

RESOLUTION NO. 1-2020

A RESOLUTION OF THE BOARD OF THE EAST PENNSBORO TOWNSHIP AUTHORITY, CUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING A USER FEE FOR STORMWATER COLLECTION AND MANAGEMENT AND ESTABLISHING CERTAIN RULES AND PROCEDURES.

WHEREAS, East Pennsboro Township Authority ("Authority"), currently owns and, through the East Pennsboro Township ("East Pennsboro") maintains a system of sewers, drains, basins, infiltration and filtration facilities, inlets, manholes, ditches, outfalls and other infrastructure to collect, convey and manage Stormwater.

WHEREAS, the existing Stormwater Management System requires maintenance, repair, enhancements and replacement to meet existing and future needs, including flooding concerns; public health, safety and welfare; and water quality protection.

WHEREAS, the requirements of the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection demand a comprehensive approach to municipal Stormwater management by East Pennsboro; and

WHEREAS, a professional engineering and financial analysis of the Stormwater management needs for East Pennsboro has been performed concluding that substantial Stormwater management needs and regulatory requirements exist.

WHEREAS, East Pennsboro Township and the Authority have entered into discussions regarding the proper handling of Stormwater in East Pennsboro Township.

WHEREAS, Pennsylvania Act 68 of 2013 authorizes the Authority to assess and collect fees for the financing of Stormwater planning, management and implementation.

NOW, THEREFORE, be it resolved by the Board of the East Pennsboro Township Authority as follows:

Section 1. Statement of Findings.

A. The Stormwater management needs of East Pennsboro have been identified through field investigations, citizen notifications, and engineering studies, indicating more comprehensive and effective Stormwater management in East Pennsboro would contribute to the protection of the health, safety and welfare of the residents, and that Stormwater facilities, infrastructure and activities associated with Stormwater management provide services and benefits to all properties, Property Owners, residents and citizens of East Pennsboro.

B. Inadequate management of accelerated Stormwater runoff throughout a watershed can increase flood flows and velocities, contribute to erosion and sediment, overtax the carrying capacity of existing streams and storm sewers, greatly increase the cost of public facilities to convey and manage Stormwater, undermine floodplain management and flood reduction efforts in upstream and downstream communities, reduce groundwater recharge, impact other related water resource needs and threaten public health and safety.

C. Inadequate planning and management of Stormwater runoff throughout a watershed can harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows, increasing erosion and sedimentation, destroying aquatic habitat, and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens.

D. Stormwater is an important water resource which supports groundwater recharge for water supplies and base-flow of streams.

E. A comprehensive program of public Stormwater management services which seeks to avoid and minimize flooding, erosion, and water quality degradation is fundamental to the public health, safety, welfare of the residents of East Pennsboro, local Property and the environment.

F. In order to establish, operate, enhance and maintain the Stormwater Management System; ensure the continued effective operation of the system through installation and management of Best Management Practices (BMPs); and provide other services such as appropriate inspections, asset management, and regulatory oversight associated with Stormwater and watershed management, sufficient and stable funding is required to fund these public services.

G. Federal regulations, including those found at 40 CFR Part 122, and Pennsylvania state regulations require East Pennsboro to implement and fund a program of Stormwater controls that address discharges from East Pennsboro's regulated Stormwater outfalls to local water bodies. In accordance with those regulations, East Pennsboro has a permit to manage Stormwater discharges from its municipal separate storm sewer system ("MS4") under the National Pollutant Discharge Elimination System regulations.

H. East Pennsboro and the Authority have discussed the most efficient way to handle Stormwater requirements in East Pennsboro and have entered into an Agreement related thereto.

I. The Authority will establish fair and equitable User Fees to assure that each Developed Parcel within East Pennsboro will pay its proportionate share of the costs of operation, maintenance, repair, regulatory compliance, administration, replacement and improvement related to the Stormwater Management System and all Stormwater services provided or paid for by the Authority or East Pennsboro.

