

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 7, 2017

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, adding provisions related
3 to incorporated towns and providing for storm water
4 management plans and facilities.

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

7 Section 1. Title 8 of the Pennsylvania Consolidated Statutes
8 is amended by adding a part to read:

9 PART II

10 INCORPORATED TOWNS

11 Chapter

12 41. (Reserved)

13 74. Storm Water Management Plans and Facilities

14 CHAPTER 41

15 (RESERVED)

16 CHAPTER 74

17 STORM WATER MANAGEMENT PLANS AND FACILITIES

18 Sec.

1 7401. Storm water management systems authorized.

2 7402. Construction of storm water management facilities.

3 7403. System management.

4 7404. Ordinances.

5 7405. Fees.

6 § 7401. Storm water management systems authorized.

7 The town council may plan, design, construct, assemble,
8 install and alter facilities, including, but not limited to,
9 inlets, outlets, systems of piping, diversion terraces, grass
10 waterways, energy dissipaters, storm water retention devices and
11 natural or artificial infiltration areas, to manage surface
12 water runoff.

13 § 7402. Construction of storm water management facilities.

14 (a) General rule.--The town council may acquire by purchase,
15 deed of dedication or eminent domain proceedings all or part of
16 any existing system or facility for the management of surface
17 water runoff which may have been established or constructed by
18 any property owner in the incorporated town or establish,
19 construct and maintain systems or facilities in the best
20 interest of the incorporated town.

21 (b) Price.--If the town council and the owners of systems
22 can agree upon a price to be paid by the incorporated town, the
23 purchase may be consummated if the amount to be paid does not
24 exceed the actual value of the facilities to be transferred.

25 (c) Eminent domain.--If the town council acquires the system
26 by the exercise of eminent domain, the damages shall be
27 determined by viewers under this act for eminent domain
28 proceedings.

29 § 7403. System management.

30 (a) General rule.--When exercising the powers under this

1 chapter, the town council shall manage storm water originating
2 in or passing through the incorporated town in a manner which is
3 consistent with the requirements of the act of October 4, 1978
4 (P.L.864, No.167), known as the Storm Water Management Act, and
5 the storm water management guidelines and any regulations which
6 may be adopted by the Department of Environmental Protection.

7 (b) Consistency.--All storm water management activities
8 undertaken must be consistent with any watershed storm water
9 management plan when the plan has been approved by the
10 Department of Environmental Protection.

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

22 § 7404. Ordinances.

23 (a) Storm water management.--The town council may enact
24 storm water management ordinances and require persons conducting
25 earthmoving activities to obtain approval from the board of
26 commissioners for those activities. Ordinances must be
27 consistent with watershed storm water management plans where
28 they exist and in all cases must be consistent with the act of
29 October 4, 1978 (P.L.864, No.167), known as the Storm Water
30 Management Act.

1 (b) Storm water facilities.--The town council may enact and
2 enforce ordinances to govern and regulate the planning,
3 management, implementation, construction and maintenance of
4 storm water facilities.

5 § 7405. Fees.

6 (a) General rule.--For the purposes of funding the
7 construction, maintenance and operation of storm water
8 management facilities, systems and plans authorized under this
9 chapter, an incorporated town may assess reasonable and uniform
10 fees based in whole or in part on the characteristics of the
11 property benefited by the facilities, systems and plans. In
12 establishing the fees, the incorporated town ~~may~~ SHALL consider <--
13 and provide appropriate exemptions or credits for properties
14 which have installed and are maintaining storm water facilities
15 that meet best management practices and are approved or
16 inspected by the incorporated town.

17 (b) Methods of assessments.--Any fee levied by the
18 incorporated town can be assessed in one of the following
19 methods:

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

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

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

25 (c) Use.--Any fee collected for the purposes of storm water
26 management may only be used for the purposes authorized by this
27 chapter.

28 (d) Filing.--The assessments shall be filed with the town
29 treasurer.

30 (e) Payments.--An ordinance shall specify whether payments

1 are to be made by annual or more frequent installments.

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