

## No. 2016-62

## AN ACT

## HB 1325

Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," in storm water management plans and facilities, further providing for ordinances and providing for fees.

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

Section 1. Section 2704 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60), is amended to read:

Section 2704. Ordinances.—(a) The board of supervisors may enact storm water management ordinances and require persons conducting earthmoving activities to obtain approval from the board of supervisors for those activities. Ordinances must be consistent with watershed storm water management plans where they exist and in all cases must be consistent with the act of October 4, 1978 (P.L.864, No.167), known as the "Storm Water Management Act."

*(b) The board of supervisors may enact and enforce ordinances to govern and regulate the planning, management, implementation, construction and maintenance of storm water facilities.*

Section 2. The act is amended by adding a section to read:

*Section 2705. Fees.—(a) For the purposes of funding the construction, maintenance and operation of storm water management facilities, systems and management plans authorized under this article, a township may assess reasonable and uniform fees based in whole or in part on the characteristics of the property benefited by the facilities, systems and management plans. The fees assessed may not exceed the amount necessary to meet the minimum requirements of the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.), and Federal or State laws governing the implementation of the Federal Water Pollution Control Act, for the construction, maintenance and operation of storm water management facilities, systems and management plans, as specified in 40 CFR 122.26 (relating to storm water discharges (applicable to State NPDES programs, see § 123.25)). In establishing the fees, the township shall consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the township.*

*(b) Any fee levied by the township can be assessed in one of the following methods:*

*(1) On all properties in the township.*

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

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

*(c) Any fee collected for the purposes of storm water management may only be used for the purposes authorized by this article.*

*(d) The assessments shall be filed with the township treasurer.*

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

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

APPROVED—The 1st day of July, A.D. 2016

TOM WOLF