J. A proposed program for imposing User Fees has received input and comment by the public through public meetings, stakeholder meetings, and advertisements.

K. The charges as determined herein are fair and equitable and are based upon the following facts:

1. A minimum fee per residential unit is reasonable;
2. The basis for the single family Equivalent Residential Unit (ERU) of 3,430 square feet of Impervious Surface were based on a statistical analysis of properties in East Pennsboro; and
3. The use of aerial photography and Geographic Information Systems (GIS) analysis provides an accurate measurement for Impervious Surface.

Section 2. Definitions.

Terms and phrases used and not specifically defined herein shall be defined as set forth in the applicable statutes of the Commonwealth of Pennsylvania, resolutions of the East Pennsboro Township Authority (the "Authority"), if any, or shall otherwise be given their ordinary and common meanings. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Resolution shall be as follows:

1. **Authority** – The East Pennsboro Township Authority.
2. **Appeal Form** – The appeal form that is attached hereto as Appendix B that property Owners must file if they believe that the User Fee for their property has been calculated incorrectly.
3. **Best Management Practices ("BMPs")** – The methods, procedures, and analyses specified in the Pennsylvania Stormwater Best Management Practices Manual to reduce flooding potential and control the volume, flow rate, and water quality of stormwater.
4. **Developed Parcel** – A parcel altered from a natural state that contains Impervious Surface equal to or greater than 300 square feet. Excludes public roads and common area parcels (i.e. parcels without dwelling units) owned by homeowner associations. Developed Parcels do not include land under initial development prior to issuance of a certificate of occupancy; however, a parcel undergoing initial development that does not receive a certificate of occupancy within three (3) years from start of construction will be considered a Developed Parcel.
5. **East Pennsboro Township Authority ("EPTA" or "Authority")** – The East Pennsboro Township Authority, a Pennsylvania municipal authority organized and existing under the Pennsylvania Municipality Authorities Act, or its designee.
6. **Equivalent Residential Unit ("ERU")** – The measure of impervious ground cover for a typical single-family detached residential Property used in assessing the fees for each parcel of Developed Property, and which has been determined to be 3,430 square feet.
7. **East Pennsboro** – East Pennsboro Township, Cumberland County, Pennsylvania.
8. **Impervious Surface** – A surface that prevents or impedes the infiltration of water into the ground. Impervious Surfaces (or areas) include, but are not limited to roofs, patios, garages, storage sheds, and similar structures and any new streets and sidewalks. Any surface areas designed to be gravel or crushed stone or ballast, unless designed as an infiltration BMP, shall be regarded as Impervious Surfaces. For the purpose of this Stormwater fee rate structure, the following are not measured as Impervious Surface: The water surface area of a swimming pool is not included as Impervious Surface.
9. **Inspection Report** – The periodic inspection report(s) set forth in section 22-732 of the Township Stormwater Management Ordinance.
10. **MS4 – Municipal Separate Storm Sewer System.** A separate storm sewer (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) which is all of the following:
 - (i) Owned or operated by a State, city, town, borough, county, district, association or other public body (created by or under State law) having jurisdiction over disposal of

sewage, industrial wastes, stormwater or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Federal Act (33 U.S.C.A. § 1288) that discharges to surface waters of this Commonwealth.

(ii) Designed or used for collecting or conveying stormwater.

(iii) Not a combined sewer.

(iv) Not part of a Publicly Owned Treatment Works (POTW).

11. **National Pollutant Discharge Elimination System (“NPDES”)** – The federal government’s and Commonwealth of Pennsylvania’s system for issuance of discharge permits under the federal Clean Water Act (“CWA”), the Pennsylvania Clean Streams Law and Storm Water Management Act. The Pennsylvania Department of Environmental Protection (“PADEP”) has been delegated the responsibility to implement the federal CWA NPDES program in Pennsylvania.

