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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 915 Session of  
2017

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INTRODUCED BY EVERETT, MARCH 22, 2017

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 22, 2017

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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, is amended by adding an  
10 article to read:

11 ARTICLE XXIV-A

12 STORM WATER MANAGEMENT

13 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  
19 retention devices and natural or artificial infiltration areas,  
20 to manage surface water runoff.

1 Section 2402-A. Construction of storm water management  
2 facilities.--

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

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

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

18 Section 2403-A. System management.--

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

26 (b) Plan.--All storm water management activities undertaken  
27 shall be consistent with a watershed storm water management plan  
28 approved by the Department of Environmental Protection.

29 (c) Review.--When storm water management activities are  
30 undertaken in watersheds for which there is no approved storm

1 water management plan, all drawings, documents, profiles and  
2 designs and descriptions of the proposed activities to be  
3 undertaken by the township shall be submitted to the county  
4 conservation district for review and comment before the  
5 initiation of earthmoving activities. The conservation district  
6 shall have 30 days to review and respond with comments to the  
7 board of commissioners. Failure to respond within that time  
8 constitutes favorable comment by the conservation district.

9 Section 2404-A. Ordinances.--

10 (a) General provisions.--The board of commissioners may  
11 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) Maintenance of facilities.--The board of commissioners  
19 may enact and enforce ordinances to govern and regulate the  
20 planning, management, implementation, construction and  
21 maintenance of storm water facilities.

22 Section 2405-A. Fees.--

23 (a) Funding.--For the purposes of funding the construction,  
24 maintenance and operation of storm water management facilities,  
25 systems and plans authorized under this article, a township may  
26 assess reasonable and uniform fees based in whole or in part on  
27 the characteristics of the property benefited by the facilities,  
28 systems and plans. In establishing the fees, the township may  
29 consider and provide appropriate exemptions or credits for  
30 properties which have installed and are maintaining storm water

1 facilities that meet best management practices and are approved  
2 or inspected by the township.

3 (b) Fees.--Any fee levied by the township can be assessed in  
4 one of the following methods:

5 (1) On all properties in the township.

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

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

10 (c) Authorization.--Any fee collected for the purposes of  
11 storm water management may only be used for the purposes  
12 authorized by this article.

13 (d) Filing.--The assessments shall be filed with the  
14 township treasurer.

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

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