

ARTICLE 936

Definitions

936.01 Definitions.

936.01 DEFINITIONS.

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.

2. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.

3. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

These definitions do not necessarily reflect the definitions contained in pertinent regulations or statutes and are intended for this Ordinance only.

(a) Accelerated Erosion - The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural process alone.

(b) Act 167 - Act of October 4, 1978, P.L.864, (Act 167), as amended, and known as the "Stormwater Management Act".

(c) Agricultural Activity - Activities associated with agriculture such as, but not limited to, agricultural cultivation, agricultural operations, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

(d) Applicant - A landowner, developer, or other person who has filed an application to the municipality for approval to engage in any regulated activity at a project site in the Municipality.

(e) Best Management Practice (BMP) - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

(f) BMP Manual - Pennsylvania Stormwater Best Management Practices Manual, as amended and updated.

(g) Cistern - An underground reservoir or tank for storing rainwater.

(h) City Council - the Council of the City of York

(i) Clean Water Act - The Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq., and any subsequent amendments thereto.

(j) Conservation District - The York County Conservation District, which District is as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

(k) Construction Activity - activities subject to NPDES construction permits. NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

(l) County - York County Pennsylvania

(m) Culvert - A structure which carries surface water through an obstruction.

(n) Dam - An impoundment structure regulated by the Pennsylvania DEP Chapter 105. regulations.

(o) Dedicated - Offered for adoption by the municipality.

(p) DEP - The Pennsylvania Department of Environmental Protection.

(q) Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence, e.g., a 5-year storm, and duration, e.g., 24 hours, used in the design and evaluation of stormwater management systems. Also see Return Period.

(r) Developer - Any person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity.

(s) Detention Basin - A structure designed to retard stormwater runoff by temporarily storing and releasing the runoff at a predetermined rate.

(t) Detention District - Those subareas in which some type of detention is required to meet the plan requirements and the goals of appropriate and approved Act 167 plans.

(u) Detention Volume - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.

(v) Development Site (Site) - See Project Site.

(w) Disconnected Impervious Area (DIA) - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in Appendix B. Disconnected Impervious Area of this Ordinance.

(x) Disturbed Area - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

(y) Down-slope Property Line - That portion of a property line of a lot or parcel of land being developed located such that overland or pipe flow from the development site would be directed toward it.

(z) Drainage Conveyance Facility - A stormwater management facility designed to transmit stormwater runoff, including but not limited to, streams, channels, swales, pipes, conduits, culverts and storm sewers.

(aa) Drainage Easement - A limited right of use granted in private land, allowing the use of private land for stormwater management purposes, wherein no structure may be constructed.

(ab) Drainage Permit - A permit issued by the municipality after the SWM Site Plan has been approved. Said permit is issued prior to or with the final Municipal approval.

(ac) Earth Disturbance Activity - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

(ad) Erosion - The natural process by which the surface of the land is worn away by water, wind, or chemical action.

(ae) E & S Manual - Erosion and Sediment Pollution Control Manual, as amended and updated.

(af) Erosion and Sediment Control Plan - A site specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activity.

(ag) Existing Condition - The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

(ah) FEMA - Federal Emergency Management Agency.

(ai) Flood - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the Commonwealth.

(aj) Floodplain - Any land area susceptible to inundation by water from any natural source as delineated by applicable FEMA maps and studies as being a special flood hazard area. **Also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP)**

(ak) Floodway - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

(al) Forest Management/Timber Operations - Planning and activities necessary for the management of forest land. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

(am) Green Infrastructure – Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

(an) Groundwater Recharge - Replenishment of existing natural underground water supplies.

(ao) Hazardous Materials/Substances - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(ap) Hydrologic Soil Group (HSG) - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS [1.2](#)).

(aq) IWRP - The York County Integrated Water Resources Plan, which Plan includes Act 167 Plan elements and requirements.

(ar) Illicit Connections - An illicit connection is defined as either of the following: (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system and/or Waters

of the Commonwealth including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system and/or Waters of the Commonwealth from indoor drains and sinks, regardless of whether said drain or connections had been previously allowed, permitted, or approved by an authorized enforcement agency; or (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system and/or Waters of the Commonwealth which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(as) Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system.

(at) Impervious Surface (Impervious Area) - A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. However, any surface or area designed, constructed and maintained to permit infiltration as specified herein shall be considered pervious, not impervious. For the purposes of this Ordinance, a surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two (2)-year 24-hour storm event.

(au) Industrial Activity - Activities subject to NPDES industrial permits as defined in 40 CFR §122.26(b)(14).

(av) Infiltration - The entrance of surface water into the soil, usually at the soil-air interface.

(aw) Infiltration Structures - A structure designed to direct runoff into the ground (e.g. french drains, seepage pits, seepage trench).

(ax) Karst - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst landscapes are formed on carbonate rocks, such as limestone or dolomite.

(ay) Land Development - Shall include any of the following activities: (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving: A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or B. The division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features. (2) A subdivision of land. (3) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

(az) Land Disturbance - Any activity involving grading, filling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

(ba) Low Impact Development (LID) – Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

(bb) Municipality - City of York, York County, Pennsylvania.