12. **Non-Residential Properties (“NR”)** – All Developed Parcels other than Single Family Residential Properties, including multi-family properties such as apartments and mixed use parcels (i.e. parcels with both residential and commercial use). Non-Residential Properties also include mobile home parks, places of worship, commercial institutional, governmental and industrial parcels.

13. **Operation and Maintenance** – The associated costs of equipment and facilities, energy, manpower, materials, transportation, and services required to collect, convey, detain, pump and transport stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, administer the Stormwater Management Program and shall include sums paid to defray costs of the Authority’s improvements and replacement to the Stormwater Management System.

14. **Operation and Maintenance Agreement** – An agreement pertaining to the operation and maintenance of stormwater management BMPs as described in Section 22-725 of the Township’s Stormwater Management Ordinance.

15. **Owner** – Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in East Pennsboro Township.

16. **PADEP** – Pennsylvania Department of Environmental Protection.

17. **Parcel Identification Number (PIN)** – A discrete identification number for each lot, parcel, building or other structure within East Pennsboro.

18. **Pennsylvania Stormwater Best Management Practices Manual** – The most recent version of the Pennsylvania Stormwater Best Management Practices Manual.

19. **Property** – Each lot, parcel, building or portion thereof, separately established by discrete PIN by East Pennsboro Township.

20. **Replacement** – The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the service life of the Stormwater Management System so as to maintain the capacity and performance for which said system was designed and constructed; shall include costs associated with improvements to the Stormwater Management System.
21. **Riparian Buffer Area (RBA)** – A portion of the property of at least 100 ft. measured landward from the stream bank (or from the edge of the ordinary high water) as a riparian buffer area. The buffer must extend along the entire length of the stream/creek within the property.
22. **Authority Board** – The East Pennsboro Township Authority Board.
23. **Single Family Residential (“SFR”)** – Developed Parcels containing single family residential homes, attached homes, townhomes, condominiums, duplexes and row homes. Developed Parcels may be classified as “SFR” despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings. “SFR” shall not include Developed Parcels containing: (a) structures used primarily for non-residential purposes, (b) mobile homes located within mobile home parks, (c) apartment buildings or agricultural properties. A Developed Parcel which 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.
24. **Stormwater** –Runoff water from all precipitation events, snowmelts and springs.
25. **Stormwater Main** – A principal pipe in the Stormwater Management System, owned and maintained by the Authority or Township, to collect and transport stormwater.
26. **Stormwater Management Costs** – The associated public costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation and services required to:
- A. Avoid, reduce, manage, treat, collect, convey, detain, infiltrate, pump, and transport stormwater;
 - B. Provide flood protection;
 - C. Keep equipment and facilities, including best management practices, functioning satisfactorily and economically;
 - D. Administer the stormwater management program, including regulatory compliance; and
 - E. Improve the Authority’s Stormwater Management System.
27. **Stormwater Management Ordinance** – The Township’s Stormwater Management Ordinance located in Chapter 22, Part 7 of the Township’s Code of Ordinances.
28. **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 BMPs, 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 or maintained by East Pennsboro or the Authority.

29. **Structural BMPs** – Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural Stormwater BMPs are permanent appurtenances.
30. **Top of Streambank** – First substantial break in slope between the edge of the bed of the stream and the surrounding terrain. The top of streambank can either be a natural or constructed (that is, road or railroad grade) feature, lying generally parallel to the watercourse.
31. **Township** – The Township of East Pennsboro , Cumberland County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania.
32. **Undeveloped Parcel** – A parcel that does not meet the definition of “developed parcel.”
33. **User** – Any person, firm, corporation, individual, partnership, company, association, government agency, society or group using, benefiting from or being served by the public Stormwater Management System.
34. **User Fee** - Funds assessed, imposed and to be collected from each SFR Property and Developed Non-Residential Property.

Section 3. Imposition of User Fees.

