

CITY OF LANCASTER, PENNSYLVANIA

STORMWATER MANAGEMENT FEE (SWMF)



POLICY AND PROCEDURES MANUAL

Prepared for:

City of Lancaster

Department of Public Works

February 27, 2014

Amended ~~July~~ November- 2015

Table of Contents

1.0: Introduction	1
2.0: Definitions and Acronyms	3
2.1 Definitions	3
2.2 Acronyms	111
3.0: Stormwater Management Fee Determination.....	122
3.1 SWMF Calculations and Impervious Surface Measurements	12
Table 3-1	144
4.0: Billing and Collection.....	155
5.0: Review and Appeals Process.....	166
5.1 Petitions for a Review and/or Adjustment.....	166
5.2 Requests for Adjustments; Appeals	177
6.0: Stormwater Management Fee (SWMF) Credits.....	177
6.1 Credits Available to Property Owners.....	177
6.2 Credit Application Schedule.....	188
6.3 Credit Matrix.....	199
Table 6-1	199
Table 6-2	199
6.3.1 Maximum Credit	20
6.3.2 Education Credits (Not included in Table 6-2)	20
6.3.2 Examples of Credits Calculations using Table 6-1 and 6-2	220
6.4 Off-Set Credit.....	255
6.5 Application Process	26
6.6 Credit Expiration, Termination, and Renewals	266
6.7 Inspections.....	277

6.8 Annual Self-inspection Reports
287

Appendices

Appendix A: Stormwater Management Fee Credit Forms

Appendix B: Right of Entry Forms

DRAFT

1.0: Introduction

The purpose of this manual is to establish policies and procedures for the City of Lancaster Stormwater Management Program for determining impervious area (IA), establishing the tier assignments, billing and collection, and the credit process under and pursuant to Ordinance No. 1-2014 adopted by Lancaster City Council on February 25, 2014 and with an effective date of March 17, 2014 to fund stormwater management activities.

The City of Lancaster has previously adopted the Subdivision and Land Development Ordinance, City Code Chapter 265-36, Administration Ordinance No. 15-1997, as amended and Stormwater Management Ordinance, City Code Chapter 260, Administration Ordinance No. 13-2012, as amended, as required by Phase II of the National Pollutant Discharge Elimination System (NPDES) authorized by the 1972 amendments to the Clean Water Act, the Pennsylvania Department of Environmental Protection. The Stormwater Management Ordinance, City Code Chapter 260, Administration Ordinance No. 13-2012, as amended, is maintained as a separate document and regulates the following:

- Construction activities disturbing more than one acre of land,
- Discharges of prohibited non-stormwater flows into the stormwater conveyance system,
- Stormwater drainage improvements related to development of lands located within the City of Lancaster,
- Drainage control systems installed during new construction,
- Grading of lots and other parcels of land,
- The design, construction, and maintenance of stormwater drainage/quality facilities and systems, and
- Inspection, maintenance, record keeping, and reporting of the above.

Inadequate planning and management of stormwater runoff throughout a watershed can harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase

scour and erosion of stream beds and stream banks, thereby elevating sedimentation), destroying aquatic habitat, and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge; stormwater is an important water resource which provides groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.

A comprehensive program of stormwater management is fundamental to the public health, safety, welfare and the protection of the residents of the City of Lancaster, their resources and the environment in order to control items such as flooding, erosion and pollution.

The collection and conveyance system for stormwater includes underground pipes, but also includes conduits, inlets, culverts, catch basins, gutters, ditches, channels, detention ponds, streets, curbs and drains. The nature of stormwater is that any system to control stormwater must be designed for, and funds must be expended to control peak flow, total runoff volume and pollution in the stormwater. These three factors all relate to and are driven by impervious surface; once property is developed, peak flow, runoff volume and pollution all increase greatly. Peak flow occurs most often during periods of intense rainfall and/or when the ground is saturated (can accept no more water) or is arid (concrete like surface resulting from overly dry conditions). Because of the effect of weather on stormwater (e.g. extended dry or wet periods), no developed property can always accept all stormwater, and all developed properties therefore generate stormwater runoff.

In a developed, urban environment such as the City of Lancaster, each developed property generates runoff and therefore, uses or is in some fashion connected with, serviced by or benefited by the stormwater sewerage, which normally functions by collecting stormwater from a property and/or by preventing stormwater from entering another property system and other maintenance activities required under the Federal Clean Water Act such as street sweeping.

Stormwater is heavily polluted when there has not been rain for a period of time, and sediment, yard waste, animal waste, pesticides, herbicides, oil and grease can be found in stormwater. Impervious surface is a primary indicator of the generation of stormwater and usage of the stormwater sewerage system. The effects of stormwater runoff can be minimized by using project designs that maintain the natural hydrologic regime and sustain high water quality, groundwater recharge, stream baseflow and aquatic ecosystems.

Federal and state regulations require the City of Lancaster to implement a program of stormwater controls. On October 23, 2012, the Green Infrastructure Advisory Committee (GIAC) presented a report to the City of Lancaster on “Impervious Area Fee Policy Options and Recommendations”, which summarized the City’s stormwater program needs and policy options for funding those program needs. The City is facing numerous drivers requiring changes to the way it manages urban stormwater runoff, all of which are addressed in the City’s Green Infrastructure (GI) Plan. These drivers include increased regulatory requirements for managing the quantity and quality of stormwater runoff, as well as maintenance requirements to ensure facilities are kept in working order with appropriate repair and replacement. The report recommended that the City of Lancaster reconvene the GIAC to advise the City on options to manage stormwater and options to fund those stormwater management obligations.

The GIAC worked with City staff to define those program needs, level of service and costs, and evaluated alternative funding options that support the need for a dedicated funding source. The GIAC recommended creation of an impervious area based fee, referred to as the Stormwater Management Fee, that would be paid by all City properties in direct proportion to the amount of impervious area that is on their property using a system of tiers as presented in this manual. In addition, the Committee recommended that the City establish a system of credits to incentivize property owners to build and maintain stormwater management systems on their property.

The Committee’s recommendations to charge a fee are based on a lengthy review and analysis of the real costs associated with the management and maintenance of the City’s stormwater management system. The fee recommended by the Committee is intended to recoup such costs and is based upon the determination that the City of Lancaster has no other means by which those costs can be recovered.

2.0: Definitions and Acronyms

2.1 Definitions

In additional to the terms defined in Ordinance Number 1-2014 which are incorporated by reference, as used in this manual, the following terms shall have meanings attributed to them as set forth below.

As-Built Plans – a drawing or drawings accurately indicating the location and design details of all improvements installed in relation to development of a property or site.

Base Rate - the dollar rate per Base Unit calculated by the Director, recommended by the Mayor and adopted by the City Council from time to time by Resolution.

