

BOROUGH OF JERMYN
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 07 of 2026

**AN ORDINANCE OF THE BOROUGH OF JERMYN, LACKAWANNA COUNTY,
PENNSYLVANIA, ESTABLISHING STORMWATER MANAGEMENT REGULATIONS;
PROVIDING FOR THE REGULATION OF EARTH DISTURBANCE AND LAND DEVELOPMENT
ACTIVITIES THAT AFFECT STORMWATER RUNOFF; PROVIDING FOR THE PROHIBITION OF
UNAUTHORIZED NON-STORMWATER DISCHARGES TO THE BOROUGH'S MUNICIPAL
SEPARATE STORM SEWER SYSTEM; PROVIDING FOR THE ENFORCEMENT OF THIS
ORDINANCE; AND PROVIDING PENALTIES FOR VIOLATIONS.**

Adopted at a Public Meeting Held on June 18, 2026

ORDINANCE NO. 07 of 2026

AN ORDINANCE OF THE BOROUGH OF JERMYN, LACKAWANNA COUNTY, PENNSYLVANIA, ESTABLISHING STORMWATER MANAGEMENT REGULATIONS APPLICABLE TO REGULATED EARTH DISTURBANCE AND LAND DEVELOPMENT ACTIVITIES; PROHIBITING UNAUTHORIZED NON-STORMWATER DISCHARGES; PROVIDING FOR PLAN REVIEW, OPERATION AND MAINTENANCE, FEES, ENFORCEMENT, PENALTIES, AND APPEALS; AND REPEALING ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, the Pennsylvania Storm Water Management Act, Act 167 of 1978 (32 P.S. § 680.1, et seq.), as amended, requires each municipality to adopt or amend, and to implement, ordinances and regulations necessary to regulate development within the municipality in a manner consistent with the applicable watershed stormwater management plan; and

WHEREAS, the Borough of Jermyn is located within the Lackawanna River watershed and is subject to the Lackawanna River Watershed Act 167 Stormwater Management Plan; and

WHEREAS, federal regulations at 40 CFR § 122.34 require small Municipal Separate Storm Sewer Systems (MS4s) to use ordinances to: (1) prohibit unauthorized non-stormwater discharges, (2) require erosion and sediment controls for construction activities involving earth disturbance of one acre or more (or less than one acre if part of a larger common plan of development or sale that would disturb one acre or more), and (3) require post-construction stormwater management for new development and redevelopment projects; and

WHEREAS, the Borough Council of the Borough of Jermyn has determined that the adoption of this Ordinance is necessary to promote the public health, safety, and welfare of the residents of the Borough and to protect the water resources of the Commonwealth;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

ARTICLE I — GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the “Borough of Jermyn Stormwater Management Ordinance.”

Section 102. Statement of Findings

The Borough Council of the Borough of Jermyn finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases runoff volumes, flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint source pollution of water resources.

- B. A comprehensive program of stormwater management (SWM), including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.
- C. Stormwater is an important water resource that provides groundwater recharge for water supplies and supports the base flow of streams.
- D. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: (1) infiltrate and recharge, (2) evapotranspire, and/or (3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.
- E. Federal and state regulations require certain municipalities to implement a program of stormwater controls. The Borough of Jermyn is required to obtain a permit for stormwater discharges from its separate storm sewer system under the National Pollutant Discharge Elimination System (NPDES) program.
- F. The Borough of Jermyn lies within the Lackawanna River watershed, and stormwater discharges from the Borough drain directly or indirectly to the Lackawanna River and its tributaries.

Section 103. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within the Borough of Jermyn and its watershed by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- B. Preserve natural drainage systems.
- C. Manage stormwater runoff close to the source, reduce runoff volumes, and mimic predevelopment hydrology.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and streambeds.
- G. Provide proper operation and maintenance of all stormwater best management practices (BMPs) that are implemented within the Borough.
- H. Provide standards to meet NPDES permit requirements.
- I. Implement the Lackawanna River Watershed Act 167 Stormwater Management Plan as it applies to the Borough of Jermyn.

