

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 913 Session of 2017

INTRODUCED BY EVERETT, IRVIN, WARD, PICKETT, WHEELAND, HARPER AND MUSTIO, MARCH 22, 2017

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 10, 2017

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in water system relating <--
3 ADDING PROVISIONS RELATED to incorporated towns, AND <--
4 providing for storm water management plans and facilities.

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

7 Section 1. Chapter 24 Subchapter B heading of Title 8 of the <--
8 Pennsylvania Consolidated Statutes is amended to read:

9 Subchapter B [(Reserved)]

10 Storm Water Management

11 Plans and Facilities

12 Section 2. Title 8 is amended by adding sections immediately
13 after Chapter 24 Subchapter B heading to read:

14 SECTION 1. TITLE 8 OF THE PENNSYLVANIA CONSOLIDATED STATUTES <--
15 IS AMENDED BY ADDING A PART TO READ:

16 PART II

17 INCORPORATED TOWNS

18 CHAPTER

1 41. (RESERVED)

2 74. STORM WATER MANAGEMENT PLANS AND FACILITIES

3 CHAPTER 41

4 (RESERVED)

5 CHAPTER 74

6 STORM WATER MANAGEMENT PLANS AND FACILITIES

7 SEC.

8 7401. STORM WATER MANAGEMENT SYSTEMS AUTHORIZED.

9 7402. CONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES.

10 7403. SYSTEM MANAGEMENT.

11 7404. ORDINANCES.

12 7405. FEES.

13 § ~~2471~~ 7401. Storm water management systems authorized. <--

14 The town council may plan, design, construct, assemble,
15 install and alter facilities, including, but not limited to,
16 inlets, outlets, systems of piping, diversion terraces, grass
17 waterways, energy dissipaters, storm water retention devices and
18 natural or artificial infiltration areas, to manage surface
19 water runoff.

20 § ~~2472~~ 7402. Construction of storm water management facilities. <--

21 (a) General rule.--The town council may acquire by purchase,
22 deed of dedication or eminent domain proceedings all or part of
23 any existing system or facility for the management of surface
24 water runoff which may have been established or constructed by
25 any property owner in the incorporated town or establish,
26 construct and maintain systems or facilities in the best
27 interest of the incorporated town.

28 (b) Price.--If the town council and the owners of systems
29 can agree upon a price to be paid by the incorporated town, the
30 purchase may be consummated if the amount to be paid does not

1 exceed the actual value of the facilities to be transferred.

2 (c) Eminent domain.--If the town council acquires the system
3 by the exercise of eminent domain, the damages shall be
4 determined by viewers under this act for eminent domain
5 proceedings.

6 § 2473 7403. System management. <--

7 (a) General rule.--When exercising the powers under this
8 ~~subchapter~~ CHAPTER, the town council shall manage storm water <--
9 originating in or passing through the incorporated town in a
10 manner which is consistent with the requirements of the act of
11 October 4, 1978 (P.L.864, No.167), known as the Storm Water
12 Management Act, and the storm water management guidelines and
13 any regulations which may be adopted by the Department of
14 Environmental Protection.

15 (b) Consistency.--All storm water management activities
16 undertaken must be consistent with any watershed storm water
17 management plan when the plan has been approved by the
18 Department of Environmental Protection.

19 (c) Review by county conservation district.--When storm
20 water management activities are undertaken in watersheds for
21 which there is no approved storm water management plan, all
22 drawings, documents, profiles and designs and descriptions of
23 the proposed activities to be undertaken by the incorporated
24 town shall be submitted to the county conservation district for
25 review and comment before the initiation of earthmoving
26 activities. The conservation district shall have 30 days to
27 review and respond with comments to the board of commissioners.
28 Failure to respond within that time constitutes favorable
29 comment by the conservation district.

30 § 2474 7404. Ordinances. <--

1 (a) Storm water management.--The town council may enact
2 storm water management ordinances and require persons conducting
3 earthmoving activities to obtain approval from the board of
4 commissioners for those activities. Ordinances must be
5 consistent with watershed storm water management plans where
6 they exist and in all cases must be consistent with the act of
7 October 4, 1978 (P.L.864, No.167), known as the Storm Water
8 Management Act.

9 (b) Storm water facilities.--The town council may enact and
10 enforce ordinances to govern and regulate the planning,
11 management, implementation, construction and maintenance of
12 storm water facilities.

13 § 2475 7405. Fees. <--

14 (a) General rule.--For the purposes of funding the
15 construction, maintenance and operation of storm water
16 management facilities, systems and plans authorized under this
17 subchapter CHAPTER, an incorporated town may assess reasonable <--
18 and uniform fees based in whole or in part on the
19 characteristics of the property benefited by the facilities,
20 systems and plans. In establishing the fees, the incorporated
21 town may consider and provide appropriate exemptions or credits
22 for properties which have installed and are maintaining storm
23 water facilities that meet best management practices and are
24 approved or inspected by the incorporated town.

25 (b) Methods of assessments.--Any fee levied by the
26 incorporated town can be assessed in one of the following
27 methods:

28 (1) On all properties in the incorporated town.

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

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

3 (c) Use.--Any fee collected for the purposes of storm water
4 management may only be used for the purposes authorized by this
5 subchapter CHAPTER. <--

6 (d) Filing.--The assessments shall be filed with the town
7 treasurer.

8 (e) Payments.--An ordinance shall specify whether payments
9 are to be made by annual or more frequent installments.

10 Section 3 2. This act shall take effect in 60 days. <--