

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 915 Session of 2017

INTRODUCED BY EVERETT, MARCH 22, 2017

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

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:

ARTICLE XXIV-A

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
19 retention devices and natural or artificial infiltration areas,

1 to manage surface water runoff.

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

4 (a) Management.--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 that may have been established or
8 constructed by a property owner in the township or establish,
9 construct and maintain systems or facilities in the best
10 interest of the township.

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

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

19 Section 2403-A. System management.--

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

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

30 (c) Review.--When storm water management activities are

1 undertaken in watersheds for which there is no approved storm
2 water management plan, all drawings, documents, profiles and
3 designs and descriptions of the proposed activities to be
4 undertaken by the township shall be submitted to the county
5 conservation district for review and comment before the
6 initiation of earthmoving activities. The conservation district
7 shall have 30 days to review and respond with comments to the
8 board of commissioners. Failure to respond within that time
9 constitutes favorable comment by the conservation district.

10 Section 2404-A. Ordinances.--

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

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

23 Section 2405-A. Fees.--

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

1 properties which have installed and are maintaining storm water
2 facilities that meet best management practices and are approved
3 or inspected by the township.

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

6 (1) On all properties in the township.

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

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

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

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

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

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