

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 31 Session of 2023

INTRODUCED BY STRUZZI, ARMANINI, CIRESI, FREEMAN, GUENST,  
MENTZER AND STURLA, MARCH 7, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 7, 2023

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.--A 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 inlets, outlets, systems  
22 of piping, diversion terraces, grass waterways, energy  
23 dissipaters, storm water retention devices and natural or  
24 artificial infiltration areas, to manage surface water runoff.

25 § 7402. Construction of storm water management facilities.

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

1 and maintain systems or facilities in the best interest of the  
2 incorporated town.

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

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

11 § 7403. System management.

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

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

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

1 with comments to the board of commissioners. Failure to respond  
2 within that time constitutes favorable comment by the  
3 conservation district.

4 § 7404. Ordinances.

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

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

17 § 7405. Fees.

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

29 (b) Methods of assessments.--Any fee levied by the  
30 incorporated town may be assessed in one of the following

1 methods:

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

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

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

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

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

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

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

16 § 13401. Establishing and changing watercourses, flood  
17 protection projects and storm water systems.

18 \* \* \*

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

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

24 § 13407. Assessment of benefits [and], liens and fees.

25 \* \* \*

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

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

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

11 (1) On all properties in the city.

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

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

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

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