Base Unit - one thousand (1,000) square feet of impervious surface.

Best Management Practice (BMPs) - the definition as set forth for the same in Chapter 260 of the Code of the City of Lancaster.

Board of Appeals -the City of Lancaster Stormwater Board of Appeals created and acting in accordance with the terms of the Stormwater Management Fee Ordinance, Ordinance No. 1-2014.

Compacted Gravel – a gravel, crushed stone, or rock surface that impedes or prevents the infiltration of stormwater into the soil. Such surfaces are subject to vehicular or equipment traffic or may be used as a roadway, driveway, alley or parking surface.

Condominium Property - a Property subject to a condominium regime established under the Pennsylvania Uniform Condominium Act.

Conveyance – any structural facility for transferring stormwater between two points, including public streets, roads, alleyways, and highways; curb and gutter; inlets, catch basins, manholes, and structures; pumping stations; pipes and culverts; outfalls; channels, legal drains, creeks, ditches, swales, and streams; retention or detention facilities; and other structural components and equipment that transport, move or regulate stormwater.

Credit – a reduction in the stormwater Management Fee for a stormwater user, based upon the attainment of criteria specified in Chapter 6 of this manual.

Customer - any Property Owner or Tenant of Property who is listed as a customer of the City of Lancaster on the City of Lancaster billing records for water and/or sewer billings for the particular Property given a notice of assessment under this Ordinance and whom is contractually responsible for payment of the Stormwater Management Fee.

Department - the Department of Public Works.

Design-BMP Manual – ~~the Pennsylvania Stormwater Best Management Practices Manual (PA DEP Document No. 363-0300-002), as amended, the 2006 Pennsylvania Stormwater Best Management Practices Manual, as revised from time to time,~~ which serves as the official guide for stormwater management principles, methods, and practices in Pennsylvania.

Detention Facility – a facility that collects and stores stormwater runoff thereby reducing the rate at which runoff is discharged from the property.

Developed - that manmade changes have been made to a property, which changes may include, but are not limited to, buildings or other structures for which a building permit must be obtained under the requirements of the [Pennsylvania] Building Code and this manual, mining, dredging, filling, grading, paving, excavation or drilling operations, or the storage of equipment or materials.

Development - a project that consists of subdividing land or adding buildings and other improvements to individual parcels of land.

Director - the Director of the Department of Public Works of the City of Lancaster or the Director's designee.

Discharge – the flow of any stormwater runoff, pollutant, or other substance into or from the stormwater system.

Drainage Area - that area that contributes runoff to a single point, measured in a horizontal plane.

Easement – a grant by the property owner of the use of part of the owner's land by another for a specified purpose.

Green Infrastructure (GI) - small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of development on water resources. Methods to design GI practices are specified in the ~~Design-BMP~~ Manual.

Impervious Surface (Impervious Area) - any surface that prevents or limits the infiltration of water into the ground. Any structure, building, parking area, driveway, road, street, sidewalk, patio, deck, and any area of concrete, asphalt, pavement, compacted gravel, packed stone, stone, brick, tile, swimming pool, or artificial turf, and highly compacted soil shall be considered “impervious surface” if they prevent or limit infiltration. Impervious surface also includes any area used by or for motor vehicles or heavy commercial equipment, regardless of surface type or material, including any road, road shoulder, driveway, or parking area.

Improvements - any physical addition or change to land of a public or private nature, including but not limited to earthmoving activity, streets, utilities, permanent street monuments, streetlighting, fire hydrants, curbs, sidewalks, paving, and stormwater controls.

Infiltration - the passage or movement of water into the soil surface.

Pervious Surface Area – the horizontal surface area of property covered with materials that include, but are not limited to, undisturbed land, tilled agricultural land, ponds, lawns (grass and landscaped areas), and fields, such that the infiltration of stormwater is allowed or encouraged.

Property - each and every parcel of real estate located within the City of Lancaster.

Property Owner - the owner of record for a given Property within the City, as registered in the City’s real estate database.

Property Manager - a person, company or other entity hired by a property owner to manage a Property.

Stormwater - water that originates from precipitation.

Stormwater Management - the collection, conveyance, storage, treatment, and control of stormwater as needed to reduce accelerated stream channel erosion, flood damages and water pollution.

Stormwater Management Activities – Activities conducted by the Stormwater Utility and the City of Lancaster that benefit Stormwater Utility customers and allow the City to comply with federal and state laws and regulations. Some of the activities of the Stormwater Utility

include: stormwater monitoring and sampling; storm drain marking; street sweeping; public stormwater system maintenance and cleaning; capital improvement projects for flood control; stormwater quality education; erosion and sediment control; post-construction stormwater quality and illicit discharge detection and elimination.

Stormwater Management Facility - an infiltration device, filtering device, stormwater pond, stormwater wetland, hydrodynamic structure, or other innovative practice designed and constructed to control stormwater to reduce accelerated stream channel erosion and pollution of surface waters, constructed after December 2006 in a manner consistent with the BMP Manual. A stormwater management facility does not include environmental site design practices or any nonstructural stormwater management system. The following list includes descriptions for common stormwater management facilities.

Cistern – structures designed to intercept and store runoff from rooftops to allow for its reuse, reducing runoff volume and overall water quality impairment.

Constructed Filters – are structures or excavated areas containing a layer of sand, compost, organic material, peat, or other filter media that reduce pollutant levels in stormwater runoff by filtering sediments, metals, hydrocarbons, and other pollutants.

Constructed Wetlands – are shallow marsh systems planted with emergent vegetation that are designed to treat stormwater runoff.

Deep Stormwater Injection Well ~~Well Injection~~ – stormwater drainage wells that have been bored, drilled, or driven to a depth greater than the largest surface dimension and constructed to deliver stormwater via a subsurface distribution system. (Regulated by USEPA as Class V stormwater drainage well.)

Downspout Disconnection – the disconnection of roof leaders from conventional stormwater conveyance systems (e.g., gutters, storm drains, etc.) and allowing runoff to be collected and managed on site, typically in combination with a managed vegetated area or a volume control BMP such as a dry well, seepage pit, or rain garden. Downspout disconnection also includes the redirection of roof leaders to well-established vegetative areas of adequate length and moderate slope.

Dry Extended Detention Basin – an earthen structure constructed either by impoundment of a natural depression or excavation of existing soil, that provides temporary storage of runoff and functions hydraulically to attenuate stormwater runoff peaks.

Dry Well – a variation on an infiltration system that is designed to temporarily store and infiltrate rooftop runoff. Dry wells are often also called seepage pits.

Filter Strips – a relatively flat, permanent, maintained strip of planted or indigenous vegetation located between nonpoint sources of pollution and receiving water bodies for the purpose of ~~filters out~~ removing or mitigating the effects of stormwater pollutants such as nutrients, pesticides, sediments, and suspended solids through sheet flow.

