

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

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

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

29 (d) Methods of assessment.--Any fee levied by the borough  
30 can be assessed in one of the following methods:

1           (1) On all properties in the borough.

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

4           (3) By establishing a storm water management district  
5 and assessing the fee on all property owners in the district.

6           (e) Use.--Any fee collected for the purposes of storm water  
7 management may only be used for the purposes authorized by this  
8 chapter.

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