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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1288 Session of  
2021

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INTRODUCED BY STRUZZI, FREEMAN, JONES AND CIRESI, APRIL 27, 2021

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 27, 2021

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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 inlets,  
17 outlets, systems of piping, diversion terraces, grass waterways,  
18 energy dissipaters, storm water retention devices and natural or  
19 artificial infiltration areas, to manage surface water runoff.

20 Section 2402-A. Construction of storm water management

1 facilities.

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

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

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

17 Section 2403-A. System management.

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

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

28 (c) Review.--When storm water management activities are  
29 undertaken in watersheds for which there is no approved storm  
30 water management plan, all drawings, documents, profiles and

1 designs and descriptions of the proposed activities to be  
2 undertaken by the township shall be submitted to the county  
3 conservation district for review and comment before the  
4 initiation of earthmoving activities. The conservation district  
5 shall have 30 days to review and respond with comments to the  
6 board of commissioners. Failure to respond within that time  
7 constitutes favorable comment by the conservation district.  
8 Section 2404-A. Ordinances.

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

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

21 Section 2405-A. Fees.

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

1 are approved or inspected by the township.

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

4 (1) On all properties in the township.

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

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

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

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

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

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