Green Roof – an extensive roof cover of vegetation that is grown on and completely covers an otherwise conventional flat or slightly sloped roof (<30° slope), giving the roof hydrologic characteristics that more closely match surface vegetation than the roof.

Infiltration Basin – a shallow impoundment that stores and infiltrates runoff over a level, uncompacted, (preferably undisturbed area) with relatively permeable soils.

Infiltration Trench – a shallow trench with a level bottom in permeable soil that is backfilled with clean-washed aggregate. The trench surface may be covered with grass, stone, sand, or trees. Typically it contains a perforated pipe that runs through the aggregate and has a level bottom. ~~A positive flow connection should be installed to allow high flows to be conveyed through the Infiltration Trench.~~

NPDES Permits - ~~– a current National Pollutant Discharge Elimination System permit. For purposes of this policy, it refers to PAG-03, Discharges of Stormwater Associated with Industrial Activities.~~

Pervious Pavement w/ Infiltration Bed – a Green Infrastructure (GI) technique that combines stormwater infiltration, storage, and structural pavement consisting of a permeable surface underlain by a storage/infiltration bed comprised of uniformly-

Formatt

graded, clean-washed stone built on uncompacted soil. Pervious surfaces may consist of porous asphalt, porous concrete, or permeable pavers.. Pervious pavement is well suited for parking lots, walking paths, sidewalks, playgrounds, plazas, tennis courts, and other similar uses.

Proprietary Water Quality Filters and Hydrodynamic Devices – a broad spectrum of structural BMPs of varying size and function designed to remove pollutants from stormwater runoff as part of a conveyance system. These devices may include city-approved prefabricated stormwater treatment structures utilizing settling, filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to remove pollutants from stormwater runoff.

Rain Garden (i.e., Bioretention) – is an excavated shallow surface depression that consists of a soil bed planted with suitable non-invasive (preferably native) vegetation that filters stormwater through the soil planting bed before being either conveyed downstream by an underdrain system or infiltrated into the existing subsoil below the soil bed.

Seepage Pit – see dry well.

Special Detention Areas -

Subsurface Infiltration Beds – a highly pervious media, such as uniformly graded aggregate, designed to provide temporary storage and infiltration of stormwater runoff by placing storage media of varying types beneath the proposed surface grade. Vegetation is used to help increase the amount of evapotranspiration taking place.

Tree Canopy – for purposes of this policy and procedures manual, tree canopy means a disconnection of impervious area may be granted when for existing or newly proposed trees canopy from the City's approved species list that extends over, or is in close proximity to, impervious area. Trees of at least 4-inch caliper planted within 100 feet of impervious surfaces may be used for SWMF credit. Street trees within the public right-of-way are not eligible.

New tree canopy must meet the following criteria:

Formate

Commen
Include ref

Formate

Formate

Formate

Formate
line: 0.25

Formate

- The tree species must be chosen from the city approved tree list.
- New trees planted must be planted within 10 feet of ground level impervious area within the limits of earth disturbance.
- New deciduous trees must be at least 2.5-inch caliper and new evergreen trees must be at least 6 feet tall to be eligible for the reduction.
- A credit for managing 100 square feet of disconnected impervious area reduction is permitted for each new tree. This credit may only be applied to the impervious area adjacent to the tree.
- The maximum reduction permitted, for both new and existing trees is 15% of ground level impervious area within the property boundary limits of earth disturbance, unless the width of the impervious area is less than 10 feet.

Existing tree canopy must meet the following criteria:

- The tree species must be chosen from the city approved tree list
- Existing trees whose canopies are replanted within 20 feet of ground level impervious area may be eligible for this credit. within the limits of earth disturbance.
- Existing trees must be at least 4-inch caliper to be eligible for this credit reduction.
- A credit for managing disconnected impervious area reduction equal to 100-square feet or to one-half the canopy area extending over an impervious area, whichever is greater, is permitted. This credit may only be applied to the impervious area adjacent to the tree.
- The maximum reduction permitted for both new and existing trees is 15% of ground level impervious area within the property boundary within the limits of earth disturbance, unless the width of the impervious area is less than 10 feet.

in vegetated practices, such as bioinfiltration/bioretention areas, and that meet the requirements set forth in this Section can be used toward tree disconnection credit.

Tree Trench – see infiltration trench facility comprised of engineered or other structural soils designed to capture, filter, and store stormwater runoff to promote evapotranspiration through uptake by trees, and is built to the specifications of the City’s Tree Manual: Regulations and Standards for Arboriculture Work. Trees must be selected from the City approved tree list.

Vegetated swale – is a broad, shallow channel, densely planted populated with a variety of trees, shrubs, and/or grasses. It is designed to attenuate reduce and in some

cases infiltrate runoff from adjacent parking lots, buildings, and other impervious surfaces, allowing some pollutants to settle out in the process.

Wet ponds/Retention Basins – stormwater basins that include a substantial permanent pool for water quality treatment and additional capacity above the permanent pool for temporary runoff storage.

Stormwater Management Fee (SWMF) - an assessment levied by the City to cover the cost of constructing, operating, and maintaining stormwater management facilities and fund expenses related to the City's compliance with NPDES permit requirements under applicable state law based on the impact of stormwater runoff from impervious areas of developed land in the City.

Stormwater Management Fund - the Stormwater Management Fund described in Section 8 hereof.

Stormwater Management System - natural areas, environmental site design practices, stormwater management measures, and any structure through which stormwater flows, infiltrates, or discharges from a site.

Stormwater Quality - a measurement of pollutant loadings from stormwater runoff. An increase in stormwater quality is a reduction of the amount of pollutants in the stormwater runoff.

Structural Maintenance - the inspection, construction, reconstruction, modification, repair, and cleaning of any part of a stormwater management facility undertaken to assure that the facility remains in the proper working condition to serve its intended purpose and prevent failure. Structural maintenance does not include landscaping, grass cutting, or trash removal.

Watershed - the total drainage area contributing runoff to a single point.

Undeveloped Land - any land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state.

2.2 Acronyms

BMP - Best Management Practice

DEP - Pennsylvania Department of Environmental Protection

DCNR - Pennsylvania Department of Conservation and Natural Resources

EPA - United States Environmental Protection Agency

FEMA - Federal Emergency Management Agency

GIAC – Green Infrastructure Advisory Committee

IA - Impervious Area

MS4 - Municipal Separate Storm Sewer System

NPDES - National Pollutant Discharge Elimination System

SWMF - Stormwater Management Fee

TSS - Total Suspended Solids

USDA - United States Department of ~~Agriculture~~Agriculture

3.0: Stormwater Management Fee Determination

3.1 SWMF Calculations and Impervious Surface Measurements

The City utilizes a tiered approach that is based on the amount of Impervious Area (IA) on a given property. This method groups properties within a range of IA, which are then assessed based on the average. For larger parcels over 3,000 square feet, an actual calculation will be made of IA and applicable fee applied.

