

**BOROUGH OF LANGHORNE  
BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-02**

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF LANGHORNE, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE  
LANGHORNE BOROUGH RESOURCE PROTECTION AND STORMWATER  
MANAGEMENT ORDINANCE TO BE IN COMPLIANCE WITH THE BOROUGH'S  
NPDES PERMIT REQUIREMENTS.**

**WHEREAS**, the Borough of Langhorne is a Borough organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Council of the Borough of Langhorne enacted the Langhorne Borough Resource Protection and Stormwater Management Ordinance; and

**WHEREAS**, the Borough of Langhorne is required to adopt revisions to the Langhorne Borough Resource Protection and Stormwater Management Ordinance to be consistent with the Pennsylvania Department of Environmental Protection 2022 Model Stormwater Ordinance;

**NOW, THEREFORE**, the Council of the Borough of Langhorne do hereby **ENACT** and **ORDAIN** as follows:

**SECTION 1: Addition of Section 307**

Section 307 is added to the Ordinance to read as follows:

**“Section 307 Erroneous Permit**

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Borough purporting to validate such a violation.”

**SECTION 2. Addition of Section 308**

Section 308 is added to the Ordinance to read as follows:

**“Section 308 Waivers.**

- A. If the Borough determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Borough may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to Section 308, paragraphs B and C.
- B. Waivers or modifications of the requirements of this Ordinance may be approved by the Borough if enforcement will exact undue hardship because of peculiar conditions

pertaining to the land in question, provided that the modification(s) will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification(s).

- C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Borough unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.”

### **SECTION 3. Revision to Section 406.D**

The second paragraph under the statement “To achieve this goal, the following criterion is established:” is revised and restated as follows:

“This volume requirement can be accomplished by the permanent volume of a wet basin or the detained volume from other BMPs. Where appropriate, wet basins shall be utilized for water quality control and shall follow the guidelines of the BMP Manuals referenced in the Ordinance Appendix F including the PA BMP Manual (December 2006).”

### **SECTION 4. Revision to 406.I**

The first paragraph of this section is revised and restated as follows:

- I. “Design of BMPs used for water quality control shall be in accordance with design specifications outlined in the *Pennsylvania Stormwater Best Management Practices Manual (December 2006)* or other applicable manuals. The following factors SHALL be considered when evaluating the suitability of BMPs used to control water quality at a given development site:”

### **SECTION 5. Revision to Section 801.C**

Section 801.C is revised and restated as follows:

- C. “Discharges that may be allowed based on a finding by the Borough that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
  - 1. Discharges or flows from firefighting activities.
  - 2. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).

3. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
4. Diverted stream flows and springs.
5. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
6. Non-contaminated HVAC condensation and water from geothermal systems.
7. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
8. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.”

#### **SECTION 6. Revision to Section 902**

Section 902 is revised to include the following paragraph prior to the last paragraph in Section 902:

“Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Borough within 30 days following completion of the inspection.”

#### **SECTION 7. Appendix F**

The BMP Manual for Pennsylvania is revised to state:

“Pennsylvania Department of Environmental Protection, Bureau of Stormwater Management, Pennsylvania Stormwater Best Management Practices Manual, December 2006.”

#### **SECTION 8. Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Langhorne Borough that are unaffected by this Ordinance are hereby reaffirmed and ratified.

#### **SECTION 9. Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 10. Effective Date.**

This Ordinance shall become effective five (5) days after enactment.

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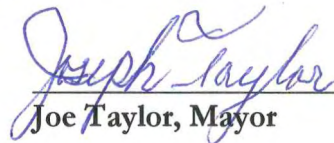
**DULY ENACTED AND ORDAINED** this 12th day of July, 2023, by the Council of the Borough of Langhorne, Bucks County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**



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**Steve Bradshaw, Manager**

**LANGHORNE BOROUGH COUNCIL**

  
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**Paul Murdock, President**  
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**Joe Taylor, Mayor**