Lower Allen Township Stormwater Authority
Resolution 2018-A-01

ESTABLISHING STORMWATER FEES FOR THE LOWER ALLEN TOWNSHIP STORMWATER AUTHORITY; PROVIDING FOR PAYMENT AND COLLECTION OF STORMWATER FEES AND THE ENFORCEMENT THEREOF; ADOPTING CERTAIN RULES AND REGULATIONS APPLICABLE TO THE STORMWATER PROGRAM, AND AUTHORIZING ADOPTION OF ADDITIONAL RULES AND REGULATIONS APPLICABLE TO THE STORMWATER PROGRAM.

WHEREAS, Lower Allen Township Stormwater Authority (hereinafter the “The Authority”) is a body politic and corporation organized and existing under the provisions of the Municipality Authorities Act of 1945, and its Amendments Act 203 of 1990 and Act 57 of 2003; and

WHEREAS, Lower Allen Township Stormwater Authority, in accordance with authority vested in it by law, desires to set stormwater fees, and to adopt certain rules and regulations applicable to the stormwater program, and to authorize adoption of additional rules and regulations, and to provide for the collection of stormwater fees, and to provide for penalties and to provide for the filing of liens.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Lower Allen Township Stormwater Authority as follows:

SECTION 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms and phrases used in this Resolution shall be as follows:

(a) “Authority” means the Lower Allen Township Stormwater Authority.

(b) “Billed Parcel” means any parcel located in the Township, except Township-owned parcels and common area parcels (i.e. parcels without dwelling units) owned by homeowner or condominium associations.

(c) “Equivalent Residential Unit” (ERU) means the measure of impervious ground cover for a typical single-family residential property used in assessing the fees for each Billed Parcel, and which has been determined to be Three Thousand One Hundred Fifteen (3,115) square feet.

(d) “Non-Residential Properties” means all billed parcels other than Single Family Residential Properties, including multi-family properties such as apartments and mixed-use parcels (i.e. parcels with both a residential and commercial use). Non-Residential Properties also include mobile home parks, commercial, institutional, governmental and industrial parcels.

(e) “Single Family Residential (SFR) Properties” – means Billed Parcels containing single family residential homes, attached homes, townhouses, condominiums, duplexes and row homes. Billed Parcels may be classified as “SFR” despite the presence of incidental structure associated with residential uses such as garages, carports, or small storage buildings. “SFR” shall not include Billed Parcels containing: (a) structures used primarily for non-residential purposes, (b) mobile homes located within mobile home parks, or (c) apartment buildings or agricultural properties. A Billed Parcel that does not contain a dwelling unit (e.g. it contains a garage, shed, driveway, parking area or other impervious area) will be classified as SFR if the parcel is zoned as a residential parcel.

(f) “Stormwater Management System” The system of runoff avoidance, infiltration, collection, and conveyance, including storm sewers, pipes, conduits, mains, inlets,
culverts, catch basins, gutters, manholes, ditches, channels, basins, and detention ponds, streets, curbs, drains and all devices, appliances and Stormwater Best Management Practices, such as infiltration and filtration facilities, used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, avoiding the generation of, and treating Stormwater, which is owned, operated and maintained by Lower Allen Township.

(g) “Township” means the Township of Lower Allen, Cumberland County, Pennsylvania, acting by and through its Board of Commissioners.

SECTION 2. STORMWATER FEES AND CHARGES

Stormwater fees are imposed upon and shall be collected from the owner of each Non-Residential Property or Single-Family Residential Property for the discharge of stormwater from the property. All Billed Parcels in Lower Allen Township will be assessed a Stormwater Fee.

SECTION 3. RATE STRUCTURE, BILLING, PAYMENT AND PENALTIES

(a) Rate Structure. The stormwater fee will be billed on a quarterly basis. The rate structure is detailed as follows.

1. Single-Family Residential (SFR) Properties. The average impervious surface area per SFR property (or ERU) is 3,115 square feet. All SFR properties will be billed 1 ERU.

2. Non-Residential Properties. The Stormwater Fee for Non-Residential Properties will be based on actual impervious surface area of each property and will be calculated as a whole number multiple of the ERU. The Stormwater Fee for Non-Residential Properties will be calculated by multiplying the number of ERUs times the flat rate per ERU.

3. Minimum Fee. The minimum fee for all billed parcels will be one (1) ERU.

(b) Billing. All billings for stormwater fees (other than those based on multiples herein,) shall be rendered in calendar year quarters in advance on January 1st, April 1st, July 1st and October 1st of each year, and shall be subject to a penalty of ten (10%) percent per ERU, per quarter, if not paid by the 30th day of the first calendar month of the quarter. If a quarterly bill is not paid in one year from the date of becoming delinquent, a new penalty of ten (10%) percent of the unpaid principal balance shall be added each year that the bill remains unpaid. All accounts shall be considered delinquent if not paid by the 30th day of the first calendar month of the quarter.