Section 104. Statutory Authority

The Borough of Jermyn is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended; the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1, et seq., as amended, The Stormwater Management Act; and the Pennsylvania Borough Code, 8 Pa.C.S. § 101 et seq., as amended.

Section 105. Applicability

All regulated activities and all activities that may affect stormwater runoff, including land development and earth disturbance activity within the Borough of Jermyn, are subject to regulation by this Ordinance.

Section 106. Repealer

Any other ordinance provision(s) or regulation of the Borough of Jermyn inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 107. Severability

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 108. Compatibility with Other Requirements

Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance.

Section 109. 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 110. 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 110, 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 modifications 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.
- C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one (1) 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 (the Lackawanna County Conservation District).

ARTICLE II — DEFINITIONS

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

- A. 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.
- B. 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.
- C. 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.

Agricultural Activity – Activities associated with agriculture such as agricultural cultivation, agricultural operation, 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.

Applicant – A landowner, developer, or other person who has filed an application to the Borough for approval to engage in any regulated activity at a project site in the Borough.

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 “non-structural.” In this Ordinance, non-structural 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, large-scale retention ponds and constructed wetlands, 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.

Borough – The Borough of Jermyn, Lackawanna County, Pennsylvania.

Borough Council – The Borough Council of the Borough of Jermyn.

Borough Engineer – The professional engineer, licensed in the Commonwealth of Pennsylvania, designated or retained by the Borough Council from time to time to serve as engineer for the Borough.

Conservation District – A conservation district, 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 Chapter 102. For purposes of this Ordinance, the Conservation District means the Lackawanna County Conservation District.

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.

Detention Volume – The volume of runoff that is captured and released into the waters of the Commonwealth at a controlled rate.

DEP – The Pennsylvania Department of Environmental Protection.

Development Site (Site) – See Project Site.

Disturbed Area – An unstabilized land area where an earth disturbance activity is occurring or has occurred.

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.

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

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

FEMA – Federal Emergency Management Agency.

Floodplain – Any land area susceptible to inundation by water from any natural source or 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).

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.

Forest Management/Timber Operations – Planning and activities necessary for the management of forestland. 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.

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

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.

Impervious Surface (Impervious Area) – A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds, and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

Karst – A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

Lackawanna River Watershed Plan – The Lackawanna River Watershed Act 167 Stormwater Management Plan, as adopted and as may be amended from time to time pursuant to the Pennsylvania Storm Water Management Act of 1978 (Act 167).

Land Development (Development) – Inclusive of any or all of the following meanings: (i) 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 or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

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.

MS4 – Municipal Separate Storm Sewer System.

Municipality – The Borough of Jermyn, Lackawanna County, Pennsylvania. Wherever the term “Municipality” appears in this Ordinance, it shall mean the Borough of Jermyn.

NPDES – National Pollutant Discharge Elimination System.

NRCS – USDA Natural Resources Conservation Service (previously SCS).

Peak Discharge – The maximum rate of stormwater runoff from a specific storm event.

Pervious Area – Any area not defined as impervious.

Project Site – The specific area of land where any regulated activities in the Borough are planned, conducted, or maintained.

Qualified Professional – Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Ordinance.

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.

Regulated Earth Disturbance Activity – Activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92, 25 Pa. Code Chapter 102, or the Clean Streams Law.

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.

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).

Riparian Buffer – A permanent area of trees and shrubs located adjacent to streams, lakes, ponds, and wetlands.

Runoff – Any part of precipitation that flows over the land.

Sediment – Soils or other materials transported by surface water as a product of erosion.

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.

Stormwater – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

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.

Stormwater Management Site Plan (SWM 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.

Subdivision – As defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended.

USDA – United States Department of Agriculture.

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.

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

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.

ARTICLE III — STORMWATER MANAGEMENT STANDARDS

Section 301. General Requirements

- A. For all regulated activities, unless preparation of an SWM Site Plan is specifically exempted in Section 302:
 - 1. Preparation and implementation of an approved SWM Site Plan is required.
 - 2. No regulated activities shall commence until the Borough issues written approval of an SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
- B. SWM Site Plans approved by the Borough, in accordance with Section 406, shall be on site throughout the duration of the regulated activity.
- C. The Borough may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.

