

WAVERLY TOWNSHIP, LACKAWANNA COUNTY

ORDINANCE NO. 2019- 152

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WAVERLY, LACKAWANNA COUNTY, PENNSYLVANIA, IMPLEMENTING A STORMWATER MANAGEMENT PROGRAM AND FEE FOR THE STORMWATER MANAGEMENT SYSTEM OF WAVERLY TOWNSHIP, RELATED RULES AND REGULATIONS, AND RELATED CREDIT POLICY.

WHEREAS, inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety; and

WHEREAS, a comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the municipality and all the people of the Commonwealth, their resources, and the environment; and

WHEREAS, the Township of Waverly has created an Ordinance for the Stormwater Management System of Waverly Township to promote health, safety, and welfare within the Township by minimizing the damages described; and

WHEREAS, the Township is empowered to assess reasonable and uniform fees based in whole or in part on the characteristics of the property benefitted by the storm water facilities, systems, and management plans by the authority of the Second Class Township Code, 53 P.S. § 67705; and

WHEREAS, the Second Class Township Code, 53 P.S. § 67705(b)(3), further empowers the Township to assess the aforementioned fee by establishing a stormwater management district.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Waverly Township, Lackawanna County, Pennsylvania, as follows:

SECTION I. ADOPTION OF ORDINANCE FOR THE STORMWATER MANAGEMENT SYSTEM OF WAVERLY TOWNSHIP

1. The Ordinance for the Stormwater Management System of Waverly Township is hereby approved and adopted as follows:

SECTION 1 – DEFINITIONS

WAVERLY TOWNSHIP, LACKAWANNA COUNTY

ORDINANCE NO. 2019- __

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WHEREAS, the Second Class Township Code, 53 P.S. § 67705(b)(3), further empowers the Township to assess the aforementioned fee by establishing a stormwater management district.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Waverly Township, Lackawanna County, Pennsylvania, as follows:

SECTION I. ADOPTION OF ORDINANCE FOR THE STORMWATER MANAGEMENT SYSTEM OF WAVERLY TOWNSHIP

1. The Ordinance for the Stormwater Management System of Waverly Township is hereby approved and adopted as follows:

SECTION 1 – DEFINITIONS

Terms and phrases used and not specifically defined herein shall be defined as set forth in the applicable statutes of the Commonwealth of Pennsylvania, ordinances and resolutions of the Township of Waverly (the “Township”), if any, or shall otherwise be given their ordinary and common meanings. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance for the Township relating to stormwater management shall be as follows:

- A. Best Management Practices (“BMPs”) – The methods, procedures, and analyses specified in the Pennsylvania Stormwater Best Management Practices Manual to reduce flooding potential and control the volume, flow rate, and water quality of stormwater.
- B. Credit – A Stormwater Management Program Fee reduction that a property Owner receives for implementing and complying with the practices and policies contained in this Ordinance and any related Credit Policy. The Credit Policy is included as Section 14 herein.
- C. Credit Application – The Waverly Township Stormwater Management Program Fee Credit Application that is attached hereto as Appendix C, and must be used to obtain the Credit(s) described in Section 14 of this Ordinance.
- D. Developed Parcel – A parcel altered from a natural state that contains Impervious Surface equal to or greater than 300 square feet. Excludes Township-owned properties, public roads, common area parcels (i.e. parcels without dwelling units) owned by homeowner associations, and land under initial development prior to issuance of a certificate of occupancy; however, a parcel undergoing initial development that does not receive a certificate of occupancy within three (3) years from the start of construction will be considered a Developed Parcel.
- E. Education Credit – The education credits described in Section 14.26 of this Ordinance. The Education Credit consists of either a Tier One Education Credit or a Tier Two Education Credit.
- F. Equivalent Residential Unit (“ERU”) – The measure of impervious ground cover for a typical single-family detached residential Property used in assessing the fees for each parcel of developed Property, and that has been determined to be 3,200 square feet.
- G. Fertilizer Management Credit – The fertilizer management credit described in Sections 14.27 and 14.28 of this Ordinance.
- H. Impervious Surface – A surface that prevents or impedes the infiltration of water into the ground. Impervious Surfaces include, but are not limited to, streets, sidewalks, pavements, driveway areas, and roofs. Any surface areas designed to be gravel or crushed stone shall be regarded as Impervious Surfaces. The water surface area of a swimming pool is not included as Impervious Surface.
- I. MS4 – Municipal Separate Storm Sewer System.
- J. National Pollutant Discharge Elimination System (“NPDES”) – The federal government’s

and Commonwealth of Pennsylvania's system for issuance of discharge permits under the federal Clean Water Act ("CWA"), the Pennsylvania Clean Streams Law, and Storm Water Management Act. The Pennsylvania Department of Environmental Protection ("PADEP") has been delegated the responsibility to implement the federal CWA NPDES program in Pennsylvania.

- K. Non-Residential Properties ("NR") – All Developed Parcels other than Single Family Residential Properties, including multi-family properties such as apartments and mixed use parcels (i.e. parcels with both residential and commercial use). Non-Residential Properties also include mobile home parks, places of worship, commercial institutional, governmental, and industrial parcels.
- L. Operation and Maintenance – The associated costs of equipment and facilities, energy, manpower, materials, transportation, and services required to collect, convey, detain, pump, and transport stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, administer the Stormwater Management Program, and shall include sums paid to defray costs of the Township's improvements to the Stormwater Management System.
- M. Operation and Maintenance Agreement – An agreement pertaining to the operation and maintenance of stormwater management BMPs.
- N. Owner – Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society, or group owning real property in Waverly Township.
- O. PADEP – Pennsylvania Department of Environmental Protection.
- P. Parcel Identification Number (PIN) – A discrete identification number for each lot, parcel, building, or other structure within the Township.
- Q. Pennsylvania Stormwater Best Management Practices Manual – The most recent version of the Pennsylvania Stormwater Best Management Practices Manual.
- R. Property – Each lot, parcel, building, or portion thereof, separately established by folio number on the tax rolls of Waverly Township or Lackawanna County.
- S. Rate Control Credit – The Credit described in Section 14.19 of this Ordinance.
- T. Replacement – The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances that are necessary during the service life of the Stormwater Management System so as to maintain the capacity and performance for which said system was designed and constructed, and shall include costs associated with improvements to the Stormwater Management System.
- U. Riparian Buffer Area (RBA) – A portion of the property of at least 100 feet measured landward from the stream bank (or from the edge of the ordinary high water) as a riparian