SECTION 4. ENFORCEMENT

Proper officers of this Authority are authorized, empowered, and directed to do all things, and to take all legal action necessary, including the filing of municipal claims and liens in accordance with the law, to enforce collection of stormwater fees established and imposed hereby, and otherwise to carry out the provisions hereof.

(a) Residential Units. The following minimum enforcement action shall be taken on outstanding residential stormwater service accounts.

(1) Stormwater service accounts outstanding for three (3) billing quarters shall receive an unpaid stormwater bill notice.
(2) Stormwater service accounts outstanding for four (4) billing quarters shall receive a Notice of Delinquency.

(3) Stormwater service accounts outstanding for four (4) billing quarters that have not arranged payment within the fifteen (15) days provided by the Notice of Delinquency, shall receive a Notice of Property Lien by certified mail in accordance with the Pennsylvania Municipal Claim and Tax Lien Law Act. The property lien notice shall include the amount of the outstanding account, plus current lien, legal, and filing costs. Should the property owner not accept the certified mail notice, a second notice shall be sent by first class mail.

(4) After the lien is filed, a copy of the recorded lien document cover page provided by the County shall be mailed to the Property Owner by first class mail.

(5) Stormwater service accounts outstanding for an additional four (4) billing quarters that have not arranged payment shall receive an additional certified mail notice of lien action in accordance with the Pennsylvania Municipal Claim and Tax Lien Law Act, with additional notice by first class mail if required. Accounts with multiple liens shall be consolidated in accordance with the Act as required to keep the lien active, and the additional legal fees and cost to re-file the lien shall be added to the outstanding account amount.

(6) Stormwater service accounts outstanding on which a lien has been filed and no arrangement for payment has been made, may be subject to any or all of the following remedies.

   a. Refer delinquent account to any approved agency for collection with all costs to the Authority thereafter to be borne by the property owner.

   b. Initiate civil proceedings, the cost of which shall be borne by the property owner.

(b) **Non-Residential, Multiple Residential and Multiple Non-Residential Establishments**

The following minimum enforcement actions shall be taken on outstanding non-residential, multiple residential and multiple non-residential stormwater service accounts.

1. Stormwater service accounts with outstanding bill amounts shall follow the same enforcement action as outlined above for the Residential Establishments.

**SECTION 5. ADOPTION OF ADDITIONAL RULES AND REGULATIONS**

The Authority reserves the right from time to time to adopt such additional rules and regulations as it deems necessary and proper for the use and operation of the stormwater program, which rules and regulations shall become a part of this Resolution.

**SECTION 6. FEES AND COSTS**

The Authority hereby enacts the following stormwater fees and charges as follows: Exhibit “A.”

Additionally, the Authority enacts the costs for attorney’s fees and collection fees: Exhibit “B.”
SECTION 7. EFFECTIVE DATE

This Resolution will become effective on January 1, 2019.

SECTION 8. CONSTRUCTION AND SEVERABILITY

In the event as provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of this Authority that such remainder shall be and shall remain in full force and effect.

SECTION 9. REPEALER

All Resolutions or parts of Resolutions expressly inconsistent herewith expressly are repealed.

ENACTED into a Resolution this 1st day of November, 2018.

ATTEST:

(Authority Seal)

By: [Signature]
Secretary/Assistant Secretary

[Signature]
Chairman/Vice Chairman
EXHIBIT “A”

Lower Allen Township Stormwater Authority
Stormwater Charges

Beginning **April 1, 2019**, the stormwater fee for Lower Allen Township shall be as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Equivalent Residential Unit (ERU)</td>
<td>Nineteen ($19.00) Dollars</td>
</tr>
<tr>
<td>Insufficient Funds Charge</td>
<td>Twenty ($20.00) Dollars</td>
</tr>
<tr>
<td>(Per returned payment):</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT “B”

Lower Allen Township Stormwater Authority
2019 Lien Fee Schedule

Resolution 2018-A-1 established the fee types for collection of delinquent Municipal Claims and adjustment rates based on actual costs. The 2019 Lien Fee Schedule is listed below.

Attorney Hourly Rate: Two-Hundred ($200.00) Dollars
Courthouse Fees/Filing Fees: Twenty-One Dollars & Fifty Cents ($21.50)
Release Fee: Nineteen Dollars & Fifty Cents ($19.50)
Postage (First Class & Certified) Seven ($7.00) Dollars