Three (3) rate structure options were evaluated using impervious estimates based on aerial photography and digitization of IAs included in the City's geographic information system. For the three (3) rate scenarios, the tiering method rate structure, which is applied to all properties, was used. The tiering method groups all properties within a range of IA, which are then assessed a fee based on an average IA for that range. Based on feedback from the GIAC, using a rate structure based on four

tiers was preferred over using actual IA, or lumping all single IA properties by type because it represents the most reasonable and equitable method.

Public streets and sidewalks parallel to public streets within the right-of-way shall not be used in the calculation of the IA of a property for purposes of determining the SWMF applicable to it. Access drives to individual properties shall be measured to the edge of the public street and used in the calculation of the IA for the property to determine the SWMF. When improvements are made to non-residential properties, the property owner/developer shall provide the Planning and Zoning Department the IA measurements (in square feet) for the completed project in order for that property to be accurately billed.

The Stormwater Management Fee shall be based on a percentage of the Base Rate, as follows:

Tier 0: The fee for each Tier 0 Property is zero.

Tier 1: The Fee for each Tier 1 Property is 50 percent of the applicable Base Rate.

Tier 2: The Fee for each Tier 2 Property is 150 percent of the applicable Base Rate.

Tier 3: The Fee for each Tier 3 Property is 250 percent of the applicable Base Rate.

Tier 4: The Fee for each Tier 4 Property is calculated as the number of base units assigned to the Property in accordance with the following procedure: The Director determines the number of Base Units for a Tier 4 Property by dividing the Property's actual impervious surface area by the Base Unit (1,000 square feet).

Table 3-1 shows the IA range for the four-tier rate structure.

Table 3-1

Base Rate = \$30.96

Tier Assignment	Impervious Area	Base Rate	Base Rate %	Annual SWMF	Quarterly SWMF
Tier 0	0 - 300 sq ft	No fee will be charged for Tier 0 properties			
Tier 1	301 - 1,000 sq ft	\$30.96	50%	\$15.48	\$3.87
Tier 2	1,001 - 2,000 sq ft	\$30.96	150%	\$46.44	\$11.61
Tier 3	2,001 - 3,000 sq ft	\$30.96	250%	\$77.40	\$19.35
Tier 4	3,001 or more sq ft	\$30.96	See below for Tier 4 Fee Calculation		

Tier 4 Fee Calculation:

Actual Impervious Area/1000 = Number of Base Units

Number of Base Units x Base Rate = SWMF

Example: Property with 16,765 square feet of Impervious Area:

16,765/1000 = 16.765 Base Units

Fee Calculation	Annual SWMF	Quarterly SWMF	Monthly SWMF
16.765 x 30.96	\$519.04	\$129.76	\$43.25

The Director computes the Stormwater Management Fee by multiplying the number of Base Units assigned to the Property by the Base Rate. The Base Rate utilized by the Director shall be the Base Rate as established from time to time by Resolution of City Council in accordance with the provisions of Ordinance No.1-2014. If the property is a Condominium Property, the Director may calculate the SWMF to be billed in equal shares to the condominium units owners by dividing the total number of Base Units by the number of individual condominium units and then multiplying that by the Base Rate to determine the amount billable to each condominium unit owner or in such other manners as may be promulgated by the Director based on square footage, types of condominium units or other similar classification and calculations.

4.0: Billing and Collection

A stormwater management fee shall be imposed on each and every property, lot, parcel of land, building or premises that contains impervious surface. The Director will prepare the necessary data for collecting the Stormwater Management Fee from Property Owners subject to the SWMF, including the identification of every parcel of Property to be charged and the amount of the SWMF. In the first year of the assessment of the Stormwater Management Fee, all Properties will be issued an assessment notice by the City of Lancaster with the Property's estimated SWMF and the basis of that fee. In subsequent years, only newly developed Properties or Properties where the impervious surface has been modified will be issued assessment notices.

The City of Lancaster will include the Fee as a separate line item on the water and/or sewer utility bill for each Property subject to the Fee. For those Properties, without a water and/or sewer account with the City of Lancaster, the Fee will be charged and invoiced on a separate Stormwater Management Fee bill/invoice. In both cases, the Fee must be paid in the same manner and within the time frame required for payment of water and/or sewer bills.

A Property Owner, whose Property is subject to the Fee, may delegate responsibility for the payment of the Fee to customers and/or property management companies in the same manner as payment responsibility for water and/or sewer bills. The Property Owner remains responsible for payment of the Fees, in the instance that the party to whom the Property Owner has delegated the payment to has failed to make payment.

Should the Fee not be paid when due, a finance charge shall accrue thereon monthly at the same rate as finance charges accrue on unpaid City of Lancaster water and/or sewer bills.

The City of Lancaster shall deposit all payments collected into the City Stormwater Management Fund. The Stormwater Management Fund shall be used by the City solely for (i) the implementation and management of the stormwater program, (ii) constructing, operating, and maintenance of stormwater facilities; and (iii) payment for other project costs and performance of other functions or duties authorized by law in conjunction with the maintenance, operation, repair, construction, design, planning and management of Stormwater facilities, programs and operations.

5.0: Review and Appeals Process

Comment
clarify appeal
processes.

5.1 Petitions for a Review and/or Adjustment

Within thirty (30) days of the date of any assessment, a Property Owner may file a petition for review and/or adjustment to the Director in writing if the Property Owner believes that the Property which is the subject of the notice of assessment has been improperly tiered or that the Fee has been calculated incorrectly.

When submitting a petition for review and/or adjustment of the Fee as set forth above, the Property Owner must include a detailed statement of the basis for the appeal and documents supporting the owner's assertion that the Property should be assigned to a different Tier, or that the impervious area measurements used to calculate the number of Base Units for the Property are incorrect. The appropriate forms are provided on the City's website at www.cityoflanasterpa.com/government/stormwater. The request will be acted on within 30 days.

If the Director concludes that the petition for review and/or adjustment should be granted, the City of Lancaster will adjust the Property Owner's bill and refund any overpayment for the current levy year to the Property Owner or apply a credit on the subsequent bill equal to the adjustment amount.

No appeals may be taken to the Appeals Board unless and until a petition for reconsideration and/or adjustment has been filed with and ruled upon by the Director.

5.2 Requests for Adjustments; Appeals

A Property Owner may appeal any decision of the Director in writing to the Stormwater Appeals Board, not later than thirty (30) days after receipt of the Director's denial in whole or part of the Property Owner's petition for adjustments/reconsideration.

