
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 474 Session of
2019

INTRODUCED BY EVERETT, READSHAW, RYAN, BERNSTINE, PYLE AND
DeLUCA, FEBRUARY 12, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 12, 2019

AN ACT

1 Amending Titles 8 (Boroughs and Incorporated Towns) and 11
2 (Cities) of the Pennsylvania Consolidated Statutes, in storm
3 sewers and watercourses, further providing for authority of
4 boroughs and for manner of financing work; providing for
5 storm water management plans and facilities for incorporated
6 towns; and, in watercourses, flood protection projects and
7 storm water systems, further providing for establishing and
8 changing watercourses, flood protection projects and storm
9 water systems and for assessment of benefits and liens.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2201 of Title 8 of the Pennsylvania
13 Consolidated Statutes is amended by adding a subsection to read:

14 § 2201. Authority of boroughs.

15 * * *

16 (c) Ordinances.--A borough may enact and enforce ordinances
17 to govern and regulate the planning, management, implementation,
18 construction and maintenance of storm water facilities.

19 Section 2. Section 2203 of Title 8 is amended to read:

20 § 2203. Manner of financing work.

21 (a) General rule.--A borough may pay for the costs and

1 expenses of any work or activity authorized under section 2201
2 (relating to authority of boroughs) wholly or in part from money
3 of the borough available for the purpose.

4 (b) Assessments.--To the extent that a borough does not
5 receive assistance from the Federal, State or county government
6 for the costs and expenses of the work, the borough may assess
7 the benefited properties located within the drainage area of the
8 watercourse in accordance with Chapter 21A (relating to
9 assessments and charges for public improvements).

10 (c) Fees.--For the purposes of funding the construction,
11 maintenance and operation of storm water management facilities,
12 systems and management plans authorized under this chapter, a
13 borough may assess reasonable and uniform fees based in whole or
14 in part on the characteristics of the property benefited by the
15 facilities, systems and management plans. In establishing the
16 fees the borough shall consider and provide appropriate
17 exemptions or credits for properties that have installed and are
18 maintaining storm water facilities that meet best management
19 practices and are approved or inspected by the borough. The
20 assessed fees shall be filed with the borough treasurer. An
21 ordinance shall specify whether payments are to be made by
22 annual or more frequent installments.

23 (d) Methods of assessment.--Any fee levied by the borough
24 may be assessed in one of the following methods:

25 (1) On all properties in the borough.

26 (2) On all properties benefited by a specific storm
27 water project.

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

30 (e) Use.--Any fee collected for the purposes of storm water

1 management may only be used for the purposes authorized under
2 this chapter.

3 Section 3. Title 8 is amended by adding a part to read:

4 PART II

5 INCORPORATED TOWNS

6 Chapter

7 41. (Reserved)

8 74. Storm Water Management Plans and Facilities

9 CHAPTER 41

10 (RESERVED)

11 CHAPTER 74

12 STORM WATER MANAGEMENT PLANS AND FACILITIES

13 Sec.

14 7401. Storm water management systems authorized.

15 7402. Construction of storm water management facilities.

16 7403. System management.

17 7404. Ordinances.

18 7405. Fees.

19 § 7401. Storm water management systems authorized.

20 The town council may plan, design, construct, assemble,
21 install and alter facilities, including, but not limited to,
22 inlets, outlets, systems of piping, diversion terraces, grass
23 waterways, energy dissipaters, storm water retention devices and
24 natural or artificial infiltration areas, to manage surface
25 water runoff.

26 § 7402. Construction of storm water management facilities.

27 (a) General rule.--The town council may acquire by purchase,
28 deed of dedication or eminent domain proceedings all or part of
29 any existing system or facility for the management of surface
30 water runoff that may have been established or constructed by

1 any property owner in the incorporated town or establish,
2 construct and maintain systems or facilities in the best
3 interest of the incorporated town.

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

8 (c) Eminent domain.--If the town council acquires the system
9 by the exercise of eminent domain, the damages shall be
10 determined by viewers under this act for eminent domain
11 proceedings.

12 § 7403. System management.

13 (a) General rule.--When exercising the powers under this
14 chapter, the town council shall manage storm water originating
15 in or passing through the incorporated town in a manner that is
16 consistent with the requirements of the act of October 4, 1978
17 (P.L.864, No.167), known as the Storm Water Management Act, and
18 the storm water management guidelines and any regulations that
19 may be adopted by the Department of Environmental Protection.

20 (b) Consistency.--All storm water management activities must
21 be consistent with any watershed storm water management plan
22 when the plan has been approved by the Department of
23 Environmental Protection.

24 (c) Review by county conservation district.--When storm
25 water management activities are undertaken in watersheds for
26 which there is no approved storm water management plan, all
27 drawings, documents, profiles and designs and descriptions of
28 the proposed activities to be undertaken by the incorporated
29 town shall be submitted to the county conservation district for
30 review and comment before the initiation of earthmoving

1 activities. The conservation district shall have 30 days to
2 review and respond with comments to the board of commissioners.
3 Failure to respond within that time constitutes favorable
4 comment by the conservation district.

5 § 7404. Ordinances.

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

14 (b) Storm water facilities.--The town council may enact and
15 enforce ordinances to govern and regulate the planning,
16 management, implementation, construction and maintenance of
17 storm water facilities.

18 § 7405. Fees.

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

30 (b) Methods of assessments.--Any fee levied by the

1 incorporated town may be assessed in one of the following
2 methods:

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

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

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

8 (c) Use.--Any fee collected for the purposes of storm water
9 management may only be used for the purposes authorized under
10 this chapter.

11 (d) Filing.--The assessments shall be filed with the town
12 treasurer.

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

15 Section 4. Section 13401 of Title 11 is amended by adding a
16 subsection to read:

17 § 13401. Establishing and changing watercourses, flood
18 protection projects and storm water systems.

19 * * *

20 (c) Ordinances.--A city may enact and enforce ordinances to
21 govern and regulate the planning, management, implementation,
22 construction and maintenance of storm water facilities.

23 Section 5. Section 13407 heading of Title 11 is amended and
24 the section is amended by adding subsections to read:

25 § 13407. Assessment of benefits [and], liens and fees.

26 * * *

27 (d) Fees.--For the purposes of funding the construction,
28 maintenance and operation of storm water management facilities,
29 systems and management plans authorized under this chapter, a
30 city may assess reasonable and uniform fees based in whole or in

1 part on the characteristics of the property benefited by the
2 facilities, systems and management plans. In establishing the
3 fees, the city shall consider and provide appropriate exemptions
4 or credits for properties that have installed and are
5 maintaining storm water facilities that meet best management
6 practices and are approved or inspected by the city. The
7 assessed fees shall be filed with the city treasurer. An
8 ordinance shall specify whether payments are to be made by
9 annual or more frequent installments.

10 (e) Methods of assessment.--Any fee levied by the city may
11 be assessed in one of the following methods:

12 (1) On all properties in the city.

13 (2) On all properties benefited by a specific storm
14 water project.

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

17 (f) Use.--Any fee collected for the purposes of storm water
18 management may only be used for the purposes authorized under
19 this chapter.

20 Section 6. This act shall take effect in 60 days.