

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 32 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 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.

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

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

10 (b) Purchase.--If the board of commissioners and the owners
11 of systems agree upon a price to be paid by the township, 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) Damages.--If the board of commissioners acquires the
15 system by the exercise of eminent domain, the damages shall be
16 determined by viewers under this act for eminent domain
17 proceedings.

18 Section 2403-A. System management.

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

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

29 (c) Review.--If storm water management activities are
30 undertaken in watersheds for which there is no approved storm

1 water management plan, all drawings, documents, profiles and
2 designs and descriptions of the proposed activities to be
3 undertaken by the township shall be submitted to the county
4 conservation district for review and comment before the
5 initiation of earthmoving activities. The county conservation
6 district shall have 30 days to review and respond with comments
7 to the board of commissioners. Failure to respond within that
8 time constitutes favorable comment by the county conservation
9 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 management 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 shall
30 consider and provide appropriate exemptions or credits for

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

4 (b) Fees.--A 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
8 water project.

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

11 (c) Authorization.--A 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.