

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, RE-REPORTED AS
AMENDED, MAY 10, 2016

AN ACT

1 Amending ~~Title~~ TITLES 8 (Boroughs and Incorporated Towns) AND 11 <--
2 (CITIES) of the Pennsylvania Consolidated Statutes, in storm
3 sewers and watercourses, further providing for authority of
4 boroughs and for manner of financing work-; AND, IN <--
5 WATERCOURSES, FLOOD PROTECTION PROJECTS AND STORM WATER
6 SYSTEMS, FURTHER PROVIDING FOR ESTABLISHING AND CHANGING
7 WATERCOURSES, FLOOD PROTECTION PROJECTS AND STORM WATER
8 SYSTEMS AND FOR ASSESSMENT OF BENEFITS AND LIENS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

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

13 § 2201. Authority of boroughs.

14 * * *

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

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

19 § 2203. Manner of financing [work].

1 (a) General rule.--A borough may pay for the costs and
2 expenses of any work or activity authorized under section 2201
3 (relating to authority of boroughs) wholly or in part from money
4 of the borough available for the purpose.

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

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

1 made by annual or more frequent installments.

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

4 (1) On all properties in the borough.

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

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

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

12 SECTION 3. SECTION 13401 OF TITLE 11 IS AMENDED BY ADDING A <--
13 SUBSECTION TO READ:

14 § 13401. ESTABLISHING AND CHANGING WATERCOURSES, FLOOD
15 PROTECTION PROJECTS AND STORM WATER SYSTEMS.

16 * * *

17 (C) ORDINANCES.--A CITY MAY ENACT AND ENFORCE ORDINANCES TO
18 GOVERN AND REGULATE THE PLANNING, MANAGEMENT, IMPLEMENTATION,
19 CONSTRUCTION AND MAINTENANCE OF STORM WATER FACILITIES.

20 SECTION 4. SECTION 13407 HEADING OF TITLE 11, ADDED NOVEMBER
21 24, 2015 (P.L.242, NO.67), IS AMENDED AND THE SECTION IS AMENDED
22 BY ADDING SUBSECTIONS TO READ:

23 § 13407. ASSESSMENT OF BENEFITS [AND], LIENS AND FEES.

24 * * *

25 (D) FEES.--FOR THE PURPOSES OF FUNDING THE CONSTRUCTION,
26 MAINTENANCE AND OPERATION OF STORM WATER MANAGEMENT FACILITIES,
27 SYSTEMS AND MANAGEMENT PLANS AUTHORIZED UNDER THIS CHAPTER, A
28 CITY MAY ASSESS REASONABLE AND UNIFORM FEES BASED IN WHOLE OR IN
29 PART ON THE CHARACTERISTICS OF THE PROPERTY BENEFITED BY THE
30 FACILITIES, SYSTEMS AND MANAGEMENT PLANS. THE FEES ASSESSED MAY

1 NOT EXCEED THE AMOUNT NECESSARY TO MEET THE MINIMUM REQUIREMENTS
2 OF THE FEDERAL WATER POLLUTION CONTROL ACT (62 STAT. 1155, 33
3 U.S.C. § 1251 ET SEQ.), AND FEDERAL OR STATE LAWS GOVERNING THE
4 IMPLEMENTATION OF THE FEDERAL WATER POLLUTION CONTROL ACT, FOR
5 THE CONSTRUCTION, MAINTENANCE AND OPERATION OF STORM WATER
6 MANAGEMENT FACILITIES, SYSTEMS AND MANAGEMENT PLANS, AS
7 SPECIFIED IN 40 CFR 122.26 (RELATING TO STORM WATER DISCHARGES
8 (APPLICABLE TO STATE NPDES PROGRAMS, SEE § 123.25)). IN
9 ESTABLISHING THE FEES, THE CITY SHALL CONSIDER AND PROVIDE
10 APPROPRIATE EXEMPTIONS OR CREDITS FOR PROPERTIES WHICH HAVE
11 INSTALLED AND ARE MAINTAINING STORM WATER FACILITIES THAT MEET
12 BEST MANAGEMENT PRACTICES AND ARE APPROVED OR INSPECTED BY THE
13 CITY. THE ASSESSED FEES SHALL BE FILED WITH THE CITY TREASURER.
14 AN ORDINANCE SHALL SPECIFY WHETHER PAYMENTS ARE TO BE MADE BY
15 ANNUAL OR MORE FREQUENT INSTALLMENTS.

16 (E) METHODS OF ASSESSMENT.--ANY FEE LEVIED BY THE CITY CAN
17 BE ASSESSED IN ONE OF THE FOLLOWING METHODS:

18 (1) ON ALL PROPERTIES IN THE CITY.

19 (2) ON ALL PROPERTIES BENEFITED BY A SPECIFIC STORM
20 WATER PROJECT.

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

23 (F) USE.--ANY FEE COLLECTED FOR THE PURPOSES OF STORM WATER
24 MANAGEMENT MAY ONLY BE USED FOR THE PURPOSES AUTHORIZED BY THIS
25 CHAPTER.

26 Section 3 5. This act shall take effect in 60 days.

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