

Ordinance # 283

AN ORDINANCE OF THE TOWNSHIP OF OLD LYCOMING, LYCOMING COUNTY, PA, FOR A STORM WATER MANAGEMENT FEE

BE IT ENACTED AND ORDAINED by the Township of Old Lycoming, Lycoming County, PA,
as the Township Ordinance, known as Ordinance #283, enacted January 14, 2020.

Section 1: TITLE

This Ordinance shall be known as the Storm Water Maintenance Fee Ordinance for Old Lycoming Township.

Section 2: PURPOSE

The purpose of this ordinance is to provide dedicated funding needed to ensure the proper development and maintenance of storm water management practices within Old Lycoming Township.

Section 3: AUTHORITY

- A. Old Lycoming Township is empowered by [53 Pa. Cons. Stat § 67705] to assess reasonable and uniform fees for storm water management activities and facilities.
- B. Old Lycoming Township is empowered to regulate storm water management activities and facilities by the authority of the Storm Water Management Act, 32 P.S § 680.1 et seq., and the Second Class Township Code, Title 53 P.S § 35101 et seq.
- C. Old Lycoming Township is also empowered to regulate land use activities that affect Storm Water Management systems by the authority of Pennsylvania's Municipalities Planning Code, 53 P.S § 10101 et seq.

Section 4: FINDINGS

The governing body of Old Lycoming Township finds that:

- A. Inadequate development and maintenance of storm water facilities increases storm water runoff rates and volumes, contributes to erosion and sedimentation, overtaxes the carrying capacity of storm sewers and streams, increase the cost of public facilities to carry and control stormwater, undermines flood plan management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases pollution of water resources.
- B. A comprehensive program of storm water management, including the generation of funding to pay for effective storm water best management practices, is fundamental to the public health, safety and welfare and the protection of people of the Commonwealth, their resources and the environment.
- C. Storm water is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Approaches to water management that protect, restore, and mimic natural water cycles have significant environmental, social, and economic benefits and should be encouraged.
- E. Federal and state regulations include requirements for municipalities to implement a

program of storm water controls. Regulated municipalities are required to obtain a permit for storm water discharges from their separate storm sewer systems and the National Pollutant Discharge Elimination System ("NPDES"). In order to establish, operate, and maintain the storm water infrastructure of Old Lycoming Township, as well as all systems upon which the storm infrastructure depends, sufficient and stable funding is required to fund these public services.

- F. Old Lycoming Township intends to establish fair and equitable storm water management fees to assure that each lot within Old Lycoming Township will pay its proportionate share of the costs of operation, maintenance repair, administration, replacement, and improvement of all storm water services provided or paid for by Old Lycoming Township.

Section 5: RATES

Base Rate

The total fee, as proposed by Old Lycoming Township and approved by Old Lycoming Township, in the form of a resolution, and changed as necessary by a resolution, is the fee assessed to each and every residential and commercial property in the township. The base rate shall be set to cover the Municipality's total anticipated storm water expenses. Each developed lot in Old Lycoming Township shall be subject to a monthly storm water management fee. One-, two-, and three family residences on a single lot will each be charged a storm water management fee.

Section 6: STORM WATER ACCOUNT AND BILLING

- A. Old Lycoming Township shall create and maintain a dedicated storm water account separate from all other accounts or funds. All storm water management fees, and any penalties or interest on such fees, shall be deposited in that account and shall be solely to provide storm water services.
- B. Billing
 - (1) Old Lycoming Township shall issue bills for storm water management fees on an annual basis. The storm water management fees shall be billed on a combined property tax bill as an individual line item.
 - (2) Bill Recipient
 - (a) Each owner of a property located in Old Lycoming Township shall receive a charge for the storm water fee annually on the real estate property tax bill.
 - (b) The owner is financially responsible for any unpaid storm water management fees, including penalties and/or interest.
 - (3) Old Lycoming Township, by way of resolution may change its billing practices at any time with regard to developing billing forms, guidelines, and practices not consistent with this section.