- D. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008, as amended and updated.
- E. Impervious areas:
1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
 2. For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
 3. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance; except that the volume controls in Section 303 and the peak rate controls of Section 304 do not need to be retrofitted to existing impervious areas that are not being altered by the proposed regulated activity.
- F. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification to the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.
- G. All regulated activities shall include such measures as necessary to:
1. Protect health, safety, and property.
 2. Meet the water quality goals of this Ordinance by implementing measures to:
 3. Incorporate methods described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual). If methods other than green infrastructure and LID methods are proposed to achieve the volume and rate controls required under this Ordinance, the SWM Site Plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.
 - a. Minimize disturbance to floodplains, wetlands, and wooded areas.
 - b. Maintain or extend riparian buffers.
 - c. Avoid erosive flow conditions in natural flow pathways.
 - d. Minimize thermal impacts to waters of this Commonwealth.
 - e. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
- H. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.
- I. Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.
- J. Normally dry, open top, storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm.
- K. The design storm volumes to be used in the analysis of peak rates of discharge shall be obtained from the latest version of the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA), National Weather Service,

Hydrometeorological Design Studies Center, Silver Spring, Maryland (NOAA Atlas 14), accessible at <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

- L. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- M. Various BMPs and their design standards are listed in the BMP Manual.

Section 302. Exemptions

- A. Regulated activities that result in cumulative earth disturbances less than five thousand (5,000) square feet, and that do not propose any new or additional impervious surface, are exempt from the requirements in Section 303, Section 304, and Article IV of this Ordinance.
- B. Agricultural activity is exempt from the SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- C. Forest management and timber operations are exempt from the SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- D. Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.D. through K.
- E. The Borough may deny or revoke any exemption pursuant to this Section at any time for any project that the Borough believes may pose a threat to public health and safety or the environment.

Section 303. Volume Controls

The green infrastructure and low impact development practices provided in the BMP Manual shall be utilized for all regulated activities wherever possible. Water volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B below. For regulated activity areas equal to or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

- A. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
 - 1. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.
 - 2. For modeling purposes:
 - a. Existing (predevelopment) non-forested pervious areas must be considered meadow in good condition.
 - b. Twenty percent (20%) of existing impervious area, when present, shall be considered meadow in good condition in the model for existing conditions.
- B. The Simplified Method (CG-2 in the BMP Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one (1) acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:

1. Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
2. At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow; i.e., it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
4. This method is exempt from the requirements of Section 304, Rate Controls.

Section 304. Rate Controls

- A. For areas not covered by a release rate map from an approved Act 167 Stormwater Management Plan: Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storm events. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.
- B. For areas covered by a release rate map from the Lackawanna River Watershed Act 167 Stormwater Management Plan or any other approved Act 167 Stormwater Management Plan applicable to the Borough: For the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storm events, the post-development peak discharge rates will follow the applicable approved release rate maps. For any areas not shown on the release rate maps, the post-development discharge rates shall not exceed the pre-development discharge rates.

Section 305. Riparian Buffers

- A. In order to protect and improve water quality, a Riparian Buffer Easement shall be created and recorded as part of any subdivision or land development that encompasses a Riparian Buffer.
- B. Except as required by 25 Pa. Code Chapter 102, the Riparian Buffer Easement shall be measured to be the greater of the limit of the 100-year floodplain or a minimum of thirty-five (35) feet from the top of the streambank (on each side).
- C. Minimum Management Requirements for Riparian Buffers.
 1. Existing native vegetation shall be protected and maintained within the Riparian Buffer Easement.
 2. Whenever practicable, invasive vegetation shall be actively removed and the Riparian Buffer Easement shall be planted with native trees, shrubs, and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.
- D. The Riparian Buffer Easement shall be enforceable by the Borough and shall be recorded in the Lackawanna County Recorder of Deeds Office, so that it shall run with the land and shall limit the use of the property located therein. The easement shall allow for the continued private ownership and shall count toward the minimum lot area as required by Zoning, unless otherwise specified in the Borough Zoning Ordinance.