- buffer area. The buffer must extend along the entire length of the stream/creek within the property.
- V. Riparian Buffer Area (RBA) Preservation Credit – The Credit described in Sections 14.20 – 14.25 of this Ordinance.
 - W. Single Family Residential Properties (“SFR”) – Developed Parcels containing single family residential homes, attached homes, townhomes, condominiums, duplexes, and row homes. Developed Parcels may be classified as “SFR” despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. “SFR” shall not include Developed Parcels containing: (a) structures used primarily for non-residential purposes, (b) mobile homes located within mobile home parks, or (c) apartment buildings or agricultural properties. A Developed Parcel that does not contain a dwelling unit (e.g. it contains a garage, shed, driveway, parking area, or other impervious area) will be classified as SFR if the parcel is zoned as a residential parcel.
 - X. Stormwater – Stormwater is runoff water from all precipitation events, snowmelts, and springs.
 - Y. Stormwater Main – A principal pipe in the Stormwater Management System, owned and maintained by the Township, to collect and transport stormwater.
 - Z. Stormwater Management Costs – The associated public costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation, and services required to:
 - a. Avoid, reduce, manage, treat, collect, convey, detain, infiltrate, pump, and transport stormwater;
 - b. Provide flood protection;
 - c. Keep equipment and facilities, including best management practices, functioning satisfactorily and economically;
 - d. Administer the stormwater management program, including regulatory compliance; and
 - e. Improve the Township’s Stormwater Management System.
 - AA. Stormwater Management Rate District (or “Rate District”) – A geographic area within the Township consisting of land identified and described in Section 3.1 of this chapter. The precise boundaries of the Stormwater Management Rate District are shown on an official map that is available for inspection at the Township offices and is incorporated herein by reference.
 - BB. Stormwater Fee Credit and Adjustment Policy (“SFCAP”) – The comprehensive program developed and implemented by the Township in this Ordinance to address stormwater issues, including, but not limited to, reductions in storm runoff rate and volume,

improvements to water quality, compliance with state/federal regulatory permit (e.g. MS4 Permit) requirements, to provide detailed guidance and procedures to incentivize Township residents and businesses to reduce their User Fee by undertaking and implementing approved activities that will reduce the rate and/or volume of stormwater runoff and/or reduce the pollutants in that runoff, and to provide for the satisfactory management of the Stormwater Management System assets.

- CC. Stormwater Management System – The public system of collection and conveyance, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, dams, flood control structures, stormwater best management practices, channels, detention ponds, public streets, curbs, drains, and all devices, appliances, appurtenances, and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, discharging, and/or treating stormwater.
- DD. Structural BMPs – 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.
- EE. Top of Streambank – First substantial break in slope between the edge of the bed of the stream and the surrounding terrain. The top of streambank can either be a natural or constructed (that is, road or railroad grade) feature, lying generally parallel to the watercourse.
- FF. Township – The Township of Waverly, Lackawanna County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania.
- GG. Undeveloped Parcel – A parcel that does not meet the definition of “Developed Parcel.”
- HH. User – Any person, firm, corporation, individual, partnership, company, association, government agency, society, or group using, benefiting from, or being served by the public Stormwater Management System.
- II. User Fee – Funds assessed, imposed and to be collected pursuant to this Ordinance from each SFR Property and Non-Residential Property by discrete PIN which uses, benefits from, or is serviced by the Stormwater Management System, or discharges Stormwater, directly or indirectly, into the Stormwater Management System for the use of such system and the service rendered by, and improvement of, such system.
- JJ. Volume Control Credit – The volume control credits described in Section 14.18 of this Ordinance.

SECTION 2 – CONNECTIONS TO THE SYSTEM

- 2.1. It shall be unlawful for any owner of property within the Township to establish a physical connection to the Stormwater Management System, except as provided for herein or under

any other applicable Rules, Regulations, Ordinances, or specifications of the Township. The Township specifications are available at the Township Building or website.

- 2.2. Developed Parcels that are physically connected to the Stormwater Management System as of the date of enactment of this Ordinance, may be permitted to remain connected to the Stormwater Management System, until such time that any improvement is made to that particular stormwater main serving that particular property, at which time the connection may be abandoned, at the sole discretion of the Township.
- 2.3. It is recognized that a circumstance may exist wherein no means of controlling stormwater is available to a particular property except by direct connection to the Stormwater Management System. No person shall make or cause to be made any connection with the Stormwater Management System until they have fulfilled all of the following conditions and procedures:
 - 2.3.1. Any owner desiring to connect to the Stormwater Management System of the Township must first make a written application for a permit at least two (2) weeks before the service is required. No work of any nature shall commence before the issuance of said permit.
 - 2.3.2. The application will state the property's address, the owner's name, the reason that the connection is necessary, the proposed use of the property, conveyance criteria calculating anticipated stormwater flow, and the size of pipe, basins, and any proposed appurtenances.
 - 2.3.3. The owner or his authorized agent must sign the application. The application together with this Ordinance and all other applicable local resolutions or ordinances shall regulate and control the provision of stormwater service to the property.
 - 2.3.4. The application must be accompanied by any required service charges and any other fees, including any amount required for deposit in an escrow account to cover necessary plan review and inspection costs, established by the Township from time to time.
 - 2.3.5. The application must contain a proposed date when the connection will be ready for inspection.
 - 2.3.6. Any connection to the Stormwater Management System shall conform in all respects to the specifications of the Township. Such specifications are available at the Township Building or at www.waverlytwp.com.
- 2.4. When an application has been made for a stormwater connection or change in an existing service, it is assumed that all plumbing, piping, and fixtures that will be serviced are in order to receive the service. The Township shall not be liable in any case for any accident, breaks, or leakage arising in any way in connection with the acceptance of stormwater flow or failure to accept stormwater flow, or the freezing of pipes or fixtures, nor for any damage to the building or property which may result from the usage or non-usage of stormwater service provided to the property.