When submitting a petition for appeal of the assessment of the Fee as set forth above, the Property Owner must include a detailed statement of the basis for the appeal and documents supporting the owner's assertion that the Property should be assigned to a different Tier, or that the impervious area measurements used to calculate the number of Base Units for the Property are incorrect, and pay a non-refundable fee of two hundred dollars (\$200) for the handling of appeals.

If the Appeals Board concludes that the appeal should be granted, the City of Lancaster will adjust the Property Owner's bill and refund any overpayment for the current levy year to the Property Owner or apply a credit on the subsequent bill equal to the adjustment amount.

Any appeals from a decision of the Appeals Board shall be made to the Court of Common Pleas of Lancaster County, Pennsylvania in accordance with the Local Agency Law of the Commonwealth of Pennsylvania.

6.0: Stormwater Management Fee (SWMF) Credits

6.1 Credits Available to Property Owners

An annual reduction in the stormwater management fee, also known as a SWMF credit, may be available to users to help property owners reduce their annual stormwater management fee and to offset the additional cost of maintaining their facilities, thus providing an incentive for implementing stormwater management practices. The credit amount that a property can receive varies based on the specific qualifying conditions that significantly mitigate the effects of increased stormwater runoff and pollution from a property. The criteria for determining the credit level is based on the type of facility and percent of IA treated (usually just the onsite IA). If it is determined that a SWMF credit is to be granted, the adjustments will be made in the form of a credit against future stormwater management fees. Final approval of all SWMF credits will be at the discretion of the Director of Public Works.

~~The above credits are provided in recognition of the use and utility of the above properties as corridors with independently, regularly improved and maintained stormwater management systems that pass through numerous private and public properties and that collect and control the drainage through those properties.~~

The Director may issue a maximum credit to a property owner as specified in the application provided by the Department only if the property contains a stormwater management system and the system is maintained in accordance with the maintenance requirements of the Department.

6.2 Credit Application Schedule

To receive a SWMF credit, the Property Owner must apply to the Director ~~on using~~ the applicable forms included in Appendix A ~~not later than October 31 of the year before payment of the Fee is due.~~

6.2.1 Credit Approval

Once approved, the credit is valid for a maximum of two (2) years, except Education Credits which are valid for one (1) year. To renew the credit, the Property Owner must reapply to the Director on the renewal form included in Appendix A not later than October 31 of the year ~~before~~ the credit expires.

The credit shall become effective on the first day of the Property's next monthly or quarterly billing cycle, following the approval of the credit.

6.2.2 Credit Denial and Appeals

The Director may deny a credit for good reason, including failure to submit a complete credit application with sufficient documentation of BMP construction to demonstrate the facility meets credit eligibility criteria or failure to meet minimum maintenance requirements.

The Property Owner may appeal the Director's decision regarding the issuance or non-issuance of a credit within thirty (30) days after that decision to the Board of Appeals. All such appeals shall be in accordance with this section.

Comment
consistency

6.3 Eligible Credit Allowance Credit Matrix

Credits will be provided based on the matrix presented in Table 6.1. Individual BMPs-stormwater management facilities and their credit values are presented in Table 6.2. Credits may be available for Best Management Practices (BMP) implemented, constructed or reconstructed after December 30, 2006, and in a manner consistent with the design criteria set forth in the Pennsylvania BMPStormwater Best Management Practices Manual (PA DEP Document No. 363-0300-002), as amended, or newer design guidance, this Policy and Procedure Manual and all applicable City codes and regulations.

Table 6-1

Credit Type Description	Credit Type ID	Maximum Facility Credit
Peak Rate (Flood) Controls	PR	25%
Volume Controls/Green Infrastructure	VC-GI	50%
Water Quality Controls	WQ	25%
Non-Structural Controls	NS	15%
NPDES Industrial Stormwater Permitted Sites	NPDES	15%
<u>Education Credit</u>		<u>15%</u>
Maximum % Credit Applied to Annual Charge	<u>50%</u>	<u>50%</u>

Table 6-2

Stormwater Management Facility Classifications for SWMF Credits				
Peak Rate (Flood) Controls 25% Credit	Volume Controls/ Green Infrastructure 50% Credit	Water Quality Controls 25% Credit	Non-Structural Controls 15% Credit	NPDES Industrial Stormwater Permitted Sites 15% Credit
Constructed wetland	Pervious pavement with infiltration bed	Constructed wetland	Tree Canopy Cover	Facilities with an active, fully-compliant NPDES Permit from the PA DEP
Wet pond/retention basin	Infiltration basin	Constructed Filter	Downspout Disconnection	
Dry extended detention basin	Rain garden/bioretention	Vegetated Swale		

Special Detention areas (parking lots/roof)	Subsurface infiltration bed	Vegetated Filter Strip		
	Green Roof	Proprietary Water Quality Filters & Hydrodynamic Devices		
	Infiltration trench/ Tree Infiltration Trench			
	Runoff Capture & Reuse	<u>Tree Trench with Soil Restoration or Amendment</u>		
	Dry Well/ Seepage Pit			
	Infiltration Berm & Retentive Grading			
	<u>Impervious Area Removal with Soil Restoration and Vegetation</u>			
	<u>Deep Stormwater Injection Well</u>			

Comment area removed periods.

6.53.1 Maximum Credit

The maximum aggregate SWMF credit for any individual property is fifty percent (50%) of the original stormwater management fee determined in accordance with this manual, regardless of how many individual credits for which the property qualifies.

6.3.12 Education Credits (Not included in Table 6-2)

Eligible Users: Public/private school properties

Credit Type: Annual

Renewal: Annual

Maximum Credit: 15% (based on non-structural controls credit in Table 6-1)

Education credits are available to all public and private schools or school systems (K-12). In order for a school or school system to receive a SWMF education credit, the school must implement an educational program that educates and informs the students on the importance of preserving and restoring the source and integrity of water resources (stormwater, ground water and/or surface waters). The educational program may include educational posters, take-home materials, classroom

lessons, field trips, etc. Programs may be developed by the Pennsylvania Department of Environmental Protection (DEP), the Pennsylvania Department of Conservation and Natural Resources (DCNR), the United States Environmental Protection Agency (EPA) the United States Geological Survey (USGS), or a school official. Programs developed by other organizations may be considered eligible for credit. on a case-by-case basis. Some resources and example materials can be found at:

- EPA NPDES Stormwater Outreach Materials and Reference Documents
<http://cfpub.epa.gov/npdes/stormwatermonth.cfm#materials>
- EPA Teacher Resources and Lesson Plans (<http://www.epa.gov/students/teachers.html>)
- EPA Water Science and Technology for Students and Educators
<http://water.epa.gov/learn/resources/>
- USGS Education Resources (<http://education.usgs.gov/>)

To qualify for the credit, the educational program must be submitted to the City, along with the appropriate credit application form, by the school principal or superintendent for consideration for approval approved by the Director (or designated representative). The program may be taught in grades Kindergarten (K) through twelve (12). The maximum credit for a school or school system shall be fifteen percent (15%) of the original SWMF determined in accordance with this manual for the corresponding property or properties and will be tiered based on the proportion of grade levels taught as compared to the total number of grade levels within the school, as described below. The Department will make the final decision on the total credit awarded.

