
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1661 Session of
2015

INTRODUCED BY MUSTIO, GODSHALL, KOTIK, MENTZER AND BRIGGS,
OCTOBER 23, 2015

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

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," providing for storm water management plans and
5 facilities.

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

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

12 ARTICLE XXIV-A

13 STORM WATER MANAGEMENT PLANS AND FACILITIES

14 Section 2401-A. Storm Water Management Systems Authorized.--
15 The board of commissioners may plan, design, construct,
16 assemble, install and alter facilities, including, but not
17 limited to, inlets, outlets, systems of piping, diversion
18 terraces, grass waterways, energy dissipaters, storm water

1 retention devices and natural or artificial infiltration areas,
2 to manage surface water runoff.

3 Section 2402-A. Construction of Storm Water Management
4 Facilities.--(a) The board of commissioners may acquire by
5 purchase, deed of dedication or eminent domain proceedings all
6 or part of any existing system or facility for the management of
7 surface water runoff which may have been established or
8 constructed by any property owner in the township or establish,
9 construct and maintain systems or facilities in the best
10 interest of the township.

11 (b) If the board of commissioners and the owners of systems
12 can agree upon a price to be paid by the township, the purchase
13 may be consummated if the amount to be paid does not exceed the
14 actual value of the facilities to be transferred.

15 (c) If the board of commissioners acquires the system by the
16 exercise of eminent domain, the damages shall be determined by
17 viewers under this act for eminent domain proceedings.

18 Section 2403-A. System Management.--(a) When exercising the
19 powers under this article, the board of commissioners shall
20 manage storm water originating in or passing through the
21 township in a manner which is consistent with the requirements
22 of the act of October 4, 1978 (P.L.864, No.167), known as the
23 "Storm Water Management Act," and the storm water management
24 guidelines and any regulations which may be adopted by the
25 Department of Environmental Protection.

26 (b) All storm water management activities undertaken must be
27 consistent with any watershed storm water management plan when
28 the plan has been approved by the Department of Environmental
29 Protection.

30 (c) When storm water management activities are undertaken in

1 watersheds for which there is no approved storm water management
2 plan, all drawings, documents, profiles and designs and
3 descriptions of the proposed activities to be undertaken by the
4 township shall be submitted to the county conservation district
5 for review and comment before the initiation of earthmoving
6 activities. The conservation district shall have thirty days to
7 review and respond with comments to the board of commissioners.
8 Failure to respond within that time constitutes favorable
9 comment by the conservation district.

10 Section 2404-A. Ordinances.--(a) The board of commissioners
11 may enact storm water management ordinances and require persons
12 conducting earthmoving activities to obtain approval from the
13 board of commissioners for those activities. Ordinances must be
14 consistent with watershed storm water management plans where
15 they exist and in all cases must be consistent with the act of
16 October 4, 1978 (P.L.864, No.167), known as the "Storm Water
17 Management Act."

18 (b) The board of commissioners may enact and enforce
19 ordinances to govern and regulate the planning, management,
20 implementation, construction and maintenance of storm water
21 facilities.

22 Section 2405-A. Fees.--(a) For the purposes of funding the
23 construction, maintenance and operation of storm water
24 management facilities, systems and plans authorized under this
25 article, a township may assess reasonable and uniform fees based
26 in whole or in part on the characteristics of the property
27 benefited by the facilities, systems and plans. THE FEES <--
28 ASSESSED MAY NOT EXCEED THE AMOUNT NECESSARY TO MEET THE MINIMUM
29 REQUIREMENTS OF THE FEDERAL WATER POLLUTION CONTROL ACT (62
30 STAT. 1155, 33 U.S.C. § 1251 ET SEQ.), AND FEDERAL OR STATE LAWS

1 GOVERNING THE IMPLEMENTATION OF THE FEDERAL WATER POLLUTION
2 CONTROL ACT, FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF
3 STORM WATER MANAGEMENT FACILITIES, SYSTEMS AND MANAGEMENT PLANS,
4 AS SPECIFIED IN 40 CFR 122.26 (RELATING TO STORM WATER
5 DISCHARGES (APPLICABLE TO STATE NPDES PROGRAMS, SEE §
6 123.25)). In establishing the fees, the township ~~may~~ SHALL <--
7 consider and provide appropriate exemptions or credits for
8 properties which have installed and are maintaining storm water
9 facilities that meet best management practices and are approved
10 or inspected by the township.

11 (b) Any fee levied by the township can be assessed in one of
12 the following methods:

13 (1) On all properties in the township.

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

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

18 (c) Any fee collected for the purposes of storm water
19 management may only be used for the purposes authorized by this
20 article.

21 (d) The assessments shall be filed with the township
22 treasurer.

23 (e) An ordinance shall specify whether payments are to be
24 made by annual or more frequent installments.

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