

**FRANKLIN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2014 - __

**AN ORDINANCE AMENDING THE FRANKLIN TOWNSHIP STORMWATER
MANAGEMENT ORDINANCE (ORDINANCE 2013-3) TO AMEND SECTION
302 EXEMPTIONS AND TO ADD APPENDIX D –STORMWATER
MANAGEMENTDESIGN ASSISTANCE MANUAL**

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Franklin, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: Section 302 – Exemptions is hereby replaced, in its entirety, with the following:

Section 302. Exemptions

- A. A property owner or developer of any Regulated Activity that meets the following exemption criteria is, upon approval as set forth in Section 302.B from the Township's designated officer, exempt from the formal SWM Site Plan submission requirements of this Ordinance as specified herein. However, the property owner or developer shall be subject to all other requirements of this Ordinance other than the formal SWM Site Plan submission requirements for which an exemption or exemptions have been authorized, unless otherwise indicated. The criteria for exemption in this Section apply to the total development proposed, including instances in which the development is proposed to take place in phases. The date of enactment of this Ordinance shall be the starting point from which future development and the respective exemption criteria shall be cumulatively considered and regulated.
1. Regulated Activities that involve equal to or less than one thousand (1,000) square feet of impervious surface may be exempted from the peak rate control, volume control and the SWM Site Plan preparation and submission requirements of this Ordinance. The applicant shall complete the Municipal Stormwater Management Worksheet from the Stormwater Management Design Assistance Manual and file said Worksheet with the Township.
 2. Regulated Activities that involve greater than one thousand (1,000) square feet and equal to or less than ten thousand (10,000) square feet of impervious area, and where the all the proposed impervious area can be entirely disconnected, may be exempted from the peak rate control, volume control, and the SWM Site Plan preparation and submission requirements of this Ordinance. The applicant shall

complete the Stormwater Management Worksheets from the Stormwater Management Design Assistance Manual and file said Worksheets with the Township.

3. Regulated Activities that involve greater than one thousand (1,000) square feet and equal to or less than five thousand (5,000) square feet of impervious area may be exempted from the peak rate control and volume control preparation and submission requirements of this Ordinance. A Minor Stormwater Site Plan, as detailed in the Stormwater Management Design Assistance Manual, shall be submitted to the Township, instead of the submission of a full SWM Site Plan, in accordance with Article IV of this Ordinance.
 4. Agricultural Activities shall be exempt from the rate control, volume control and SWM Site Plan preparation and submission requirements of this Ordinance provided the agricultural activities are performed in accordance with the requirements of 25 Pa. Code 102. Further, such activities shall not be subject to the exemption approval process of Section 302.B of this ordinance.
 5. Forest management and timber operations are exempted from the rate control, volume control and SWM Site Plan preparation and submission requirements of this Ordinance provided the forest management and timber operations are performed in accordance with the requirements of 25 PA Code 102, as amended or re-promulgated from time to time.
 6. Regulated Activities involving domestic gardening for single-family consumption shall be exempted from volume control, rate control, and SWM Site Plan preparation and submission requirements of this Ordinance, and shall not be subject to the exemption approval process of Section 302.B of this Ordinance.
 7. In Kind Repair, In Kind Replacement, and maintenance of existing surfaces, and structures shall be exempted from volume control, rate control, and SWM Site Plan preparation and submission requirements of this Ordinance, and shall not be subject to the exemption approval process of Section 302.B of this Ordinance.
- B. Authorization of Exemptions: The Township, by and through a designated officer, shall determine, in accordance with the following requirements and process, whether a proposed Regulated Activity may be exempted from any of the requirements of this Ordinance.
1. The property owner or developer proposing the Regulated Activity shall submit, in writing on a form supplied by the Township, a request for the proposed Regulated Activity to be exempted from the requirements of this Ordinance pursuant to Section A. The written request shall identify the project and shall indicate the specific exemption criteria, as listed in Section 302.A, that apply to the project and shall be submitted in accordance with the Stormwater Management Worksheets from the Stormwater Management Design Assistance Manual.

2. Upon receipt of the exemption request form, the Township or its designee shall either approve or deny the exemption request. If the exemption request is denied, the Township or its designee shall direct the property owner or developer to submit the information required to demonstrate that the proposed Regulated Activity complies with the requirements of this Ordinance or meets the exemption criteria.
3. Exemption request approval shall be at the discretion of the Township, and shall be subject to the following:
 - a. The Township may deny any exemption request or suspend or revoke any approved exemption request at any time for any project where the Township believes that the proposed Regulated Activity poses a threat to public health, safety, property, or the environment.
 - b. Approval of an exemption request does not relieve the property owner or developer from other applicable requirements of this Ordinance or of other Township ordinances or regulations.
 - c. The Township reserves the right to deny an exemption request if a drainage problem is known or identified as existing or is expected to exist downstream from the proposed Regulated Activity.

SECTION 2: The Stormwater Management Design Assistance Manual is added, in its entirety, as follows, as Appendix D to the Stormwater Management Ordinance, No. 2013-3:

