

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1661 Session of 2015

INTRODUCED BY MUSTIO, GODSHALL, KOTIK, MENTZER AND BRIGGS, OCTOBER 23, 2015

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 18, 2015

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," providing for storm water management plans and
5 facilities.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 24, 1931 (P.L.1206, No.331),
9 known as The First Class Township Code, reenacted and amended
10 May 27, 1949 (P.L.1955, No.569), is amended by adding an article
11 to read:

ARTICLE XXIV-A

STORM WATER MANAGEMENT PLANS AND FACILITIES

14 Section 2401-A. Storm Water Management Systems Authorized.--
15 The board of commissioners may plan, design, construct,
16 assemble, install and alter facilities, including, but not
17 limited to, inlets, outlets, systems of piping, diversion
18 terraces, grass waterways, energy dissipaters, storm water
19 retention devices and natural or artificial infiltration areas,

1 to manage surface water runoff.

2 Section 2402-A. Construction of Storm Water Management
3 Facilities.--(a) The board of commissioners may acquire by
4 purchase, deed of dedication or eminent domain proceedings all
5 or part of any existing system or facility for the management of
6 surface water runoff which may have been established or
7 constructed by any property owner in the township or establish,
8 construct and maintain systems or facilities in the best
9 interest of the township.

10 (b) If the board of commissioners and the owners of systems
11 can agree upon a price to be paid by the township, the purchase
12 may be consummated if the amount to be paid does not exceed the
13 actual value of the facilities to be transferred.

14 (c) If the board of commissioners acquires the system by the
15 exercise of eminent domain, the damages shall be determined by
16 viewers under this act for eminent domain proceedings.

17 Section 2403-A. System Management.--(a) When exercising the
18 powers under this article, the board of commissioners shall
19 manage storm water originating in or passing through the
20 township in a manner which is consistent with the requirements
21 of the act of October 4, 1978 (P.L.864, No.167), known as the
22 "Storm Water Management Act," and the storm water management
23 guidelines and any regulations which may be adopted by the
24 Department of Environmental Protection.

25 (b) All storm water management activities undertaken must be
26 consistent with any watershed storm water management plan when
27 the plan has been approved by the Department of Environmental
28 Protection.

29 (c) When storm water management activities are undertaken in
30 watersheds for which there is no approved storm water management

1 plan, all drawings, documents, profiles and designs and
2 descriptions of the proposed activities to be undertaken by the
3 township shall be submitted to the county conservation district
4 for review and comment before the initiation of earthmoving
5 activities. The conservation district shall have thirty days to
6 review and respond with comments to the board of commissioners.
7 Failure to respond within that time constitutes favorable
8 comment by the conservation district.

9 Section 2404-A. Ordinances.--(a) The board of commissioners
10 may enact storm water management ordinances and require persons
11 conducting earthmoving activities to obtain approval from the
12 board of commissioners for those activities. Ordinances must be
13 consistent with watershed storm water management plans where
14 they exist and in all cases must be consistent with the act of
15 October 4, 1978 (P.L.864, No.167), known as the "Storm Water
16 Management Act."

17 (b) The board of commissioners may enact and enforce
18 ordinances to govern and regulate the planning, management,
19 implementation, construction and maintenance of storm water
20 facilities.

21 Section 2405 A. Fees. (A) A township may assess reasonable <--
22 and uniform fees based in whole or in part on the
23 characteristics of the subject property, which may include
24 installation or maintenance of storm water facilities that meet
25 best management practices and are approved or inspected by the
26 township.

27 SECTION 2405-A. FEES.--(A) FOR THE PURPOSES OF FUNDING THE <--
28 CONSTRUCTION, MAINTENANCE AND OPERATION OF STORM WATER
29 MANAGEMENT FACILITIES, SYSTEMS AND PLANS AUTHORIZED UNDER THIS
30 ARTICLE AND THE ACT OF OCTOBER 4, 1978 (P.L.864, NO.167), KNOWN

1 AS THE STORM WATER MANAGEMENT ACT, A TOWNSHIP MAY ASSESS
2 REASONABLE AND UNIFORM FEES BASED IN WHOLE OR IN PART ON THE
3 CHARACTERISTICS OF THE PROPERTY BENEFITED BY THE FACILITIES,
4 SYSTEMS AND PLANS. IN ESTABLISHING THE FEES, THE TOWNSHIP MAY
5 CONSIDER AND PROVIDE APPROPRIATE EXEMPTIONS OR CREDITS FOR
6 PROPERTIES WHICH HAVE INSTALLED AND ARE MAINTAINING STORM WATER
7 FACILITIES THAT MEET BEST MANAGEMENT PRACTICES AND ARE APPROVED
8 OR INSPECTED BY THE TOWNSHIP.

9 (B) ANY FEE LEVIED BY THE TOWNSHIP CAN BE ASSESSED IN ONE OF
10 THE FOLLOWING METHODS:

11 (1) ON ALL PROPERTIES IN THE TOWNSHIP.

12 (2) ON ALL PROPERTIES BENEFITED BY A SPECIFIC STORM WATER
13 PROJECT.

14 (3) BY ESTABLISHING A STORM WATER MANAGEMENT DISTRICT AND
15 ASSESSING THE FEE ON ALL PROPERTY OWNERS IN THE DISTRICT.

16 (C) ANY FEE COLLECTED FOR THE PURPOSES OF STORM WATER
17 MANAGEMENT MAY ONLY BE USED FOR THE PURPOSES AUTHORIZED BY THIS
18 ARTICLE.

19 (D) THE ASSESSMENTS SHALL BE FILED WITH THE TOWNSHIP
20 TREASURER.

21 (E) AN ORDINANCE SHALL SPECIFY WHETHER PAYMENTS ARE TO BE
22 MADE BY ANNUAL OR MORE FREQUENT INSTALLMENTS.

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