(bc) MS4 - Municipal Separate Storm Sewer System

(bd) NPDES - National Pollution Discharge Elimination System

(be) NRCS - USDA Natural Resources Conservation Service (previously SCS).

(bf) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by EPA (or by DEP under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of

pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(bg) Non-Stormwater Discharge - Any discharge to the storm drain system and/or Waters of the Commonwealth that is not composed entirely of stormwater.

(bh) O & M - Operation and Maintenance

(bj) O & M Plan - Operation and Maintenance Plan

(bj) PCSWMP - Post-Construction Stormwater Management Plan

(bk) Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.

(bl) Percolation - The downward movement, under the influence of gravity, of water under hydrostatic pressure through interstices of the soil or rock.

(bm) Person - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever. Whenever used in any section prescribing or imposing a penalty, the term "person" shall include the members of a partnership, the officers, agents and servants of a corporation and the officers of a municipality.

(bn) Pervious Area - Any area not defined as impervious.

(bo) Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(bp) Premises - Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalk and parking strips.

(bq) Project Site - The specific area of land where any regulated activities in the Municipality are planned, conducted, or maintained.

(br) Provisional No Detention District - A release rate district which does not require reduction of post development peak flow rates; provided, however, that adequate downstream conveyance capacity exists to convey such increased peak flow rates without adversely affecting any downstream properties.

(bs) Qualified Person - Any person licensed by the State of Pennsylvania or otherwise qualified by law to perform the work required by this Ordinance.

(bt) Regulated Activities - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

(bu) Regulated Earth Disturbance Activity - Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

(bv) Retention Basin - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

(bw) Retention Volume/Removed Runoff - The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

(bx) Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once

every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04, i.e., a 4% chance.

(by) Riparian Buffer - A Best Management Practice that is an area of permanent vegetation along surface waters. (Such areas serve as natural vegetative filters between upland landscapes and waterways.)

(bz) Riser - A vertical pipe extending from the bottom of a pond or other water impoundment that is used to control the discharge rate from the pond or impoundment for a specified design storm.

(ca) Rooftop Detention - Temporary ponding and gradual release of stormwater falling directly onto roof surface by incorporating control-flow roof drains into building design.

(cb) Runoff - Any part of precipitation that flows over the land.

(cc) Runoff Characteristics - The surface components on any watershed which either individually or in any combination thereof, directly affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to vegetation, soils, slopes and any type of manmade landscape alterations.

(cd) SCS - Soil Conservation Services, U.S. Department of Agriculture

(ce) Sediment - Soils or other materials transported by surface water as a product of erosion.

(cf) Sediment Basin - A barrier, dam, retention or detention basin designed to retain sediment.

(cg) Seepage Pit/Seepage Trench - An area of excavated earth filled with loose stone or similar materials into which surface water is directed for infiltration into the ground.

(ch) Semi-Pervious Surface - A surface which permits a limited amount of vertical transmission of water.

(ch-1) Sheet Flow - Water flow with a relatively thin and uniform depth.

(ci) Soil-Cover Complex Method - A method of runoff computation in NRCS publication "Urban Hydrology for Small Watersheds", Technical Release No. 55.

(cj) Spillway - A depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond or basin.

(ck) State Water Quality Requirements - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

(cl) Storm Drain System - Publicly or privately owned facilities by which stormwater is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(cm) Storm Frequency - The number of times that a given storm event occurs on average in a stated period of years.

(cn) Storm Sewer - A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

(co) Stormwater - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

(cp) Stormwater Management District Watershed Maps- Appendix C - Defining release rate criteria within the watershed.

(cq) Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities

include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration facilities.

(**cr**) Stormwater Management Plan - Parts and/or elements of the York County Integrated Water Resources Plan which incorporate the requirements of the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Storm Water Management Act."

(**cs**) Stormwater Management Best Management Practices - Is abbreviated as BMPs or SWM BMPs throughout this Ordinance.

(**ct**) Stormwater Management Site Plan - The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance. For all NPDES permitted sites, the Stormwater Management Site Plan shall include, and be consistent with, the Erosion and Sediment Control Plan as submitted to the York County Conservation District (YCCD) and/or DEP.

(**cu**) Stormwater Pollution Prevention Plan - A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(**cv**) Stream Enclosure - A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

(**cw**) Subarea - The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

(**cx**) Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(**cy**) SWM - Stormwater Management.

(**cz**) Swale - A low-lying stretch of land which gathers and/or carries surface water runoff.

(**da**) Time of Concentration (Tc) - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

(**db**) USDA - United States Department of Agriculture.

(**dc**) Waters of this Commonwealth - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

(**de**) Watercourse - a stream of water; river, brook, creek, or a channel or ditch for water, whether natural or man-made. (dc) Watershed - Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

(df) Watershed – Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

(**dg**) Wastewater - Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(dh) Wetland - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(dj) YCCD - York County Conservation District (Ord. 32-2011. Passed 10-4-11.)