

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1356 Session of  
1977

INTRODUCED BY WAGNER, ZORD, PYLES, O'CONNELL, DAVIES, GOEBEL,  
PRATT AND TADDONIO, JUNE 20, 1977

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 20, 1977

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,  
2 as amended, "An act to empower cities of the second class A,  
3 and third class, boroughs, incorporated towns, townships of  
4 the first and second classes including those within a county  
5 of the second class and counties of the second class A  
6 through eighth classes, individually or jointly, to plan  
7 their development and to govern the same by zoning,  
8 subdivision and land development ordinances, planned  
9 residential development and other ordinances, by official  
10 maps, by the reservation of certain land for future public  
11 purpose and by the acquisition of such land; providing for  
12 the establishment of planning commissions, planning  
13 departments, planning committees and zoning hearing boards,  
14 authorizing them to charge fees, make inspections and hold  
15 public hearings; providing for appropriations, appeals to  
16 courts and penalties for violations; and repealing acts and  
17 parts of acts," providing for storm water management and  
18 making an appropriation.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. The act of July 31, 1968 (P.L.805, No.247), known  
22 as the "Pennsylvania Municipalities Planning Code," is amended  
23 by adding sections to read:

24 Section 501.1. Storm Water Management.--The governing body  
25 of each municipality shall regulate subdivision and land  
26 development within the municipality so as to control storm water

1 surface runoff.

2 Section 501.2. Contents of Storm Water Management

3 Ordinance.--The storm water management ordinance may include but  
4 not be limited to:

5 (1) Requiring an overall storm water management plan and  
6 drainage system plan;

7 (2) Prohibiting development which will cause the amount of  
8 surface water runoff to exceed the amount of surface water  
9 runoff prior to development;

10 (3) Prohibiting development which will cause the amount of  
11 surface water runoff to exceed certain prescribed limits;

12 (4) Restricting the amount of impervious cover allowed on a  
13 site;

14 (5) Establishing criteria relating to street and curb  
15 construction;

16 (6) Requiring a major drainage system to handle normal and  
17 excessive runoff, including the construction of retention or  
18 impoundment areas which can hold excess runoff for a twenty-four  
19 hour period, considering, among other things: other area  
20 development, capacity of the streams, slope and soil conditions.

21 Section 501.3. Standards and Plans.--Each element of the  
22 storm water drainage system must be designed to handle the peak  
23 surface water runoff experienced during a twenty-four hour  
24 rainfall for a fifty-year storm. The methods and formulas used  
25 for determining the runoff and its control shall be left to the  
26 discretion of the municipality. Every municipality shall submit  
27 to the Department of Community Affairs an officially adopted  
28 storm water runoff plan.

29 Section 501.4. Enforcement.--Whenever the Department of  
30 Community Affairs determines that surface water runoff from a

1 development will cause flooding of downstream municipalities or  
2 determines that the storm water management ordinance is not  
3 adequate to prevent such flooding, the department may give  
4 notice that plan is inadequate together with reasons for so  
5 stating and shall give the municipality ninety days to submit an  
6 amended plan to satisfy the department's objections. In the  
7 event that no revised plan is submitted or the Department of  
8 Community Affairs determines that the said plan is inadequate  
9 the department shall have the power to file a writ of mandamus  
10 in the Commonwealth Court seeking to compel the municipality to  
11 adopt a storm water management plan and ordinance.

12 Section 501.5. Departmental Assistance.--The Department of  
13 Community Affairs shall assist municipalities in the preparation  
14 of a storm water management plan and system.

15 Section 501.6. Exemption.--Any municipality may file with  
16 the department a petition to exempt said municipality from the  
17 provisions of the act upon a showing that storm water runoff  
18 will not affect any other municipality.

19 Section 501.7. Existing Rights and Remedies Preserved.--  
20 Nothing in this act shall be construed as estopping the  
21 Commonwealth, or any district attorney or solicitor of a local  
22 agency from proceeding in courts of law or equity to abate  
23 nuisances forbidden under this act, or abate nuisance under  
24 existing law. It is hereby declared to be the purpose of this  
25 act to provide additional and cumulative remedies to abate  
26 public hazards and nothing in this act contained shall in any  
27 way abridge or alter rights of actions or remedies now or  
28 hereafter existing in equity, or under the common law or  
29 statutory law, criminal or civil, nor shall any provision of  
30 this act, or the granting of any permit under this act, or any

1 act done by virtue of this act, be construed as estopping the  
2 Commonwealth, persons or municipalities, in the exercise of  
3 their rights under the common law or decisional law or in  
4 equity, from proceeding in courts of law or equity to suppress  
5 nuisances or public health hazards or to abate any now or  
6 hereafter existing, or enforce common law or statutory rights.

7 Section 501.8. Appropriation.--The sum of one million  
8 dollars (\$1,000,000) is hereby appropriated to the Department of  
9 Community Affairs for the express purpose of implementing this  
10 act.

11 Section 2. This act shall take effect in 60 days.