- 2.5. At the time of the inspection of the stormwater connection, the owner shall permit the Township's designated inspector full and complete access to all pipes and appurtenances in each building and in and about all parts of the property. No portion of the work shall be covered over, or in any manner concealed, until after it is inspected and approved by the inspector.
- 2.6. No stormwater lateral shall be laid in the same trench with a water, sewer, or gas pipe, or with any facility of a public service company, or within five (5) feet of any excavation or vault without written approval of the Township.
- 2.7. Notwithstanding any other provisions to the contrary, the Township shall at all times reserve the right to withhold the issuance of any permit for connection to the Stormwater Management System until the owner provides collateral or security as the Township in its sole and absolute discretion deems adequate. Such security is to provide a fund from which all costs and expenses can be paid for the construction of any necessary connection from the existing stormwater main to the property of the owner, in the event the owner or any successor fails to complete the construction.
- 2.8. The property owner who is approved for connection to the Stormwater Management System shall be responsible for all direct and indirect costs associated with providing said connection including the cost of excavating the main, making the actual connection, and surface restoration.

SECTION 3 – FEES

- 3.1. For purposes of this Ordinance and pursuant to 53 P.S. § 2705(b)(3), the Township hereby creates and establishes a Stormwater Management Rate District. The boundaries of the Stormwater Management Rate District shall be coterminous with the geographic region in the Township designated as an Urbanized Area by the latest Decennial Census by the U.S. Census Bureau for purposes of MS4 compliance by the Department of Environmental Protection or the United States Environmental Protection Agency. The precise boundaries of the Stormwater Management Rate District are shown on an official map that is available for inspection at the Township offices and is incorporated herein by reference.
- 3.2. For the use of, benefit by, and the services rendered by the Stormwater Management System, including its operation and maintenance, repair, replacement, and improvement of said system and all other expenses, User Fees are imposed upon each and every Developed Parcel, building, or portion thereof located in the Rate District that is connected with, uses, is serviced by, or is benefited by the Stormwater Management System, either directly or indirectly, and upon the owner(s) of such developed lots, parcels of land or buildings. Such User Fees shall be payable by and collected from the owners of such developed lots, parcels of land, or buildings as hereinafter provided, and shall be determined as set forth below.
- 3.3. User Fees shall be assessed, liened and collected by PIN as to all Property, Owners, lots, parcels, building units, and Users.

- 3.4. The User Fee per ERU is established by this Ordinance. A Rate Schedule containing the currently applicable User Fee and any other charges is attached hereto as Appendix A. Please note that the User Fee and applicable ERU calculations may, in the discretion of the Township, be amended from time-to-time by appropriate resolution of the Township and, to the extent practicable, Appendix A hereto will be updated to reflect any such revisions.

SECTION 4 – BILLING AND COLLECTION

- 4.1. Unless expressly excepted, the User Fees fixed and established by this Ordinance shall be effective as to all Developed Parcels in the Rate District that use, are served, or are benefited by the Township's Stormwater Management System, either directly or indirectly. The User Fees fixed and established by this Ordinance shall be effective to all Developed Parcels that use, are served, or are benefited by the Stormwater Management System existing as of the effective date of this Ordinance, and shall be effective to all other Developed Parcels thereof that use, are served or benefitted by the Stormwater Management System subsequent to the effective date of this Ordinance.
- 4.2. User Fees imposed by this Ordinance shall be assessed and billed by the Township or its authorized agent on a yearly basis. Such assessments shall be due and payable ninety (90) days from the date the bill is rendered. The yearly billing date shall be on or about April 1. The User Fees assessed and collected will not be subject to the proration or refund by the Township in the event a Property is sold; provided, however that this sentence shall not bind a buyer and seller from making their own proration of any User Fees assessed hereunder.
- 4.3. The Board of the Township may review and update the User Fees fixed and established by this Ordinance as deemed necessary.
- 4.4. All User Fees are due and payable upon presentation and if not paid within ninety (90) days from the date of billing shall be subject to a ten percent (10%) penalty. Interest at a rate of one half percent (1/2%) per month shall accrue and be added to all original amounts of User Fees remaining unpaid at the end of the quarter in which the same were first imposed and assessed, and shall continue to accrue until the full amount of such User Fees are paid in full.
- 4.5. In accordance with the Municipal Claims Act, 53 P.S. § 7101, et seq. (as amended), all rates, and charges, penalties, interest, collection fees, lien filing and satisfaction fees, and other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject property and its owner from the date of their imposition and assessment.

SECTION 5 – RIGHT OF INSPECTION

- 5.1. When applying for a Credit, the Owner agrees that a properly identified Township representative may at reasonable times enter any property unannounced to inspect the property, or condition, or operation of BMPs. If, after its review or inspection, Township staff finds the BMPs or Operations and Maintenance Agreement out of compliance with either the Credit Application or operational requirements, the Owner will be notified in

writing and given sixty (60) days to correct the inaccuracy or non-compliance (“Notice of Non-Compliance”).

- 5.2. The Owner will have sixty (60) days following the receipt of the Notice of Non-Compliance to provide the Township written documentation and evidence satisfactory to Township staff that the issues described in the Notice of Non-Compliance have been corrected. If the Owner fails to provide a written response within the designated time frame or if the issues described in the Notice of Non-Compliance have not been corrected, the Credit will be suspended the following billing cycle. The Credit suspension will remain in effect a minimum of three (3) months. The Owner may reapply for the Credit once it has documentation, satisfactory to Township staff, that the issues described in the Notice of Non-Compliance have been corrected and that the BMP has been functioning in compliance with the requirements for a minimum of three (3) months.
- 5.3. The Township may, but is not required to, enter onto any property to do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Township related to the Stormwater Management System. Such acts may include repair to components of the Stormwater Management System located on private property when deemed necessary to protect the health, safety, and public welfare. The Township assumes no liability for undertaking repairs pursuant to this Section.