The Authority hereby establishes and imposes User Fees upon each and every Developed Parcel that is connected with, uses, or is benefited by the Stormwater Management System, either directly or indirectly. User Fees shall be imposed for the use, benefit, operation, maintenance, repair, replacement and improvement of the Stormwater Management System. Such User Fees are to be imposed on a quarterly basis as follows:

- A. The User Fee for one ERU shall initially be set at a rate of \$22.00 per quarter.
- B. Each SFR parcel shall initially be charged a User Fee of one ERU through a quarterly billing process. For those properties with an existing wastewater and/or trash bill from East Pennsboro Township, the User Fee will appear as a separate line item indicating the fee being imposed by the Authority.
- C. All Non-Residential Properties shall be billed on a quarterly basis based upon the number of square feet of measured Impervious Surface, as determined through aerial photography and surface feature evaluation processes, with one ERU equaling 3,430 square feet of impervious area. The charge for said properties shall be computed by multiplying the number of ERUs for a given parcel by the unit rate as set forth in Subsection A above. All partial ERUs will be rounded to the nearest whole number for billing purposes. In no event shall any such parcel be charged less than one ERU.

Section 4. Uniform Application of User Fees.

User Fees shall be assessed, liened and collected by PIN as to all Property, Owners, lots parcels, building units and Users, unless not a Developed Parcel.

Section 5. "User" and "Owner" Distinguished.

References in this Resolution to "use," "User," "unit" or portion of a lot, parcel or building with respect to the calculation and assessment of User Fees shall not be construed to modify or alter the fact that the fees authorized by this Resolution are assessed to the Owner of each Developed Parcel and such Owner shall be and remain liable for payment of the same, whether or not such Owner occupies the Property or directly

uses the Stormwater Management System. Nothing in this Resolution shall be construed to prohibit or limit an Owner's ability to collect by lease or contract sums due by a tenant or other occupier of the Owner's Property, but such lease or contract shall not attempt to bind the Authority or limit in any way the Authority's authority to impose, assess, lien and collect Stormwater User Fees.

Section 6. Billing and Collection of User Fees.

A. The User Fees fixed and established by this Resolution shall be effective to all Developed Parcels Properties in the Township, and shall be effective to all other properties thereof that use, are served or benefitted by the Stormwater Management System subsequent to the effective date of this Resolution. User Fees imposed by this Resolution shall be assessed and billed by the Township Authority on a quarterly basis. Such assessments shall be due and payable 30 days from the first day of the quarter annual period for which the bill is rendered. The quarterly billing dates shall be on or about January 1, April 1, July 1, and October 1. The User Fees assessed and collected will not be subject to proration or refund by the Authority in the event a Property is sold; provided, however, that this sentence shall not bind a buyer and seller from making their own proration of any User Fees assessed hereunder.

B. The Board of the Authority may review and update the User Fees fixed and established by this Resolution as deemed necessary.

Section 7. Late Payment Penalty.

A penalty of ten percent (10%) of the User Fees assessed and not paid within the applicable time period shall be added for nonpayment within the time allowed.

Section 8. Interest on Unpaid User Fees.

Interest at the rate of one-half percent (1/2%) per month shall accrue and be added to all original amounts of User Fees remaining unpaid at the end of the quarter in which the same were first imposed and assessed and shall continue to accrue until the full amount of such User Fees are paid in full.

Section 9. Stormwater Management User Fees Constitute a Lien on Property.

In accordance with the Municipal Claims Act, 53 P.S. § 7101, et. seq., as amended, all User Fees, penalties, interest, collection fees, lien filing, and satisfaction fees and other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject Property and its Owner from the date of their imposition and assessment.

Section 10. Credits and Appeals.

A. Credits for onsite structural and non-structural activities which reduce and manage Stormwater runoff including detention, retention, or infiltration of water and recharge of the aquifer and thereby avoid or minimize public construction, operation, repair and maintenance of facilities and services shall be in accordance with a written policy to be adopted by resolution by the Board of the Authority.