- E. Any permitted use within the Riparian Buffer Easement shall be conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain.
- F. The following conditions shall apply when public and/or private recreation trails are permitted within Riparian Buffers:
 - 1. Trails shall be for non-motorized use only.
 - 2. Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.
- G. Septic drainfields and sewage disposal systems shall not be permitted within the Riparian Buffer Easement and shall comply with setback requirements established under 25 Pa. Code Chapter 73.

ARTICLE IV — STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

Section 401. Plan Requirements

The following items shall be included in the SWM Site Plan:

- A. The Borough Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plans. In instances where the Borough lacks Subdivision and Land Development regulations, the content of SWM Site Plans shall follow the Lackawanna County Subdivision and Land Development Ordinance.
- B. The Borough shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a SWM Site Plan is found to be deficient, the Borough may either disapprove the submission and require a resubmission or, in the case of minor deficiencies, the Borough may accept submission of modifications.
- C. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in paragraph E.9 below.
- D. The following signature block for the Borough:

“The Borough Engineer of the Borough of Jermyn, on this date (Signature date), has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of Borough of Jermyn Ordinance No. (number assigned to this Ordinance).”
- E. The SWM Site Plan shall provide the following information:
 - 1. The overall stormwater management concept for the project.
 - 2. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography and other environmentally sensitive areas, such as brownfields.
 - 3. Stormwater runoff design computations and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 301.

4. Expected project time schedule.
5. A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority.
6. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
7. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
8. The SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
9. The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.
10. A justification must be included in the SWM Site Plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate, and water quality controls under this Ordinance.

Section 402. Plan Submission

Five (5) copies of the SWM Site Plan shall be submitted as follows:

1. Two (2) copies to the Borough of Jermyn.
2. One (1) copy to the Borough Engineer (when applicable).
3. One (1) copy to the Lackawanna County Conservation District.
4. One (1) copy to the Lackawanna County Department of Planning and Economic Development.

Section 403. Plan Review

- A. SWM Site Plans shall be reviewed by the Borough Engineer for consistency with the provisions of this Ordinance, and the Borough Engineer shall make a written recommendation to the Borough Council.
- B. The Borough shall notify the applicant in writing within forty-five (45) days whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a Subdivision and Land Development Plan, the notification shall occur within the time period allowed by the Pennsylvania Municipalities Planning Code (ninety (90) days). If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the Borough.
- C. For any SWM Site Plan that proposes to use any BMPs other than green infrastructure and LID practices to achieve the volume and rate controls required under this Ordinance, the Borough will not approve the SWM Site Plan unless it determines that green infrastructure and LID practices are not practicable.
- D. If the Borough disapproves the SWM Site Plan, the Borough will state the reasons for the disapproval in writing. The Borough also may approve the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing.

Section 404. Modification of Plans

Section 405. Resubmission of Disapproved SWM Site Plans

A disapproved SWM Site Plan may be resubmitted, with revisions addressing the Borough's concerns, to the Borough in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

Section 406. Authorization to Construct and Term of Validity

The Borough's approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The Borough may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Borough signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then the Borough may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Borough shall be resubmitted in accordance with Section 405 of this Ordinance.

Section 407. As-Built Plans, Completion Certificate, and Final Inspection

- A. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Borough.
- B. The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted, at the central location of the BMPs. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.
- C. After receipt of the completion certification by the Borough, the Borough may conduct a final inspection.

ARTICLE V — OPERATION AND MAINTENANCE

Section 501. Responsibilities of Developers and Landowners

- A. The Borough shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. The Borough may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Borough will accept the facilities. The Borough reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- B. Facilities, areas, or structures used as SWM BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- C. The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land.
- D. The Borough may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

Section 502. Operation and Maintenance Agreements

- A. Prior to final approval of the SWM Site Plan, the property owner shall sign and record an Operation and Maintenance (O&M) Agreement (see Appendix A) covering all stormwater control facilities which are to be privately owned.
1. The owner, successors, and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Agreement.
 2. The owner shall convey to the Borough conservation easements to assure access for periodic inspections by the Borough and maintenance, as necessary.
 3. The owner shall keep on file with the Borough the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Borough within ten (10) working days of the change.
- B. The owner is responsible for operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the Borough may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

Section 503. Performance Guarantee

For SWM Site Plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.

