

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1394 Session of 2015

INTRODUCED BY MUSTIO, KOTIK, D. COSTA, READSHAW, GODSHALL, COHEN, HARHAI AND ZIMMERMAN, JUNE 24, 2015

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

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in storm sewers and
3 watercourses, further providing for authority of boroughs and
4 for manner of financing work.

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

7 Section 1. Section 2201 of Title 8 of the Pennsylvania
8 Consolidate Statutes is amended by adding a subsection to read:

9 § 2201. Authority of boroughs.

10 * * *

11 (c) Ordinances.--A borough may enact and enforce ordinances
12 to govern and regulate the planning, management, implementation,
13 construction and maintenance of storm water facilities.

14 Section 2. Section 2203 of Title 8 is amended to read:

15 § 2203. Manner of financing [work].

16 (a) General rule.--A borough may pay for the costs and
17 expenses of any work or activity authorized under section 2201
18 (relating to authority of boroughs) wholly or in part from money

1 of the borough available for the purpose.

2 (b) Assessments.--To the extent that a borough does not
3 receive assistance from the Federal, State or county government
4 for the costs and expenses of the work, the borough may assess
5 the benefited properties located within the drainage area of the
6 watercourse in accordance with Chapter 21A (relating to
7 assessments and charges for public improvements).

8 ~~(c) Fees. A borough may assess reasonable and uniform fees~~ <--
9 ~~based in whole or in part on the characteristics of the subject~~
10 ~~property, which may include installation or maintenance of storm~~
11 ~~water facilities that meet best management practices and are~~
12 ~~approved or inspected by the borough.~~

13 (C) FEES.--FOR THE PURPOSES OF FUNDING THE CONSTRUCTION, <--
14 MAINTENANCE AND OPERATION OF STORM WATER MANAGEMENT FACILITIES,
15 SYSTEMS AND MANAGEMENT PLANS AUTHORIZED UNDER THIS CHAPTER AND
16 THE ACT OF OCTOBER 4, 1978 (P.L.864, NO.167), KNOWN AS THE STORM
17 WATER MANAGEMENT ACT, A BOROUGH MAY ASSESS REASONABLE AND
18 UNIFORM FEES BASED IN WHOLE OR IN PART ON THE CHARACTERISTICS OF
19 THE PROPERTY BENEFITED BY THE FACILITIES, SYSTEMS AND MANAGEMENT
20 PLANS. IN ESTABLISHING THE FEES THE BOROUGH MAY CONSIDER AND
21 PROVIDE APPROPRIATE EXEMPTIONS OR CREDITS FOR PROPERTIES WHICH
22 HAVE INSTALLED AND ARE MAINTAINING STORM WATER FACILITIES THAT
23 MEET BEST MANAGEMENT PRACTICES AND ARE APPROVED OR INSPECTED BY
24 THE BOROUGH. THE ASSESSED FEES SHALL BE FILED WITH THE BOROUGH
25 TREASURER. AN ORDINANCE SHALL SPECIFY WHETHER PAYMENTS ARE TO BE
26 MADE BY ANNUAL OR MORE FREQUENT INSTALLMENTS.

27 (D) METHODS OF ASSESSMENT.--ANY FEE LEVIED BY THE BOROUGH
28 CAN BE ASSESSED IN ONE OF THE FOLLOWING METHODS:

29 (1) ON ALL PROPERTIES IN THE BOROUGH.

30 (2) ON ALL PROPERTIES BENEFITED BY A SPECIFIC STORM

1 WATER PROJECT.

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

4 (E) USE.--ANY FEE COLLECTED FOR THE PURPOSES OF STORM WATER
5 MANAGEMENT MAY ONLY BE USED FOR THE PURPOSES AUTHORIZED BY THIS
6 CHAPTER.

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