Chester (SAC) may elect to use the non-criminal disposition procedure set forth in Damp safety and Encroachment Act under chapter 105 of PA Code Title 2s, in which case the authorized agent of the Stormwater Authority of the City of Chester (SAC) shall be the enforcing person. The penalty for violation shall be \$900.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

#### **17.0 SEVERABILITY**

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.