SECTION 6 – UNLAWFUL USE OF STORMWATER MANAGEMENT SYSTEM

- 6.1. No user connected to the Stormwater Management System shall discharge or cause to be discharged into the Stormwater Management System any element or property of sewage, agricultural, industrial, or commercial waste, leachate, heated effluent, or any other matter that is not stormwater, whether originating at a point or nonpoint source.
- 6.2. No person shall connect, cause to be connected, or allow any other person to connect any building and/or property or other source of water to the Stormwater Management System in any manner other than as provided for in this Ordinance.
- 6.3. No person shall make, or cause to be made, any cross connection between any pipe, fixture, or other appurtenance connected in any way to the Stormwater Management System and any public or private component of any potable water system or wastewater source; whereby, in the opinion of the Township, the potential exists for vacuum or back siphonage which could permit the co-mingling of sanitary wastes, stormwater, and/or potable water.

SECTION 7 – PROHIBITED WASTES

- 7.1. The discharge of stormwater to the Stormwater Management System in any manner other than allowed by this Ordinance and all other applicable local resolutions or ordinances, is expressly prohibited.
- 7.2. The discharge of excessive amounts of stormwater to the Stormwater Management System is expressly prohibited. The Township reserves the right to define the amount it deems excessive under the Township Stormwater Ordinance.

- 7.3. The discharge of garbage or any form of waste to the Stormwater Management System is expressly prohibited.
- 7.4. Users of the Township's Stormwater Management System are advised that they are likewise subject to all local resolutions and ordinances governing stormwater, whether or not specifically set forth herein. If a conflict exists between the rules and regulations stated herein, and any Township resolution or ordinance, the more stringent regulation or requirement shall apply and control.

SECTION 8 – GENERAL AND MISCELLANEOUS PROVISIONS

- 8.1. The Township may implement such administrative procedures necessary to implement the policies and requirements set forth in this Ordinance.
- 8.2. Floods from stormwater may occur occasionally that exceed the capacity of the Stormwater Management System maintained and financed with User Fees. Nothing herein shall be deemed to imply that Developed Parcels subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in this Ordinance shall deem the Township liable for any damages incurred from stormwater or from adverse water quality. Nothing herein is intended to reduce the need or necessity for flood insurance, and the Township expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Township, its officers, employees, and/or agents arising out of any alleged failure or breach of duty with respect to the Township's Stormwater Management System.
- 8.3. The Township will review and update the User Fees fixed and established by this Ordinance by resolution every five (5) years or sooner as deemed necessary.
- 8.4. No agent or employee of the Township shall have the right or authority to bind the Township by any promise, agreement, or representation contrary to the letter or intent of this Ordinance.

SECTION 9 – APPEAL PROCEDURES

- 9.1. Any owner who believes the provisions of this Ordinance have been applied in error may appeal in the following manner and sequence.
- 9.2. An appeal of the rate and charge must be filed in writing with the Township or its designee within ninety (90) days of the charge being mailed or delivered to the property owner. Any appeal must state the reasons for the appeal and be submitted using the forms provided by the Township for such purpose. *See Appendix D.* If a customer believes that the Township's determination of the Impervious Surface for their property is erroneous, they may file an Impervious Surface Adjustment Appeal. Please note, appeals are different from Credits. It is the customer's responsibility to demonstrate that the Township's calculation of Impervious Surface is erroneous. Following submission of a *Stormwater*

Adjustment Appeal Form, the customer shall grant the Township permission to enter the parcel at reasonable times and without unreasonable disruption, to inspect the parcel to ensure that the information provided in the adjustment appeal accurately represents the current parcel conditions. There is no fee associated with submitting an adjustment appeal, however, the customer is solely responsible for any costs incurred in the preparation and submission of the adjustment appeal and all required appeal documentation.

- 9.3. Using information provided by the appellant, the Township (or its designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. In response to an appeal, the Township may adjust the User Fees applicable to the property in accordance with the provisions of this Ordinance. If the Township fails to respond within sixty (60) days, the appeal shall be deemed accepted. If the adjustment appeal results in a revised calculation of Impervious Surface, then the User Fee will be corrected to reflect the revised Impervious Surface determination for the next billing cycle and will include an adjustment to the existing month's User Fee.
- 9.4. Any person aggrieved by any decision of the Township, relevant to the provisions of this Ordinance, may file an action in the Court of Common Pleas of Lackawanna County as permitted by law.

SECTION 10 – POLICIES AND PROCEDURES AUTHORIZED

- 10.1. The Township may by resolution adopt such rules, regulation, policies, and procedures as it deems appropriate to ensure collection of rates and charges assessed and imposed pursuant to this Ordinance. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency, filing of liens, scire facias sur municipal lien proceedings to collect filed liens, and all other measures or combinations thereof which the Board may deem appropriate.
- 10.2. All costs of such collection procedures, including but not limited to fees for filing, perpetuation, and satisfaction of liens, collection fees, attorney's fees, court costs, litigation expenses, and charges for service of documents, shall upon being incurred by the Township be imposed as a charge for nonpayment and added to the balance due on said Owner's account.
- 10.3. No lien shall be satisfied nor shall any collection proceeding be discontinued until all amounts due on an account, including User Fees, interest, collection fees, attorneys' fees, court costs, and other charges are first paid in full to the Township.
- 10.4. The Township may implement such administrative procedures necessary to implement the policies and requirements set forth in this Ordinance.

SECTION 11 – STORMWATER REVENUE ACCOUNT

- 11.1. Unless expressly provided for or required by law or applicable agreement related to stormwater management, the funds received from the collection of the User Fees authorized by this Ordinance shall be deposited into the Township's Stormwater Revenue Account, a fund and account dedicated to the operation and administration of the SFCAP, and for the operation, maintenance, repair, and capital improvement of the Stormwater System.

SECTION 12 – NO WARRANTY OR ACTION

- 12.1. Nothing in this Ordinance or in the design, operation, or maintenance of the Stormwater System shall be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action seeking the imposition of money damages against the Township, its officers, employees, or agents. The Township expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Township, its officers, employees, and agents arising out of any alleged failure or breach of duty or relationship as may not exist or hereafter be created.

SECTION 13 – PENALTIES

- 13.1. The Township may also enforce the terms of this Ordinance by an appropriate action brought in the Court of Common Pleas of Lackawanna County, Pennsylvania.

