
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

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 22, 2017

AN ACT

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

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

7 Section 1. Chapter 24 Subchapter B heading of Title 8 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 Subchapter B [(Reserved)]

10 Storm Water Management

11 Plans and Facilities

12 Section 2. Title 8 is amended by adding sections immediately
13 after Chapter 24 Subchapter B heading to read:

14 § 2471. Storm water management systems authorized.

15 The town council may plan, design, construct, assemble,
16 install and alter facilities, including, but not limited to,
17 inlets, outlets, systems of piping, diversion terraces, grass
18 waterways, energy dissipaters, storm water retention devices and
19 natural or artificial infiltration areas, to manage surface

1 water runoff.

2 § 2472. Construction of storm water management facilities.

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

10 (b) Price.--If the town council and the owners of systems
11 can agree upon a price to be paid by the incorporated town, 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) Eminent domain.--If the town council acquires the system
15 by the exercise of eminent domain, the damages shall be
16 determined by viewers under this act for eminent domain
17 proceedings.

18 § 2473. System management.

19 (a) General rule.--When exercising the powers under this
20 subchapter, the town council shall manage storm water
21 originating in or passing through the incorporated town in a
22 manner which is consistent with the requirements of the act of
23 October 4, 1978 (P.L.864, No.167), known as the Storm Water
24 Management Act, and the storm water management guidelines and
25 any regulations which may be adopted by the Department of
26 Environmental Protection.

27 (b) Consistency.--All storm water management activities
28 undertaken must be consistent with any watershed storm water
29 management plan when the plan has been approved by the
30 Department of Environmental Protection.

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

12 § 2474. Ordinances.

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

21 (b) Storm water facilities.--The town council may enact and
22 enforce ordinances to govern and regulate the planning,
23 management, implementation, construction and maintenance of
24 storm water facilities.

25 § 2475. Fees.

26 (a) General rule.--For the purposes of funding the
27 construction, maintenance and operation of storm water
28 management facilities, systems and plans authorized under this
29 subchapter, an incorporated town may assess reasonable and
30 uniform fees based in whole or in part on the characteristics of

1 the property benefited by the facilities, systems and plans. In
2 establishing the fees, the incorporated town may consider and
3 provide appropriate exemptions or credits for properties which
4 have installed and are maintaining storm water facilities that
5 meet best management practices and are approved or inspected by
6 the incorporated town.

7 (b) Methods of assessments.--Any fee levied by the
8 incorporated town can be assessed in one of the following
9 methods:

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

11 (2) On all properties benefited by a specific storm
12 water project.

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

15 (c) Use.--Any fee collected for the purposes of storm water
16 management may only be used for the purposes authorized by this
17 subchapter.

18 (d) Filing.--The assessments shall be filed with the town
19 treasurer.

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

22 Section 3. This act shall take effect in 60 days.