

**ARTICLE V – PERFORMANCE AND INSPECTION OF REGULATED ACTIVITIES,
AND FINAL AS-BUILT PLANS**

Section 501. Performance and Inspection of Regulated Activities

- A. All Regulated Activities shall be conducted, operated and maintained in accordance with the requirements set forth in Articles III, VII, and VIII of this Ordinance. When a SWM Site Plan is required by this Ordinance, all Regulated Activities shall be performed in accordance with the requirements of the final approved SWM Site Plan.
- B. The Borough Engineer or other Borough designee shall be provided access to the Site to inspect all phases of the erosion and sediment control measures and installation of the permanent BMPs and Conveyances at such times as deemed appropriate by the Borough Engineer or other Borough designee.
- C. Periodic inspections may be made by the Borough Engineer or other designee during construction. A set of design plans approved by the Borough shall be on file and available for viewing at the Site throughout the duration of the construction activity.
- D. Inspections, including but not limited to a final inspection, of all constructed BMPs, Conveyances, or other stormwater facilities, and related improvements may be conducted by the Borough Engineer or other designee to confirm compliance with this Ordinance and with the final approved SWM Site Plan prior to the issuance of any occupancy permit, use permit, or other form of final approval of the project by the Borough.
- E. Upon completion of construction, every permanent stormwater BMP, Conveyance or other stormwater facility constructed or used as part of the Regulated Activity shall be operated, maintained and inspected by the Landowner, or other designated person, in accordance with the O&M Plan and O&M Agreement approved by the Borough.
- F. The Borough or its designee may periodically inspect any permanent stormwater BMP, Conveyance or facility for compliance with this Ordinance, an approved O&M Plan, or an approved O&M Agreement, per the provisions of Article IX. The Borough may inspect at any time it has reason to believe a violation exists. The Borough may pursue enforcement for violations consistent with the provisions of Article IX.

Section 502. Final As-Built Plans

- A. For Regulated Activities involving one (1) acre or more of Earth Disturbance, the Applicant shall provide to the Borough final As-Built Plans (signed and sealed by a qualified Licensed Professional) of all BMPs, Conveyances, other stormwater facilities, and related improvements shown in the final approved SWM Site Plan.
- B. The final As-Built Plans shall include the following for all BMPs, Conveyances, other stormwater facilities and related improvements:

1. The location, elevations, dimensions, and as-built conditions of all BMPs, Conveyances, other stormwater facilities, and related improvements including topographic contours and all typical details for storm drainage and conveyance systems, stormwater management facilities and Impervious Surfaces (existing, proposed, or constructed) included in the approved SWM Site Plan; and
 2. Explanation of any discrepancies or variations from the final approved SWM Site Plan, other related approved construction plans, calculations and specifications (and approved revisions thereto).
- C. The final As-Built Plans shall include a certification of completion signed and sealed by a qualified Licensed Professional verifying that all permanent BMPs and Conveyances have been constructed according to the final approved SWM Site Plan and related approved construction plans, calculations and specifications.
- D. All areas of the Regulated Activity draining to BMPs must be stabilized prior to submittal of the As-Built Plans.
- E. After receipt of the As-Built Plans by the Borough, the Borough or its designee may review the As-Built Plans for consistency with this Ordinance, the final approved SWM Site Plan, other related approved construction plans, and subsequent approved revisions thereto, as well as actual conditions at the Site, and the Borough may conduct a final inspection, as per Subsection 501.D.
- F. The As-Built Plans must be received, reviewed and determined to be acceptable by the Borough prior to:
1. Close out of the drainage permit or other close out of the project by the Borough ;
 2. Release of the financial security or other performance guarantee; and
 3. Dedication of the stormwater facilities to the Borough, or conveyance to a homeowners association, or other person responsible for operation, maintenance and repair.
- G. Final occupancy permit(s) or Use Permit or other final approval to use or operate the constructed improvement may not be issued by the Borough until the final As-Built Plans have been accepted.
- H. Upon final acceptance of the final As-Built Plans by the Borough, the Applicant shall review and, if required by the Borough, revise and re-record the O&M Plan and the O&M Agreement to reflect the final as-built conditions and information for each permanent BMP or Conveyance, in accordance with the requirements of Article VII.
- I. All or portions of the final As-Built Plans shall be recorded if required by the Borough.