SECTION 14 – STORMWATER FEE CREDIT AND ADJUSTMENT POLICY

- 14.1. An integral component of the SFCAP includes implementation of a program to incentivize Township residents and businesses to reduce their User Fee by undertaking and implementing approved activities that will reduce the rate and/or volume of stormwater runoff and/or reduce the pollutants in that runoff. The Township has developed this policy to provide detailed guidance and procedures on such activities.
- 14.2. Property Owners required to pay User Fees pursuant to this Ordinance may be eligible for a Credit against the User Fee as specified herein, provided that there are outstanding and unpaid User Fees or sanitary sewer fees against the property. Property Owners must submit the appropriate Credit Application (Appendix C) along with any documentation required by the Township. All Developed Parcels are potentially eligible for Credits, however, certain Credits are only available to certain categories of Owners in accordance with Table 1 contained in Appendix B hereto. Note that credit availability may be modified by the Township from time-to-time by appropriate resolution and corresponding changes will be made to Appendix B hereto, to the extent practicable.
- 14.3. Credit Applications, using the *Stormwater Management Program Fee Credit Application* (Appendix C), must be submitted to the Township along with any documentation required by the application no later than sixty (60) days prior to the start of the first billing to which the Credit will be applied. Credits will not be applied retroactively. No refunds shall be

given for any User Fees that were paid prior to the Township's final approval of the Credit Application. There is no fee associated with submitting a credit application.

- 14.4. The Township reserves the right to request additional supporting information if the provided information does not clearly support the requested type or amount of Credit. The Township or its designee will review all plans, materials, and documentation related to the Credit Application for accuracy. If, after review, the Credit Application and/or accompanying documentation is found to be deficient, the applicant will be notified in writing within sixty (60) days upon receipt of the deficient Credit Application and/or accompanying documents. If all deficiencies are corrected and the Credit Application is approved, then the applicable Credits will take effect on the next billing period after notice of approval is given to the applicant. The Credit Application process does not relieve the property Owner of its obligations to make payments of User Fees that are assessed during the review process.
- 14.5. The Township or its designee will provide written notification of the credit determination within sixty (60) days upon receipt of a complete Credit Application and all required documentation. If a response is not made within sixty (60) days, then the Credit Application will be deemed denied. The written notification shall state the conditions of the issuance of the Credit and effective date of the Credit. If the Township or its designee does not approve the Credit Application in whole or in part, the property Owner shall also receive a written notice that includes the reason(s) for the decision.
- 14.6. If the property Owner disagrees with the Township's or its designee's decision, the Owner shall submit a request in writing to the Township for a meeting to discuss such decision. The Township or its designee will notify the property Owner as to the date and time of the meeting when the Credit Application will be considered. If the Township does not approve the Credit Application in whole or in part, the property Owner shall receive a written notice that includes the reason(s) for the decision.
- 14.7. Approved Credits will be valid for three (3) years, except when a term is explicitly noted otherwise. Credits will automatically expire at the end of such three (3) year period. Owners may re-apply to continue to receive Credits in accordance with policies that are in existence at the time of such renewal. Applications for renewals will be administered in the same way as first time applications.
- 14.8. An Owner must submit the application sixty (60) days prior to the desired start date of the Credit. Therefore, in order to maintain a Credit that is expiring, the property Owner should submit the Credit Application sixty (60) days prior to the expiration of the Credit. If the application is not submitted in time, or if there are deficiencies in the application resulting in non-approval of the Credit Application within sixty (60) days, the Credit will not be applied. If the Credit is renewed based on approval of the Credit Application, the Credit will be applied on the billing period following the approval. Credits will not apply retroactively for a missed billing period.
- 14.9. Upon written notice, the Township, in its sole discretion, may revoke any previously approved Credit for failure to meet Credit conditions or failure to meet minimum

maintenance requirements. The Township reserves the right to review for accuracy all plans, materials, and documentation related to a Credit Application and accompanying documentation at any time. If, after review, the Credit Application or accompanying documentation is found to be inaccurate, the Owner will be notified in writing and given sixty (60) days to correct the deficiency. The applicant must provide written documentation to the Township or its designee within sixty (60) days of the original notice that the deficiency has been corrected. If, in the opinion of the Township or its designee, the deficiency is not satisfactorily corrected, the Credit currently applied to the property will be terminated effective the following billing cycle.

- 14.10. If a property has been granted a Credit for Structural BMPs, the property Owner must submit to the Township or its designee periodic inspection reports. If such reporting requirements are not met, then Credits will be suspended.
- 14.11. The inspection report must be submitted annually or more frequently if required by an Operation and Maintenance Agreement. The inspection report must show or document compliance to the Township or its designee's satisfaction with all program requirements for the preceding calendar year. If the inspection report is incomplete or is not submitted to the Township or its designee by the deadline for reporting as established in the Operation and Maintenance Agreement, the property shall be considered to be in non-compliance with the Credit program requirements and the Credit will be suspended. The Credit suspension will not be reinstated until the completed inspection report is submitted to the Township or its designee with documentation, to the Township's or its designee's satisfaction, that the program for which the Credit is being given is being implemented as intended. There is no fee associated with submitting an inspection report.
- 14.12. The Township or its designee may enter at reasonable times any property to inspect the condition or operation of BMPs. If, after its review or inspection, the Township or its designee finds the Credit Application or any inspection report to be inaccurate or any BMP(s) to be out of compliance, the property Owner will be notified in writing with a notice and given sixty (60) days to correct the inaccuracy or non-compliance ("Notice of Non-Compliance").
- 14.13. Within sixty (60) days following the Owner's receipt of the Notice of Non-Compliance, the Owner must provide to the Township or its designee written documentation and evidence satisfactory to the Township or its designee that the issues described in the Notice of Non-Compliance have been corrected and/or that the facility (BMP) is in compliance with all application program requirements. If the issues in the Notice of Non-Compliance have not been corrected or the facility (BMP) is not in compliance as required by the Notice of Non-Compliance, or if the property Owner fails to provide a response to the Township or its designees within the sixty (60) day period, the Credit will be suspended on the following billing cycle.
- 14.14. The Credit suspension will remain in effect for six (6) months, after which time the property Owner may reapply for the Credit. The reapplication must include evidence satisfactory to the Township or its designee that the issues stated in the Notice of Non-Compliance have

been corrected or that the BMP has been in compliance with program requirements for at least three (3) months prior to reapplication.