B. Any Owner who believes its User Fee has been calculated in error may appeal in the following manner and sequence.

1. An appeal of the rate and charge must be filed in writing with the Authority or its designee within thirty (30) days of the charge being mailed or delivered to the property owner. Any appeal must state the reasons for the appeal and be submitted using the forms provided by the Authority for such purpose. See Appendix B. If a customer believes that EPTA's determination of the Impervious Area ("IA") for their property is erroneous, they may file an IA Adjustment Appeal. Please note, appeals are different from Credits. It is the customer's responsibility to demonstrate that EPTA's calculation of IA is erroneous. Following submission of a Stormwater Adjustment Appeal Form, the customer shall grant EPTA permission to enter the parcel at reasonable times and without unreasonable disruption, to inspect the parcel

to ensure that the information provided in the adjustment appeal accurately represents the current parcel conditions. There is no fee associated with submitting an adjustment appeal, however, the customer is solely responsible for any costs incurred in the preparation and submission of the adjustment appeal and all required appeal documentation.

2. Using information provided by the appellant, the Authority (or its designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. In response to an appeal, the Authority may adjust the User Fees applicable to the property in accordance with the provisions of the Authority's Rates, Rules and Regulations. If the Authority fails to respond within sixty (60) days, the appeal shall be deemed accepted. If the adjustment appeal results in a revised calculation of IA, then the User Fee will be corrected to reflect the revised IA determination for the next billing cycle and will include an adjustment to the existing month's User Fee.

3. Any person aggrieved by any decision of the Authority, relevant to the provisions of this Resolution, may file an action in the Court of Common Pleas of Cumberland County as permitted by law.

Section 11. Policies and Procedures Authorized.

A. The Board of the Authority may by resolution adopt such policies and procedures as it deems appropriate to ensure collection of User Fees assessed and authorized pursuant to this Resolution. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency, filing of liens, *scire facias* sur municipal lien proceedings to collect filed liens, and all other measures or combination thereof which the Board may deem appropriate.

B. All costs of such collection procedures, including but not limited to fees for filing, perpetuation and satisfaction of liens, collection fees, attorney's fees, court costs, litigation expense, charges for service of documents, shall upon being incurred by the Authority be imposed as a charge for nonpayment and added to the balance due on said Owner's account.

C. No lien shall be satisfied nor shall any collection proceeding be discontinued until all amounts due on an account, including User Fees, interest, collection fees, attorneys' fees, court costs and other charges are first paid in full to the Authority.

D. The Board of the Authority may implement such administrative procedures necessary to implement the policies and requirements set forth in this Resolution.

Section 12. Stormwater Revenue Account.

All User Fees and other Stormwater related funds authorized by this Resolution shall be deposited in the Stormwater Revenue Account, an account dedicated to the operation, administration, maintenance, repair and improvement of the Stormwater Management System.

Section 13. Floods and Liability.

Floods from Stormwater may occur occasionally that exceed the capacity of the Stormwater Management System maintained and financed with User Fees. Nothing in this Resolution shall be deemed to imply that Properties subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control Stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in this Resolution shall deem the Authority or East Pennsboro Township liable for any damages incurred from Stormwater or from adverse water quality. Nothing in this Resolution purports to reduce the need or necessity for flood insurance and East Pennsboro and the Authority expressly reserve the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon East Pennsboro Township, the Authority, their officers, appointed officials, employees and agents arising out of any alleged failure or breach of duty with respect to the Stormwater Management System.

Section 14. Right Of Inspection.

A. When Appealing Imposition of Fee or applying for a Credit, the Owner agrees that properly identified EPTA representative may at reasonable times enter any property unannounced to inspect the property or condition or operation of BMPs. If, after its review or inspection, EPTA staff finds the BMPs or Operations and Maintenance Agreement out of compliance with either the Credit Application or operational requirements, the Owner will be notified in writing and given sixty (60) days to correct the inaccuracy or non-compliance (“Notice of Non-Compliance”).