- A. **Tier One Education Credit:** A ten percent (10%) Tier One Education Credit is available to a school or school system for an approved educational program which educates 50% to 74% of the grade levels within the school or school system.

B. **Tier Two Education Credit:** A fifteen percent (15%) Tier Two Education Credit is available to a school or school system for an approved educational program which educates 75% to 100% of the grade levels within the school or school system.

EXAMPLE 1: An approved educational program is completed for two (2) of four (4) grades levels in a school. Therefore:

Tier One credit achieved: (50% of grade levels) = 10% credit off the SWMF for the school property where the courses are taught.

EXAMPLE 2: An approved educational program is completed for all grade levels in a school.

Therefore:

Tier Two credit achieved: (100% of grade levels) = 15% credit off the SWMF for the school property where the courses are taught.

For the first full school year of the stormwater management fee program (2014-2015), on or before January 1, 2015, the qualifying school shall certify to the Director the programs that were taught in the previous year, and the intended extent to which the programs will be taught during the remainder of the year. In future years, the certification, in the form of a letter from the school principal or superintendent, must ~~occur~~ be submitted to the Director on or before July 1, annually. ~~A certification letter will be forwarded to the Director so that appropriate billing adjustments may be made.~~

6.3.23 Examples of Credits Calculations using Table 6-1 and 6-2

Eligible Users: Non-residential properties with green infrastructure facilities

Credit Type: Annual

Renewal: Every two years

Maximum Credit: 50%

~~GI-SWMF~~ credits are available to all non-residential and residential properties that implement GI practices which eliminate stormwater runoff from the site for all storms up to and including a one-inch storm and encourages infiltration (where soils are appropriate for infiltration practices), ~~or~~ or reuse of captured stormwater. Credit will also be considered on a case-by-case basis for other types of stormwater facilities or control devices which reduce stormwater runoff to the municipal stormwater

conveyance system based on Tables 6-1 and 6-2 and the Pennsylvania Design Stormwater Best Management Practices Manual ~~and the that lists acceptable~~ BMPs identified therein.

GI ~~facilities~~ practices should minimize site disturbance, preserve and recreate natural landscape features, reduce impervious surfaces, increase drainage flow paths, increase or enhance off-line stormwater storage, encourage detention and infiltration, and utilize native, drought-tolerant plants. General guidelines for infiltration and runoff reduction are available through the EPA and in the Pennsylvania Design BMP Manual.

The maximum GI-SWMF credit shall be fifty percent (50%) of the ~~original-current~~ stormwater management fee determined in accordance with this manual ~~for a non-residential property~~. The total credit shall be based on the amount of impervious area (IA) that is managed or flows to the GI practice facility as compared to the total IA within the property, rounded to the nearest whole percent.

EXAMPLE 1: A ~~non-residential~~ property with 10,000 square feet of IA installs a rain garden which handles stormwater runoff flows from a parking lot with an area of 2,000 square feet (20% of the IA on the property). Therefore:

$(20\% \text{ of total IA}) \times (50\% \text{ maximum credit}) = 10\% \text{ total credit on the SWMF for that property.}$

EXAMPLE 2: A ~~non-residential~~ property installs rain gardens and cisterns which handle the stormwater runoff flows from 100% of the IA on the property. Therefore:

$(100\% \text{ of total IA}) \times (50\% \text{ maximum credit}) = 50\% \text{ total credit on the SWMF for that property.}$

EXAMPLE 3: ~~EXAMPLE 3:~~ A ~~residential~~ property 1,600 square feet of IA installs an infiltration trench which handles the stormwater runoff flows from 90% of the IA on the property. Therefore:

$(90\% \text{ of total IA}) \times (50\% \text{ maximum credit}) = 45\% \text{ total credit on the SWMF for that property.}$

EXAMPLE 4: A property with 80,000 square feet of IA installs a detention basin which handles stormwater runoff flows from a parking lot with an area of 80,000 square feet (100% of the IA on the property). Therefore:

$(100\% \text{ of total IA}) \times (25\% \text{ maximum credit}) = 25\% \text{ total credit on the SWMF for that property.}$

6.3.4 SWMF Credit Applications

Applications for GI-SWME credits for non-residential properties shall be submitted with the detailed technical information listed below before the application will be considered complete. Incomplete applications will be returned and not considered for further review until all required information is submitted.

Residential Properties:

Residential properties must submit a sketch plan which includes, at a minimum, the following information:

- Total lot area in square feet (Lot Area = Lot Width x Lot Depth)
- Location and area of all existing impervious surfaces (buildings, patios, sidewalks, etc.)
- Location and description of stormwater management facilities (BMPs)
- Photo(s) of BMP(s)

A copy of an approved Small Projects Application (First Flush) may be submitted, along with photo(s) of BMP(s), in lieu of the sketch plan for residential credit submissions.

Non-Residential Properties:

Tiers 1-3

- As-built plans at an appropriate scale and showing the site, overland flow paths, drainage flow arrows, stormwater facilities, and the surrounding area.
- Maps delineating drainage areas and/or watersheds, indicating which impervious areas flow to the BMP.
- Photo(s) of BMP(s)
- Calculations to verify drainage system has capacity to meet the design criteria for the requested credit.

- Proposed maintenance schedule detailing property owner's maintenance activities for the stormwater facility.
- Executed right-of-entry agreement (See Stormwater Policy and Procedure Manual, Appendix A)

Tier 4

- All the above documents and topographic details and 100-year flood elevations.

If applicable:

- A copy of Permit for facilities with an active, fully-compliant Industrial Stormwater NPDES Permit from the PA DEP.