- 14.15. Credits are available for Structural BMP(s) that comply with the Township's Rules and Regulations including the Township's Stormwater Management Ordinance or other reasonable standards that the Township may adopt or implement from time-to-time relating to volume control or rate control. .
- 14.16. Structural BMP Credits are applicable only to properties with Structural BMPs that have a valid Operation and Maintenance Agreement. If an existing BMP does not have a valid Operation and Maintenance Agreement, then the Credit applicant shall prepare and submit with the Credit Application an executed Operation and Maintenance Agreement prepared in accordance with the requirements of the Township.
- 14.17. To apply for a Structural BMP Credit, property Owners must submit information documenting that the BMP has been inspected by a professional engineer licensed in Pennsylvania. The inspection shall be a visual inspection to document that the BMP is operating in accordance with its intended function and identify any required BMP maintenance or repairs to allow it to remain in good operating condition. If information on the design standards and design of the BMP is not available, the applicant may contact the Township or its designee to determine to what extent the BMP may be eligible for a credit.
- 14.18. Structural BMPs that control the volume of stormwater runoff from a parcel (e.g. infiltration basin) are eligible for the Volume Controls Credit. Examples of volume controls are included in the Pennsylvania Stormwater Best Practices Manual. The Credit for BMPs that comply with the Stormwater Management Ordinance for newly Developed Parcels (i.e. assuming the pre-development condition had no Impervious Surface) shall be twenty-five percent (25%). The Credit for all other volume control BMPs shall be calculated as follows:

If Volume Control is being calculated using Method A:

$$\text{Credit} = 25\% * 1.5 * \% \text{ of Impervious Surface area considered as meadow in the model for existing conditions}$$

OR

25%, whichever is less

If Volume Control is being calculated using Method B:

$$\text{Credit} = 25\% * 1.5 * \% \text{ of Impervious Surface area captured}$$

OR

25%, whichever is less

- 14.19. Structural BMPs that control the rate of Stormwater runoff from a parcel (e.g. constructed wetlands) are eligible for the Rate Controls Credit. Examples of rate controls are included in the Pennsylvania Stormwater Best Practices Manual. The credit for BMPs that comply with the Stormwater Management Ordinance for newly Developed Parcels (i.e. assuming the pre-development condition had no Impervious Surface) shall be 25%. The credit for all other rate control BMPs shall be calculated as follows:

$$\text{Credit} = 25\% * \% \text{ of Impervious Surface area captured}$$

- 14.20. The Riparian Buffer Area Preservation Credit is applicable to properties adjacent to streams and creeks within the Township that preserve the riparian buffer by dedicating a portion of the property of at least 100 feet measured landward from the stream bank (or from the edge of the ordinary high water) as a Riparian Buffer Area (RBA). The buffer must extend along the entire length of the stream/creek within the property. The amount of credit applied is at the discretion of the Township up to a maximum of twenty-five percent (25%) per bank for properties with less than 1,000 linear feet (LF) of stream bank. If the property contains more than 1,000 linear feet (LF) of stream bank and the entire stream bank located within the property is preserved as RBA, the property may receive an additional 15 percent (15%) credit; therefore, the maximum possible RBA credit for a property with one stream bank is forty percent (40%). The credit is applicable to both banks; therefore, a property that contains both banks of the creek/stream may obtain the maximum 50% credit when preserving and dedicating buffers on both sides of the creek/stream.
- 14.21. Buffers dedicated as RBAs are the corridors of environmentally sensitive land that lie alongside or near the shorelines of creeks or streams that drain into local waterways and eventually into the Chesapeake Bay. In their natural condition, RBAs protect water quality, filter pollutants out of stormwater runoff, reduce the volume of stormwater runoff, prevent erosion and perform other important biological and ecological functions. Property Owners are encouraged to plant indigenous trees and bushes in the buffer. In order to maintain the buffer preservation credit no mowing or removal of existing trees or bushes is allowed.
- 14.22. The property owner must post a sign provided by the Township that states "Environmental Protection Area, Do Not Disturb, Waverly Township, do not remove or relocate this sign." A sign should be posted at the landward limit of the buffer. For properties that extend more than 200 feet along a creek/stream, a sign should be posted every 200 feet along the creek/stream.
- 14.23. The property owner needs to inform the Township if any modifications are planned in buffers dedicated as RBAs. Buffer modifications should be minimized. Some of the permitted buffer modifications include:
- Dead, diseased, or dying trees may be removed
 - Thinning of trees permitted, pursuant to sound horticultural practice

- Trees may be pruned or removed to provide for sight lines and vistas. Removed trees must be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution.
 - Trees and vegetation may be removed for shoreline erosion control projects.
- 14.24. Fences are permitted in an RBA subject to compliance with the following design requirements that collectively maintain the functional value of the buffer. Fences should be designed so that they do not inhibit or alter surface flow (i.e., water must be able to flow under and through the fence unimpeded), and vegetation may only be removed to provide for the actual placement of the fence. Where vegetation is removed, it must be replaced with other native vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Fences should be located to avoid the removal of trees. If the fence were to be placed in an area that was an existing maintained lawn, the revegetation requirement would not be applicable.
- 14.25. A walkway or access to the creek/stream is allowed and its width should be minimized. Walkways and paths should be constructed and surfaced to control erosion.
- 14.26. 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 an Education Credit, the school must implement an educational program that 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 education program may include educational posters, take-home materials, classroom lessons, field trips, etc. developed by the PADEP, 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. Education 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 education program must be approved by the Township or its designee. The program may be taught in grades Kindergarten (K) through twelve (12). A school with more than 50% of its students enrolled in levels below Kindergarten (i.e. pre-K, pre-school, daycare, etc.) is not eligible for an Education Credit. The school or school system may be granted a credit up to twenty percent (20%) of the original User Fee. The Credit 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:

- 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.

- Tier Two Education Credit: A twenty percent (20%) 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.

A school district may apply for Credit for schools individually or make a single application for all schools in the school system. A school system may also include schools located outside the Township when determining its education tier if submitting a single Credit Application for all schools in its district. For schools that receive an Education Credit, documentation of the programs that were taught in the previous school year, number of students included in the education program, and programs that intend to be taught in the next school year, shall be submitted annually by June 15.