Section 7: ENFORCEMENT AND PENALTIES

- A. Failure to pay storm water fees shall be treated the same as failure to pay said property tax bill.

Section 8: FLOODS AND LIABILITY

- A. Floods from storm water runoff may occur occasionally that exceed the capacity of the storm water system maintained and financed with the storm water management fee. This ordinance does not imply that properties subject to storm water management fees shall always be free from flooding or flood damage, or that all flood control projects to control runoff can be constructed cost-effectively. Nothing whatsoever in this ordinance shall deem

Old Lycoming Township, the Board of Supervisors, the Township Manager, or its staff liable for any damages incurred in a flood or from adverse water quality. Further, payment of a storm water management fee does not relieve an owner or third party from any Local, State, or Federal requirements to obtain flood insurance or other law applicable to the lot.

Section 9: SEVERABILITY

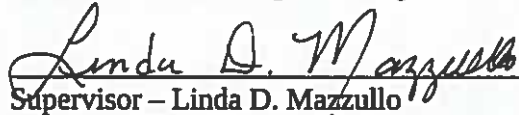
- A. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of Old Lycoming Township that this ordinance shall stand on its own merit.

ENACTED AND ORDAINED by the Board of Supervisors of Old Lycoming Township, to be known as Ordinance # 283, on this 14th day of January 2020.

TO BECOME EFFECTIVE 5 days after enactment.

OLD LYCOMING TOWNSHIP SUPERVISORS


Chairman – Sam Aungst


Supervisor – Linda D. Mazzullo


Supervisor – David W. Shirm

ATTEST:


Old Lycoming Township Manager

SEAL:



RESOLUTION

01.14.20.01

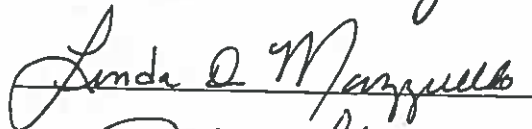
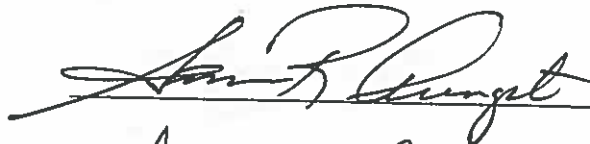
At a regular meeting of the Supervisors of Old Lycoming Township, Lycoming County, State of Pennsylvania, held on the 14th day of JANUARY 2020 the following resolution was duly offered and adopted.

Resolved by the Board of Supervisors of Old Lycoming Township, Lycoming County, Pennsylvania, this 14th day of JANUARY 2020 establish a Storm Water Maintenance Fee. Old Lycoming Township is empowered by [53 Pa. Cons. Stat § 67705] to assess reasonable and uniform fees for storm water management activities and facilities.

Old Lycoming Township is empowered to regulate storm water management activities and facilities by the authority of the Storm Water Management Act, 32 P.S § 680.1 et seq., and the Second Class Township Code, Title 53 P.S § 35101 et seq.

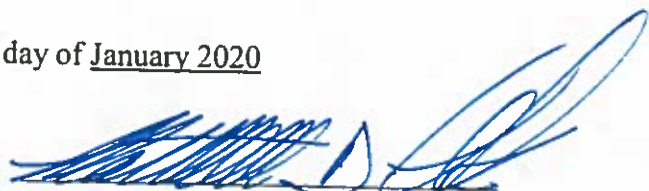
Old Lycoming Township is also empowered to regulate land use activities that affect Storm Water Management systems by the authority of Pennsylvania's Municipalities Planning Code, 53 P.S § 10101 et seq.

- Storm Water Maintenance Fee will be \$5.00 per month (\$60.00 Per Year) for every residential and commercial property in Old Lycoming Township. This will be included in the property taxes subject to discount, face and penalty periods.



Supervisors of Old Lycoming Township

Certified from the minutes this 14th day of January 2020



Secretary