- ~~As built plans (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Pennsylvania) at an appropriate scale and showing the site, topographic details, 100-year flood elevation, overland flow paths, drainage flow arrows, stormwater facilities, and the surrounding area.~~
- ~~Maps delineating drainage areas and watersheds, indicating which impervious areas flow to the GI facilities.~~
- ~~Calculations (signed and sealed by a licensed surveyor or professional engineer, registered in the State of Pennsylvania) to verify that the drainage system has adequate capacity to meet the design criteria for the credit which the owner is requesting.~~
- ~~Proposed maintenance schedule that describes in detail the property owner's maintenance activities for the stormwater facility.~~

6.4 Off-Set Credit

Offset credit are credits for projects completed on a property other than the property for which the credit is being applied based on an agreement amongst the affected property owners. The City will allow offset credits solely at the discretion of the Director on a case-by-case basis and based on the

Comment
 permit appl
 Add note th
 4 submissio
 Tier 4 subm

benefit to the City sewer system based on the off-set program the ~~PaDEP~~ PA DEP is promulgating for nutrient trading and off-set practices based on the same credit matrix described in Section 6.3.

~~6.5 Maximum Credit~~

~~The maximum aggregate SWMF credit for any individual property is fifty percent (50%) of the original stormwater management fee determined in accordance with this manual, regardless of how many individual credits for which the property qualifies.~~

6.6.5 Application Process

For credit review, the property owner must submit the General Stormwater Management Fee Credit Application accompanied by the application review fee and all required documentation to the Department of Public Works. Credit applications will be reviewed by the Director. The application process does not relieve the property owner of payment of stormwater management fees during the review process.

The Director will give written notification of the credit determination within sixty (60) days upon receipt of a complete credit application package. The written notification shall state the conditions of the issuance of the SWMF credit and effective date of the credit. The Department staff will review for accuracy all plans, materials, and documentation related to the application. If, after review, the application or documentation is found to be deficient, the applicant will be notified in writing and given ninety (90) days to correct the deficiency, or the applicant will be required to file a new application. If all deficiencies are corrected within ninety (90) days and application for credits are approved, credits will take effect on the initial application date next monthly or quarterly billing cycle.

6.76 Credit Expiration, Termination, and Renewals

6.6.1. Credit Expiration and Renewals

Stormwater Management Fee Credits will expire at the end of their renewal period -(maximum of two years following approval by Director)- or when a property changes ownership. New property owners will need to apply for renewal in order to be eligible for continued the credit. To renew the credit, the Property Owner must reapply to the Director on the renewal form included in Appendix A not later than October 31 of the year before the credit expires. All renewed credits shall become effective

Comment

Comment

Comment workshop the need to

January 1 the year following the date of the renewal application and will remain valid for two (2) calendar years with an expiration date of December 31.

6.6.2. Credit Termination

Upon written notice, the Director may ~~revoke-terminate~~ a credit for good reason, including failure to meet credit conditions or failure to meet minimum maintenance requirements. ~~If, in the opinion of the Director, the deficiency is not satisfactorily corrected~~In the event a credit is terminated by the Director, the Management Fee credit currently applied to the property will be terminated effective the next billing cycle following the date of termination notice unless an appeal is filed in accordance with the following section.~~following billing cycle.~~

6.6.2. Appeal of Credit Termination

A Property Owner ~~aggrieved~~aggrieved by the Director's decision to ~~revoke-terminate~~ a credit may appeal the same to the Board of Appeals within 30 days of receipt of written notice from the Director of ~~revocation-termination~~ of the credit, provided that the written request for appeal is accompanied by documentation supporting Property Owner's appeal (e.g., plans, materials, etc.) and any applicable fees, the Appeal Fee as set forth in Ordinance 1-2014.

The Department staff reserves the right to review for accuracy all plans, materials, and documentation related to the appeal application. A decision will be made within thirty (30) days. If, after review, the application or documentation is found to be inaccurate, the applicant will be notified in writing and given thirty (30) days to correct the deficiency. ~~The applicant must provide written documentation to the Director within thirty (30) days of the original notice that the deficiency has been corrected. If, in the opinion of the Director, the deficiency is not satisfactorily corrected, the Management Fee credit currently applied to the property will be terminated effective the following billing cycle.~~

~~The Property Owner may appeal the Director's decision regarding the issuance or non-issuance of a credit within thirty (30) days after that decision to the Board of Appeals. All such appeals shall be in accordance with Chapter 5 of this Ordinance.~~

6.86 Inspections

Upon application for a SWMF credit (or in connection with an annual self-inspection report (see Section 6.9 below), the applicant shall grant the City a right-of-entry to inspect the site that is the

subject of the application, with no less than 24 hour prior notice, at any time in order to verify the information submitted and to confirm compliance with applicable program requirements set forth in this manual. If, after its review or inspection, the City finds the application (or annual self-inspection report) to be inaccurate or the facility (BMPs) to be out of compliance, the applicant will be notified in writing (Notice) and given up to sixty (60) days to correct the inaccuracy or non-compliance.

Within 60 days following the applicant's receipt of the Notice, the applicant must provide to the City written documentation and evidence (Notice Response) satisfactory to the City that the application (or annual self-inspection report) has been corrected and/or that the facility (BMPs) is in compliance with all applicable program requirements. If the inaccuracy in an application (or annual self-inspection report) has not been corrected or the facility (BMPs) is not in compliance as required by the Notice and this manual (as determined by the City), or if the property owner fails to provide a Notice Response to the City within the 60-day period, the SWMF Fee credit will be ~~suspended on the following utility billing cycle. The credit suspension will remain in effect for six (6) months, after which time the property owner may reapply for the SWMF credit. The reapplication must include evidence satisfactory to the City that the inaccuracy in an application (or annual self-inspection report) has been corrected or that the facility (BMPs) has been in compliance with program requirements for at least three (3) months prior to reapplication and the City may require any other information that is required in an initial application for SWMF credits.~~ terminated effective the date of the next monthly or quarterly billing cycle following the 60-day period pursuant to the Notice.

Right of Entry forms are provided in Appendix B.

6.8 Annual Self-inspection Reports

If a property has been given a SWMF credit pursuant to this manual, the property owner must submit to the City an annual self-inspection report for the property. The report must be submitted not earlier than February 1 and not later than March 31 of each year and must show or document compliance to the City's satisfaction with all program requirements for the preceding calendar year. If the annual self-inspection report is incomplete or is not submitted to the City by the deadline for reporting, the property shall be considered to be in non-compliance with the SWMF credit program requirements; and, the SWMF credit will be suspended. The SWMF credit suspension will remain in effect for three (3) months and will not be reinstated until the completed annual self-inspection report is submitted

to the City with documentation, to the City's satisfaction, that the program for which the credit is being given is being implemented as intended.

