

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1325 Session of
2015

INTRODUCED BY MUSTIO, GODSHALL, MAHONEY, MURT, ZIMMERMAN,
MARSICO AND BRIGGS, JUNE 12, 2015

SENATOR HUTCHINSON, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
APRIL 12, 2016

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," in storm water management
5 plans and facilities, further providing for ordinances and
6 providing for fees.

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

9 Section 1. Section 2704 of the act of May 1, 1933 (P.L.103,
10 No.69), known as The Second Class Township Code, reenacted and
11 amended November 9, 1995 (P.L.350, No.60), is amended to read:

12 Section 2704. Ordinances.--(a) The board of supervisors may
13 enact storm water management ordinances and require persons
14 conducting earthmoving activities to obtain approval from the
15 board of supervisors for those activities. Ordinances must be
16 consistent with watershed storm water management plans where
17 they exist and in all cases must be consistent with the act of
18 October 4, 1978 (P.L.864, No.167), known as the "Storm Water
19 Management Act."

1 (b) The board of supervisors may enact and enforce
2 ordinances to govern and regulate the planning, management,
3 implementation, construction and maintenance of storm water
4 facilities.

5 Section 2. The act is amended by adding a section to read:

6 Section 2705. Fees.--(a) For the purposes of funding the
7 construction, maintenance and operation of storm water
8 management facilities, systems and management plans authorized
9 under this article, a township may assess reasonable and uniform
10 fees based in whole or in part on the characteristics of the
11 property benefited by the facilities, systems and management
12 plans. THE FEES ASSESSED MAY NOT EXCEED THE AMOUNT NECESSARY TO <--
13 MEET THE MINIMUM REQUIREMENTS OF THE FEDERAL WATER POLLUTION
14 CONTROL ACT (62 STAT. 1155, 33 U.S.C. § 1251 ET SEQ.), AND
15 FEDERAL OR STATE LAWS GOVERNING THE IMPLEMENTATION OF THE
16 FEDERAL WATER POLLUTION CONTROL ACT, FOR THE CONSTRUCTION,
17 MAINTENANCE AND OPERATION OF STORM WATER MANAGEMENT FACILITIES,
18 SYSTEMS AND MANAGEMENT PLANS, AS SPECIFIED IN 40 CFR 122.26
19 (RELATING TO STORM WATER DISCHARGES (APPLICABLE TO STATE NPDES
20 PROGRAMS, SEE § 123.25)). In establishing the fees, the township
21 may SHALL consider and provide appropriate exemptions or credits <--
22 for properties which have installed and are maintaining storm
23 water facilities that meet best management practices and are
24 approved or inspected by the township.

25 (b) Any fee levied by the township can be assessed in one of
26 the following methods:

27 (1) On all properties in the township.

28 (2) On all properties benefited by a specific storm water
29 project.

30 (3) By establishing a storm water management district and

1 assessing the fee on all property owners in the district.

2 (c) Any fee collected for the purposes of storm water
3 management may only be used for the purposes authorized by this
4 article.

5 (d) The assessments shall be filed with the township
6 treasurer.

7 (e) An ordinance shall specify whether payments are to be
8 made by annual or more frequent installments.

9 Section 3. This act shall take effect in 60 days.