- 14.27. The Fertilizer Management Credit is applicable to Developed Parcels with lawns and/or landscaped areas where fertilizers are typically applied and which constitute at least twenty percent (20%) of the total parcel area. The amount of credit applied is at the discretion of the Township up to a maximum of fifteen percent (15%).
- 14.28. The property Owner and/or groundskeeper(s) must take a Fertilizer Management workshop provided by Penn State Extension, the Lackawanna County Conservation District or other provider approved by the Township and implement recommended fertilizing practices. The course must be taken annually. Documentation, including proof of enrollment, implementation of recommendations, number of fertilizer applications annually, and amount of fertilizer used per application must be submitted annually.
- 14.29. A Separate MS4 Permit Credit is applicable to parcels that are identified by PADEP as being required to obtain and comply with the terms of a Municipal Separate Storm Sewer System (MS4) Permit. Eligible parties may receive a 50% Credit that will be applied to the portions of the parcel served by its separate MS4 Permit. The portions of the parcel served by the MS4 will not be eligible for further credits above the 50% Credit. Portions of the parcel with Impervious Surface area runoff that is not captured by the MS4 are not eligible for the 50% MS4 Credit but may be eligible for Credits in accordance with Sections and of this document. MS4 Credit applicants must provide the following documents with their Credit Application: the MS4's most recent Notice of Intent for coverage and a copy of the MS4's most recent annual report.

The Credit for parcels with a separate MS4 will be calculated using the formula:

$$\text{Approved Credit} = 50\% * \% \text{ of Impervious Surface area served by separate MS4}$$

- 14.30. Property Owners may, at any time, commence an informal inquiry process with the Township, if the Owner believes that the User Fee for their property has been calculated incorrectly. The property Owner shall submit any such inquiry to the Township or its designee along with a detailed statement of the basis for such inquiry, documents

supporting the Owner's assertions, and any other information reasonably required by the Township. The Township or its designee will review the information submitted and the supporting materials within sixty (60) days and, if the inquiry is approved, adjust the User Fee accordingly.

- 14.31. If the Owner's request for an adjustment is approved, the property Owner will be credited any amount paid in excess of the adjusted User Fee from the date that the inquiry was first filed. The Credit will be applied to the subsequent billing period(s). Adjusted fees will be applied retroactively from the date the inquiry was first filed and no further.
- 14.32. If impervious structures are replaced with pervious structures (e.g. an asphalt parking lot is replaced with pervious concrete, etc.), this is considered a Structural BMP. In these situations, the property Owner should apply for a Credit, not file an inquiry for reduction of Impervious Surface area related to construction.
- 14.33. **DISCLAIMER** – By submitting a Township Stormwater Management Program Fee Credit Application pursuant to the Township Stormwater Management Program Credits and Incentives Policy, Property Owner acknowledges and agrees that he and his heirs, grantees, successors, and assigns shall be solely responsible and liable for the operation and maintenance of any and all BMPs constructed, installed, or employed by the Property Owner. The Township shall not be responsible for or liable with respect to the operation and maintenance of any BMP, or any damages arising therefrom. Property Owner and his or her heirs, grantees, successors, and assigns shall indemnify and hold harmless the Township, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorneys' fees) arising out of or resulting from the construction, installation, employment, maintenance, or operation of the BMP.

SECTION II. SEVERABILITY

In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance, it being the intent of this Governing Body that the remainder of the Ordinance shall remain in full force and effect.

SECTION III. REPEALER

All ordinances and resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

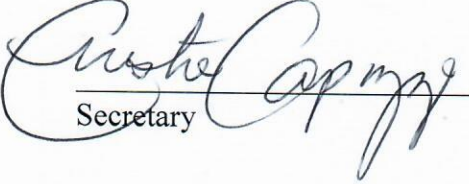
SECTION IV. EFFECTIVE DATE

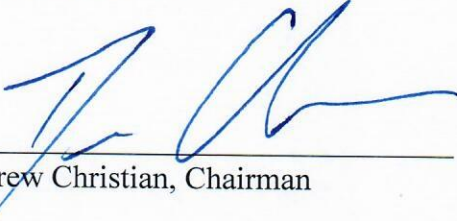
This Ordinance shall become effective immediately upon enactment.

DULY ENACTED AND ORDAINED this 29 day of April, 2019 by the Board of Supervisors of Waverly Township, Lackawanna County, Pennsylvania, in lawful session duly assembled.

ATTEST:

WAVERLY TOWNSHIP
LACKAWANNA COUNTY,
PENNSYLVANIA


Secretary


Drew Christian, Chairman

APPENDIX A – RATE SCHEDULE

RATE SCHEDULE

- 1.1. The User Fee per ERU shall be set at \$77.00 per year and billed on an annual basis.
- 1.2. Each SFR parcel shall initially be charged a User Fee of one ERU through an annual billing process. For those Developed Parcels with an existing wastewater bill from the Township, the User Fee will appear as a separate line item indicating the fee being imposed by the Township. Developed Parcels that do not receive a wastewater bill from the Township will receive a separate bill from the Township relating to the User Fee.
- 1.3. All Non-Residential Properties shall be billed on an annual basis based upon the number of square feet of measured Impervious Surface, with one ERU equaling 3,200 square feet of impervious area. The charge for said Developed Parcels shall be computed by multiplying the number of ERUs for a given parcel by the unit rate as set forth in Section 1.1 of this Rate Schedule. All partial ERUs will be rounded to the nearest whole number for billing purposes. In no event shall any such parcel be charged less than one ERU.
- 1.4. Notwithstanding the foregoing, public streets shall be exempt from User Fees under this Ordinance.

**APPENDIX B – SUMMARY OF AVAILABLE
CREDITS**

Table 1. Summary of Available Credits by Property Type.

CREDIT DESCRIPTION	STRUCTURAL	NON-STRUCTURAL	INSTITUTIONAL	MAXIMUM CREDIT AMOUNT
Rate Controls	X			25%
Volume Controls	X			25%
Education Program		X		20%
Fertilizer Management Program		X		15%
Separate MS4			X	50%
Riparian Buffer	X			25%

**APPENDIX C – STORMWATER MANAGEMENT
PROGRAM FEE CREDIT APPLICATION**

Stormwater Credit Application Form

Credit Application Instructions

This form is provided to Township stormwater customers who believe they qualify for an approved stormwater Credit. Customers should review the Township Credit Policy for eligibility requirements for Credits.

