

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2317 Session of
1980

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

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 27, 1980

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," further providing for certain water and sewer
5 tapping fees and for the construction of certain water and
6 sewer mains, systems and extensions.

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

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

13 ARTICLE XXV-A

14 SEWER AND WATER TAPPING FEE

15 ESTABLISHMENT

16 Section 2501-A. Procedure for Establishing Tapping Fees.--
17 Whenever any township is authorized to impose a tapping fee for
18 connecting a property to a sanitary sewer or water main, the
19 township shall establish such fees in accordance with this

1 article.

2 Section 2502-A. Public Hearings and Final Establishment of
3 Tapping Fees.--Before any meeting of the governing body of the
4 township to finally establish the tapping fee schedule, public
5 hearings on such matters shall be held. When the township
6 finally establishes such fees, the determination by the
7 township's governing body shall be deemed "formal action" within
8 the context of the act of July 19, 1974 (P.L.486, No.175),
9 referred to as the Public Agency Open Meeting Law and a written
10 transcript of the proceedings shall be kept.

11 Section 2503-A. Limitation on Total of Assessments and
12 Fees.--The total of the costs assessed to the properties
13 benefited plus the tapping fees shall in no event exceed the
14 township's actual and reasonable direct costs in connecting and
15 constructing or acquiring the sanitary sewer system or water
16 main.

17 Section 2504-A. Judicial Review.--The establishment of the
18 tapping fees by the township's governing body shall be deemed an
19 adjudication by a local agency within the context of 2 Pa.C.S. §
20 751, et seq. (relating to judicial review of local agency
21 action). Any person aggrieved by such adjudication shall have
22 the right of judicial review provided in Title 2.

23 ARTICLE XXV-B

24 WATER AND SEWER CONSTRUCTION BY PRIVATE PARTIES

25 Section 2501-B. Water and Sewer Construction by Private
26 Parties.--Whenever a township requires the construction of a
27 water main or sanitary sewer system or an extension thereof as a
28 condition to the subdivision or development of property and such
29 main, system or extension is to be acquired or turned over
30 either to the township, an authority or a utility to operate and

1 maintain, then the owner of the property being subdivided or
2 developed shall have the right to construct or contract for the
3 construction of the required main, system or extension, subject
4 to the specifications and inspection of the township, authority
5 or utility, as the case may be. The township, authority or
6 utility may charge reasonable fees for their engineering and
7 inspection services provided in regard to the construction.

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