Comment

Also, prepare
I. _____, ow
(See alley p

DRAFT

|

APPENDIX A

STORMWATER MANAGEMENT FEE APPEAL/REQUEST AND CREDIT FORMS

DRAFT



City Use Only: File Number _____ Date Received _____ Approvals: Stormwater _____ Director of Public Works _____

STORMWATER MANAGEMENT FEE CREDIT APPLICATION – EDUCATION PROGRAM

Complete and return this form and attachments to:

City of Lancaster
 Department of Public Works
 120 North Duke Street, P.O. Box 1599
 Lancaster, PA 17608-1599
 Phone: 717-291-4739; Fax 717-291-4772
<http://cityoflancasterpa.com/government/stormwater>
 Email bhumble@cityoflancasterpa.com

1. PROPERTY OWNER INFORMATION

School Name _____
 Property Address: _____
 Mailing Address _____
 Phone/Fax _____ Email _____
 Water Utility Account Number: _____

Tier: _____ Impervious Area¹: _____
Tier and Impervious Area (IA) information can be found on the Stormwater Assessment Notice

Is this application for the renewal of credits: Yes _____ No _____
This form shall be used for both initial application and renewal.

2. STORMWATER PROGRAM INFORMATION

Instructions: Applicant must provide adequate documentation to demonstrate to the City of Lancaster Stormwater Program that sufficient focus and instruction upon stormwater management issues and water quality protection are covered in the time frame suggested. Please summarize all appropriate documentation below, and attach additional supporting documentation, which may include may include educational posters, take-home materials, classroom lessons, field trips photos, etc. Refer to the Stormwater Management Fee Policies and Procedures Manual for more information on suggested teaching materials, credits amounts, and renewal process.

All Grade Levels Offered: _____ to _____ School Year: _____ to _____
Total Attendance of Students in School: _____

|

APPENDIX B

RIGHT OF ENTRY FORMS

DRAFT

City of Lancaster

Right-of-Entry Agreement

I/We, _____, owner(s) of the real

property commonly known as _____

(hereafter “property”), in the City of Lancaster, Lancaster County, Pennsylvania, in consideration of possible credit against stormwater Management Fees due for the property payable to the City of Lancaster, Pennsylvania, do hereby grant and freely give without coercion the right of access and entry to said property at reasonable times to the City of Lancaster, its employees, agents, representatives, contractors and subcontractors, for the purpose of performing necessary inspections of onsite stormwater management controls and site activities related to stormwater runoff management on the property.

The undersigned hereby affirm/affirms that he/she/they is/are the owner(s) of the above-referenced property and has/have authority to enter into this Agreement and grant Right-of-Entry.

The undersigned agree/agrees and warrant/warrants to waive, and to hold harmless the City of Lancaster, its employees, agents, representatives, contractors and subcontractors from any and all claims or actions, legal or equitable, arising from, out of, or related to the inspection activities on the property performed by the City of Lancaster, its employees, agents, representatives, contractors and subcontractors pursuant to this Right-of-Entry Agreement.

The City of Lancaster, in consideration of the rights granted to it herein, the sufficiency and receipt of which are hereby acknowledged, agrees to limit the inspection activities to visual inspections and review of relevant records necessary to verify stormwater credit eligibility.

I/We have not received, nor shall I/We receive, any compensation for this Right-of-Entry Agreement.

For the consideration and purposes set forth herein, I/We set my/our hand/hands this

_____ day of _____, 20_____.

Owner:

Printed: _____ Printed: _____

STATE OF PENNSYLVANIA)

) SS:

COUNTY OF LANCASTER)

Before me, the undersigned, a Notary Public in and for the said County and State, this _____

day of _____, 20____, personally appeared _____

_____, Owner/Owners and acknowledged the execution of the foregoing Right-of-Entry

Agreement as his/her/their voluntary act and deed.

Notary Public _____

My Commission Expires: _____ ,

Resident of _____ County

City of Lancaster: _____

Printed: _____

Title: _____

STATE OF PENNSYLVANIA)

) SS:

COUNTY OF LANCASTER)

Before me, the undersigned, a Notary Public in and for the said County and State, this _____ day of _____, 20____, personally appeared _____, Owner/Owners and acknowledged the execution of the foregoing Right-of-Entry Agreement as his/her/their voluntary act and deed.

Notary Public _____

My Commission Expires: _____ ,

Resident of _____ County

City of Lancaster: _____

Printed: _____

Title: _____

Indemnification Agreement

In consideration for permission to construct or install a stormwater improvement / best management practice (BMP) to their property, _____

(“Owners”) hereby agree to and acknowledge the following:

1. Owners shall construct or install a stormwater improvement / BMP in substantial compliance with Chapter 260: Stormwater Management and Construction Site Regulations (Ord. No. 13-2012 and all subsequent amendments) City of Lancaster, Pennsylvania, on the following described real estate and premises situated in the City of Lancaster, Lancaster County, Pennsylvania, to wit: See legal description(s) attached as Exhibit A.
2. After completion of the construction or installation by Owners and approval by the City, the stormwater improvement / BMP shall remain a privately owned and maintained stormwater improvement / BMP, shall not be accepted by the City, and shall not become a part of the maintenance program of the Lancaster Stormwater Utility. All maintenance responsibility and liability shall be and remain with the Owners, their personal representatives, heirs, grantees, successors, and assigns.
3. Owners, their personal representatives, heirs, grantees, successors, and assigns shall indemnify and hold harmless the City of Lancaster, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorney's fees) arising out of or resulting from the construction, installation, maintenance, or operation of the stormwater improvement / BMP.
4. This Agreement shall run with the real estate described above and shall be binding upon Owners, their personal representatives, heirs, grantees, successors, and assigns so long as the stormwater improvement / BMP or any part of it shall be used by them. At such time as the stormwater improvement / BMP shall cease to be so used, this Agreement shall immediately terminate, and this instrument shall be of no further force and effect.
5. Owners warrant that they are the owners in fee simple of the above-described real estate, are lawfully seized thereof, and have the legal authority to execute this Agreement, and affirm that no unauthorized alterations of this document have taken place.

IN WITNESS WHEREOF, Owners and the City have executed this Agreement on this

_____ day of _____, 20____.

Signature of Owner Signature of Owner

Printed Name

Printed Name

STATE OF PENNSYLVANIA)

) SS:

COUNTY OF LANCASTER)

Before me, the undersigned, a Notary Public in and for the said County and State, this

_____ day of _____, 20____, personally appeared

_____, Owner/Owners and acknowledged the execution of the foregoing Indemnification Agreement as his/her/their voluntary act and deed.

Notary Public _____

My Commission Expires: _____ ,

Resident of _____ County

City of Lancaster: _____

Printed: _____

Title: _____

My Commission Expires: _____, N

STATE OF PENNSYLVANIA)

) SS:

COUNTY OF LANCASTER)

Before me, the undersigned, a Notary Public in and for the said County and State, this _____ day of _____, 20____, personally appeared _____, Owner/Owners and acknowledged the execution of the foregoing Indemnification Agreement as his/her/their voluntary act and deed.

Notary Public _____

My Commission Expires: _____ ,

Resident of _____ County

City of Lancaster: _____

Printed: _____

Title: _____