Please fill out all sections on the first page of the form, except for the last section marked "For Township Use Only." Please fill out all applicable sections on page 2 related to the Credits you are applying for.

You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

**Waverly Township
P.O. Box 8
1 Lake Henry Drive
Waverly, PA 18471-0008**

A Township representative will review the Stormwater Credit Application Form within sixty (60) days of receipt of the completed form.

Please Mark All Credits That Apply

- | | |
|---|---|
| <input type="checkbox"/> Fertilizer Management Credit | <input type="checkbox"/> Education Program Credit |
| <input type="checkbox"/> Structural BMP Credit | <input type="checkbox"/> Rate Control Credit |
| <input type="checkbox"/> Volume Control Credit | <input type="checkbox"/> Riparian Buffer Credit |
| <input type="checkbox"/> Separate MS4 Credit | |

Customer Information

Name: _____ Date: _____
Email: _____ Telephone: _____
Account Number: _____
Billing Street Address: _____
Address Line 2: _____
City, State, Zip: _____

For Township Use Only

Date Received: _____ Credit(s): Granted Denied
Date Reviewed: _____ Reviewer: _____

Stormwater Credit Application Form (Cont.)

Structural BMP

Check all boxes that apply:

- I have a BMP that controls for rate
- I have a BMP that controls for volume
- I have a BMP that controls for water quality
- I have a BMP but I'm not sure what it does

Please attached any supporting information.

Additional Credits

If you are applying for any of the following credits, the Township will contact you to discuss the details of the credit after you submit page 1 of the application.

- Separate MS4 Permit
- Education Credit

Confirmation of Credit Conditions and Township Access Rights

I, (please print name) _____ agree to all conditions of the Credits I have applied for as outlined in the Township *Stormwater Management Program Credits and Incentives Policy*. Additionally, I agree that the Township may at reasonable times enter my property to inspect the property or condition or operation of BMPs.

Property Owner Signature

Date

**APPENDIX D – STORMWATER ADJUSTMENT
APPEAL FORM**

Stormwater Adjustment Appeal Form

Appeal Instructions

This form is provided to Township stormwater customers who believe the Impervious Area (IA) and/or Equivalent Residential Unit (ERU) calculation for their property is incorrect. Customers should also use this form if it is believed that stormwater fees have been assigned for a parcel they don't own.

Please fill out all sections of the form, except for the last section marked "For Township Use Only."

You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

**Waverly Township
P.O. Box 8
1 Lake Henry Drive
Waverly, PA 18471-0008**

A Township representative will review the Stormwater Adjustment Appeal Form within five (5) business days of receipt of the completed form.

Approved adjustments will be applied to the current stormwater bill and all future billings.

Appeal Information

Appeal Type:
 ERU / IA Ownership

Property Type:
 Residential Non-Residential

Customer IA / ERU Estimate (optional): _____

Customer Information

Name: _____ Date: _____

Email: _____ Telephone: _____

Account Number: _____

Billing Street Address: _____

Address Line 2: _____

City, State, Zip: _____

Additional Supporting Information: _____

For Township Use Only

Date Received: _____ Appeal: Granted Denied

Date Reviewed: _____ Reviewer: _____

**APPENDIX E – PRE-APPLICATION
MEETING REQUEST FORM**

Pre-Application Meeting Request Form

Pre-Application Instructions

This form is provided to Township Non-Residential stormwater customers who want to install a new BMP or retrofit an existing BMP to become eligible for Township stormwater Credits.

Please fill out all sections on the form, except for the last section marked "For Township Use Only."

You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

**Waverly Township
P.O. Box 8
1 Lake Henry Drive
Waverly, PA 18471-0008**

A Township representative will be in contact to schedule a mutually agreeable meeting date and time to review the proposed changes.

Please Mark All That Apply

- I want to install a new BMP
- I want to retrofit an existing BMP
- I want to request a review of my property to determine potential BMPs

Other: _____

Customer Information

Name: _____ Date: _____

Email: _____ Telephone: _____

Account Number: _____

Property Street Address: _____

Address Line 2: _____

City, State, Zip: _____

Parcel ID (if known): _____

For Township Use Only

Date Received: _____ Date of Meeting: _____

Township Personnel: _____ Time of Meeting: _____

**APPENDIX F – CONTINUATION OF
EXISTING CREDIT FOR NEW
PROPERTY OWNERS**

Continuation of Existing Credits Form

Application Instructions

This form is provided to Township stormwater customers who are a new owner of a property that has existing Credits associated with the property.

Please fill out all sections on the form, except for the last section marked "For Township Use Only."

Please mail completed form to:

**Waverly Township
P.O. Box 8
1 Lake Henry Drive
Waverly, PA 18471-0008**

A Township representative will review the Application Form within five (5) business days of receipt of the completed form.

Please Mark All Credits That Apply

- | | |
|---|---|
| <input type="checkbox"/> Fertilizer Management Credit | <input type="checkbox"/> Education Program Credit |
| <input type="checkbox"/> Structural BMP Credit | <input type="checkbox"/> Rate Control Credit |
| <input type="checkbox"/> Volume Control Credit | <input type="checkbox"/> Riparian Buffer Credit |
| <input type="checkbox"/> Separate MS4 Credit | |

Customer Information

Name: _____ Date: _____
Email: _____ Telephone: _____
Account Number: _____ Parcel ID (if known): _____
Billing Street Address: _____
Address Line 2: _____
City, State, Zip: _____

I, (please print name) _____ agree to all conditions of the Credits associated with the above referenced property as outlined in the Township *Stormwater Management Program Credits and Incentives Policy*. Additionally, I agree that the Township may at reasonable times enter my property to inspect the property or condition or operation of BMPs. I also understand my obligations to any conditions listed in any Operation and Maintenance Agreements that are in existence for this property with the Township of Waverly.

For Township Use Only

Date Received: _____ Credit(s): Granted Denied

Date Reviewed: _____

Reviewer: _____