ARTICLE VI — FEES AND EXPENSES

Section 601. General

The Borough may include all costs incurred in the review fee charged to an applicant. A schedule of fees may be established and amended from time to time by resolution of the Borough Council.

The review fee may include, but not be limited to, costs for the following:

- A. Administrative/clerical processing.
- B. Review of the SWM Site Plan, including review by the Borough Engineer.
- C. Attendance at meetings.
- D. Inspections, including post-construction inspections.
- E. Engineering, legal, and other professional consultant fees incurred by the Borough in connection with review of the SWM Site Plan or inspection of regulated activities.

ARTICLE VII — PROHIBITIONS

Section 701. Prohibited Discharges and Connections

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Borough's regulated small MS4 or to enter the surface waters of this Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into the Borough's regulated small MS4, or discharges into waters of this Commonwealth, which are not composed entirely of stormwater, except (1) as provided in paragraph C below and (2) discharges authorized under a state or federal permit.
- C. The following discharges are authorized unless they are determined to be significant contributors of pollution to the regulated small MS4 or to the waters of this Commonwealth:
 - 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.
- D. In the event that the Borough or DEP determines that any of the discharges identified in Subsection C significantly contribute pollutants to the regulated small MS4 or to the waters of this Commonwealth, the Borough or DEP will notify the responsible person(s) to cease the discharge.

Section 702. Roof Drains and Sump Pumps

Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs wherever feasible. In no case shall roof drains or sump pumps be connected to sanitary sewers.

Section 703. Alteration of SWM BMPs

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures that were installed as a requirement of this Ordinance without the written approval of the Borough.

- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion the Borough may provide a limited time period for the owner to correct the violation. In these cases, the Borough will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Borough may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

Section 805. Penalties

- A. Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs, together with judgment of imprisonment to not exceed ninety (90) days if the amount of such fine and costs is not paid. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
- B. In addition, the Borough may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.
- C. The Borough may also recover from the violator all costs incurred by the Borough in the enforcement of this Ordinance, including reasonable attorneys' fees, engineering fees, expert witness fees, and other consultants' fees.

Section 806. Appeals

- A. Any person aggrieved by any action of the Borough or its designee, relevant to the provisions of this Ordinance, may appeal to the Borough Council within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the Borough Council, relevant to the provisions of this Ordinance, may appeal to the Lackawanna County Court of Common Pleas within thirty (30) days of the Borough Council's decision.

ARTICLE IX — REFERENCES

1. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969–2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
2. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.
3. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.
4. Pennsylvania Department of Environmental Protection. No. 363-2134-008 (March 31, 2012), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.
5. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004–2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

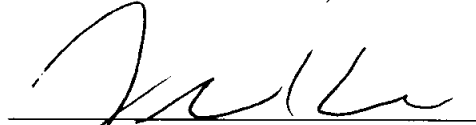
6. Lackawanna River Watershed Act 167 Stormwater Management Plan, as adopted by Lackawanna County and approved by the Pennsylvania Department of Environmental Protection, as amended from time to time.

ENACTMENT

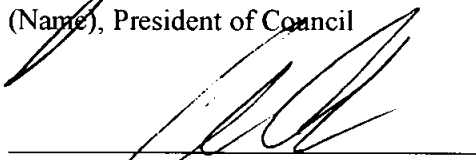
ENACTED and ORDAINED at a regular meeting of the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, this 18 day of June, 2026

This Ordinance shall take effect five (5) days after enactment.

BOROUGH OF JERMYN, LACKAWANNA COUNTY, PENNSYLVANIA



(Name), President of Council



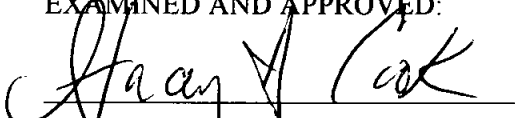
(Name), Vice President of Council

ATTEST:



(Name), Borough Secretary

EXAMINED AND APPROVED:



(Name), Mayor of the Borough of Jermyn

Date: 6-18-2026