B. The Owner will have sixty (60) days following the receipt of the Notice of Non-Compliance to provide EPTA written documentation and evidence satisfactory to EPTA staff that the issues described in the Notice of Non-Compliance have been corrected. If the Owner fails to provide a written response within the designated time frame or if the issues described in the Notice of Non-Compliance have not been corrected, the Credit will be suspended the following billing cycle. The Credit suspension will remain in effect a minimum of three (3) months. The Owner may reapply for the Credit once it has documentation, satisfactory to EPTA staff, that the issues described in the Notice of Non-Compliance have been corrected and that the BMP has been functioning in compliance with the requirements for a minimum of three (3) months.

C. The Authority may, but is not required to, enter onto any property to do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority related to the Stormwater Management System. Such acts may include repair and replacement to components of the Stormwater Management System located on private property when deemed necessary to protect the health, safety, and public welfare. The Authority assumes no liability for undertaking repairs pursuant to this Article.

Section 15. Unlawful Use Of Stormwater Management System.

A. No user connected to the Stormwater Management System shall discharge or cause to be discharged into the Stormwater Management System any element or property of sewage, agricultural, industrial, or commercial waste, leachate, heated effluent, or any other matter that is not stormwater, whether originating at a point or nonpoint source.

B. No person shall connect, cause to be connected, or allow any other person to connect any building and/or property or other source of water to the Stormwater Management System in any manner other than as provided for in the Rule and Regulations of the Authority.

C. No person shall make, or cause to be made, any cross connection between any pipe, fixture, or other appurtenance connected in any way to the Stormwater Management System and any public or private component of any potable water system or wastewater source; whereby, in the opinion of the Authority, the potential exists for vacuum or back siphonage which could permit the co-mingling of sanitary wastes, stormwater, and/or potable water.

Section 16. Prohibited Wastes.

A. The discharge of stormwater to the Stormwater Management System in any manner other than allowed by these this Resolution or the Rules and Regulations of the Authority or the Township, and all other applicable local resolutions or ordinances, is expressly prohibited.

B. The discharge of excessive amounts of stormwater to the Stormwater Management System is expressly prohibited. The Authority reserves the right to define the amount it deems excessive under the Township Stormwater Ordinance.

C. The discharge of garbage or any form of waste to the Stormwater Management System is expressly prohibited.

E. Users of the Authority's Stormwater Management System are advised that they are likewise subject to all local resolutions and ordinances governing stormwater, whether or not specifically set forth herein. If a conflict exists between the rules and regulations stated herein, and any Authority resolution or Township ordinance, the more stringent regulation or requirement shall apply and control.

Section 17. General And Miscellaneous Provisions.

A. The Authority may implement such administrative procedures necessary to implement the policies and requirements set forth in Resolution.

B. The Authority will review and update the User Fees fixed and established by this Resolution by resolution every five years or sooner as deemed necessary.

C. No officer, appointed official, agent or employee of the Authority shall have the right or authority to bind the Authority by any promise, agreement or representation contrary to the letter or intent of this Resolution.

Section 18. No Warranty Or Action

Nothing in this Resolution or in the design, operation or maintenance of the Stormwater System shall be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action seeking the imposition of money damages against the Authority, its officers, appointed officials, employees, or agents. The Authority expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Authority, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may not exist or hereafter be created.

Section 19. Penalties

A. Any violation of this Resolution and Rules and Regulations of the Authority is hereby declared to be a summary offense in accordance with Section 5607(d)17 of the Pennsylvania Municipality Authorities Act, as amended, and shall be punishable by a fine of Six Hundred (\$600.00) Dollars for each offense. Each and every day that a violation of these Rates, Rules, and Regulations exists shall constitute a separate and distinct offense.

B. The Authority may also enforce the terms Resolutions and Rates, Rules, and Regulations by an appropriate action brought in the Court of Common Pleas of Cumberland County, Pennsylvania.

