

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2313 Session of
1980

INTRODUCED BY FREIND, VROON, PUNT, POLITE, BRANDT, COHEN, BROWN,
CHESS AND KUKOVICH, FEBRUARY 27, 1980

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 27, 1980

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled
2 "An act relating to cities of the third class; and amending,
3 revising, and consolidating the law relating thereto,"
4 further providing for certain sewer and water tapping fees
5 and for the construction of certain water and sewer mains,
6 systems and extensions.

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

9 Section 1. Section 3202, act of June 23, 1931 (P.L.932,
10 No.327), known as "The Third Class City Code," reenacted and
11 amended June 28, 1951 (P.L.662, No.164), is amended to read:

12 Section 3202. [Fee for Tapping Where Sewer is Paid For by
13 City.--Where the cost of constructing any sewer is paid for
14 wholly or partially from city funds, the city may charge a
15 reasonable fee for tapping or connecting with said sewer.] Sewer
16 Tapping Fee Authorized.--The city may impose, pursuant to
17 Article XXXIII-A, a reasonable fee for tapping or connecting
18 with its sewer system.

19 Section 2. Section 3215 of the act, amended August 6, 1963

1 (P.L.525, No.280), is amended to read:

2 Section 3215. [Tapping Fees.--Each city may provide by
3 ordinance for charging a tapping fee whenever the owner of any
4 property connects such property with a sewer system constructed
5 or acquired by the city, which fee shall be in addition to any
6 charges assessed and collected against such property in the
7 construction or acquisition of such sanitary sewer by the city,
8 or any rental charges assessed by the city.] Water Meters.-- In
9 any case where [the] a property connected or to be connected
10 with the sanitary sewer system of the city is not equipped with
11 a water meter, the city may install such meter at its own cost
12 and expense. If the property is supplied with water from the
13 facilities of a public water supply agency, the city shall not
14 install such meter without the consent and approval of the
15 public water supply agency.

16 Section 3. The act is amended by adding articles to read:

17 ARTICLE XXXIII-A

18 SEWER AND WATER TAPPING

19 FEE ESTABLISHMENT

20 Section 3301-A. Procedure for Establishing Tapping Fees.--
21 Whenever any city is authorized to impose a tapping fee for
22 connecting a property to a sanitary sewer or water main, the
23 city shall establish such fees in accordance with this article.

24 Section 3302-A. Public Hearings and Final Establishment of
25 Assessments and Tapping Fees.--Before any meeting of the
26 governing body of the city to finally establish the tapping fee
27 schedule, public hearings on such matters shall be held. When
28 the city finally establishes such fees, the determination by the
29 city's governing body shall be deemed "formal action" within the
30 context of the act of July 19, 1974 (P.L.486, No.175), referred

1 to as the Public Agency Open Meeting Law and a written
2 transcript of the proceedings shall be kept.

3 Section 3303-A. Limitation on Total of Assessments and
4 Fees.--The total of the costs assessed to the properties
5 benefited plus the tapping fees shall in no event exceed the
6 borough's actual and reasonable direct costs in connecting and
7 constructing or acquiring the sanitary sewer system or water
8 main.

9 Section 3304-A. Judicial Review.--The establishment of the
10 tapping fees by the city's governing body shall be deemed an
11 adjudication by a local agency within the context of 2 Pa.C.S. §
12 751, et seq. (relating to judicial review of local agency
13 action). Any person aggrieved by such adjudication shall have
14 the right of judicial review provided in Title 2.

15 ARTICLE XXXIII-B

16 WATER AND SEWER CONSTRUCTION

17 BY PRIVATE PARTIES

18 Section 3301-B. Water and Sewer Construction by Private
19 Parties.--Wherever a city requires the construction of a water
20 main or sanitary sewer system or an extension thereof as a
21 condition to the subdivision or development of property and such
22 main, system or extension is to be acquired or turned over
23 either to the borough, an authority or a utility to operate and
24 maintain, then the owner of the property being subdivided or
25 developed shall have the right to construct or contract for the
26 construction of the required main, system or extension, subject
27 to the specifications and inspection of the city, authority or
28 utility, as the case may be. The city, authority or utility may
29 charge reasonable fees for their engineering and inspection
30 services provided in regard to the construction.

1 Section 4. This act shall take effect in 60 days.