Section 20. Repealer.

All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed.

Section 21. Severability.

If any section, paragraph, subsection, clause or provision of this Resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than that portion specifically declared invalid.


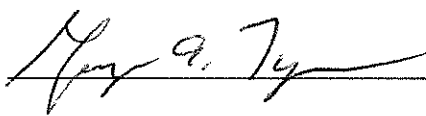
Section 22. Effective Date.

This Resolution shall become effective on April 1, 2020.

RESOLVED AND APPROVED by the Board of the East Pennsboro Authority this 16 day of January, 2020.

ATTEST:

EAST PENNSBORO TOWNSHIP AUTHORITY


By: 
George A. Tyson, Chairman

APPENDIX A – RATE SCHEDULE

RATE SCHEDULE

1. The User Fee per ERU shall be set at \$22.00 per quarter.
2. Each SFR parcel shall initially be charged a User Fee of one ERU through a quarterly billing process. For those Developed Parcels with an existing wastewater and/or trash bill from East Pennsboro, the User Fee will appear as a separate line item indicating the fee being imposed by the Authority.
3. All Non-Residential Properties shall be billed on a quarterly basis based upon the number of square feet of measured Impervious Surface, as determined through aerial photography and surface feature evaluation processes, with one ERU equaling 3,430 square feet of impervious area. The charge for said Developed Parcels shall be computed by multiplying the number of ERUs for a given parcel by the unit rate as set forth in paragraph 1 above. All partial ERUs will be rounded to the nearest whole number for billing purposes. In no event shall any such parcel be charged less than one ERU.
4. Notwithstanding the foregoing, public streets shall be exempt from User Fees under this Resolution.

**APPENDIX B – STORMWATER ADJUSTMENT
APPEAL FORM**

Stormwater Adjustment Appeal Form

This form is provided to EPTA stormwater customers who believe the Impervious Area (IA) and/or Equivalent Residential Unit (ERU) calculation for their property is incorrect. Customers should also use this form if it is believed that stormwater fees have been assigned for a parcel they do not own.

Please fill out all sections of the form, except for the last section marked "For EPTA Use Only".

You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

East Pennsboro Township Authority
98 S. Enola Drive
Enola, PA 17025

An EPTA representative will review the Stormwater Adjustment Appeal Form and supporting documentation submitted by customer within five (5) business days of receipt of the completed form and submission of all required documentation. Upon request by EPTA representative and notice to customer, an extension of up to 30 days may occur.

Approved adjustments will be applied to the current stormwater bill and all future billings.

Appeal Type:

ERU / IA Ownership

Property Type:

Residential Non-Residential

Customer IA / ERU Estimate (optional):

Name:

Date:

Email:

Telephone:

Account Number:

Billing Street Address:

Address Line 2:

City, State, Zip:

Additional Supporting Information:

Date Received:

Appeal:

Granted Denied

Date Reviewed:

Reviewer:

**APPENDIX C – PRE-APPLICATION MEETING
REQUEST FORM**

Pre-Application Meeting Request Form

This form is provided to EPTA Non-Residential stormwater customers who want to install a new BMP or retrofit an existing BMP to become eligible for EPTA stormwater Credits.

Please fill out all sections on the form, except for the last section marked "For EPTA Use Only".

You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

East Pennsboro Township Authority
98 S. Enola Drive
Enola, PA 17025

An EPTA representative will be in contact to schedule a mutually agreeable meeting date and time to review the proposed changes.

I want to install a new BMP

I want to retrofit an existing BMP

I want to request a review of my property to determine potential BMPs

Other: _____

Name: _____

Date: _____

Email: _____

Telephone: _____

Account Number: _____

Property Street Address: _____

Address Line 2: _____

City, State, Zip:

Parcel ID (if known):

Date Received:

Date of Meeting:

EPTA Personnel:

Time of Meeting:
