

CORAOPOLIS WATER AND SEWER AUTHORITY

RESOLUTION NO. 18-76

A RESOLUTION OF THE CORAOPOLIS WATER AND SEWER AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A FEE FOR STORMWATER COLLECTION AND MANAGEMENT.

WHEREAS, the Coraopolis Water and Sewer Authority ("Authority") is incorporated under the Municipalities Authorities Act of 1945, as amended, 53 Pa. C.S.A. §5601 et seq.; and

WHEREAS, the Authority has constructed and/or maintains, and will continue to construct and maintain, a system including sewers and drains to collect and manage stormwater; and

WHEREAS, pursuant to the authority vested in the municipality by the Municipalities Authorities Act of 1945, as amended, 53 Pa. C.S.A. §5601 et seq., the Authority is desirous of adopting a Resolution establishing a fair and equitable user fee for stormwater collection and management that assures all properties that are connected with, use, are serviced by, or are benefited by such system will pay a proportionate share of costs of operation, maintenance, repair, administration, replacement and improvement.

NOW, THEREFORE, be it resolved as follows:

SECTION 1. TITLE

This Resolution shall be known as the Stormwater Management Fee Resolution for the Coraopolis Water and Sewer Authority.

SECTION 2. PURPOSE

The purpose of this Resolution is to provide dedicated funding needed to ensure the proper development and maintenance of stormwater management practices within the Borough of Coraopolis.

SECTION 3. AUTHORITY

The Authority is empowered by the Municipalities Authorities Act of 1945, as amended, 53 Pa. C.S.A. §5601 et seq., to assess reasonable and uniform fees for stormwater management activities and facilities.

SECTION 4. FINDINGS

The governing body of the Authority finds that:

A. Inadequate development and maintenance of stormwater facilities increases stormwater runoff rates and volumes, contributes to erosion and sedimentation, overtaxes the carrying capacity of storm sewers and streams, increases 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 stormwater management, including the generation of funding to pay for effective stormwater 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. Stormwater 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 stormwater controls. Regulated municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System ("NPDES"). In order to establish, operate, and maintain the stormwater infrastructure in the Borough of Coraopolis, as well as all systems upon which the stormwater infrastructure depends, sufficient and stable funding is required to fund these public services.

F. The Authority intends to establish fair and equitable stormwater management fees to assure that each lot within the Borough of Coraopolis will pay its proportionate share of the costs of operation, maintenance, repair, administration, replacement, and improvement of all stormwater services provided or paid for by the Authority.

SECTION 5. DEFINITIONS

BASE ERU RATE - The total fee assessed to one equivalent residential unit, as proposed and approved by the Authority. The Base ERU Rate shall be equal to the municipality's total anticipated stormwater expenses divided by the number of ERUs in the municipality.

BEST MANAGEMENT PRACTICES ("BMPS") - Methods, procedures, and analyses specified in Pennsylvania's Department of Environmental Protection's Stormwater Best Management Practices Manual ("Stormwater BMP Manual"), Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-0300-002 (December 2006), as amended and updated, to reduce flooding potential and control the volume, flow rate, and water quality of stormwater.

CREDIT RATE - The scaling factor that shall be applied in the calculation of stormwater management fee credits for structures or practices that are determined by the Authority to comply with Section 8 and are anticipated to provide:

- A. Public education and involvement activities related to stormwater management or stormwater quality, for which the credit rate shall be up to 10%;
- B. Implementation of on-site post construction stormwater best management practices (PCSM BMPs) to reduce the rate of runoff generated by the impervious area of a given property, for which the credit rate shall be up to 50%.

DEVELOPED - Manmade changes made to a property or lot, which may include, but are not limited to, buildings or other structures for which a building permit must be obtained under the requirements of the Uniform Construction Code, mining, dredging, filling, grading, paving, excavation or drilling operations, or the storage of equipment or materials.

DUPLEX/TWO FAMILY RESIDENTIAL PROPERTY - A property that shares the same essential characteristics of a single family residential property but contains two separate dwelling units on a single common parcel.

DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, but no more than one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EQUIVALENT RESIDENTIAL UNIT ("ERU") - The average amount of impervious surface on a typical single family residential property in the Borough of Coraopolis. The ERU shall be determined by generating a random, statistically significant sample of single family residential properties and calculating the impervious surface on each property in the sample. The mean average of impervious surface area across the sample property shall be the ERU. The ERU has been determined to be 1,900 square feet of impervious area. The ERU is used in determining the fees assessed for each lot in the municipality.

IMPERVIOUS SURFACE - Any surface on a property that, because of the surface's composition or compacted nature, impedes or prevents natural infiltration of water into the soil, including, but not limited to, roofs, solid decks, driveways, patios, swimming pools, sidewalks

(other than public walks located in the Authority's right-of-way), parking areas, tennis courts, concrete, asphalt, or crushed stone streets or paths, or compacted material of any kind as determined by the Authority.

IMPERVIOUS SURFACE AREA - As recorded or calculated by the Authority, the number of square feet of horizontal surface on a lot covered by an impervious surface. In determining the impervious surface area of a lot, the Authority may use any appropriate methods, including but not limited to aerial photography and surface feature evaluation processes.

LOT/PROPERTY - Each separate and distinct parcel, tract, or area of land having its own tax parcel identification number and containing 300 or more square feet of impervious surface. Lots or properties containing less than 300 square feet of impervious surface shall be considered vacant land.

OWNER - The record owner of a lot or property as shown on the Allegheny County tax records for the respective tax parcel identification number.

SINGLE FAMILY RESIDENTIAL PROPERTY - A separate and distinct lot or property having its own tax parcel identification number and containing no more than two residential dwelling units, specifically including duplexes and townhomes as defined herein, and specifically excluding condominiums and mobile homes that are limited to the living area of the dwelling unit such that they require the use and access of commonly held property.

STORMWATER - Drainage runoff from the surface of the land resulting from precipitation, including snow or ice melt.

STORMWATER SERVICES – The Authority's program for stormwater quality and for the partial control and conveyance of stormwater, including, but not limited to: public education; monitoring; removing, and regulating stormwater pollutants; other activities described in the Coraopolis Water and Sewer Authority's NPDES permit; mapping; planning; regulating, reviewing, and inspecting private stormwater infrastructure; operating, constructing, improving, cleaning, and maintaining the Borough of Coraopolis' stormwater system; and any and all expenses deemed reasonably necessary to the management of stormwater within the Borough of Coraopolis in the judgment of the Authority, including but not limited to the payment of principal and debt service, and the establishment of a reserve fund, to pay for these services.

STORMWATER SYSTEM - The system of natural and constructed conveyances for collecting, managing, treating, and transporting stormwater, including but not limited to lakes, ponds, rivers, perennial, intermittent, and/or channeled streams, connected wetlands, open ditches, catch basins, and other inlets, pipes, storm sewers, drains, culverts, and created stormwater management facilities that provide partial treatment by passive means such as wet detention ponds, detention basins, and stormwater wetlands.

STORMWATER MANAGEMENT FEE - The fee charged for costs incurred by the Authority in providing stormwater management services.

STORMWATER MANAGEMENT FEE CREDIT - A conditional reduction in the amount of a stormwater management fee to an owner based on approved on-site controls (BMPs), or implementation of public education or involvement activities to fulfil obligations of the Authority's NPDES MS4 Minimum Control Measurement requirements.

TOWNHOUSE/TOWNHOME - A building which contains at least three (3) single family dwelling units, each of which are separated from an adjoining unit by a continuous, common wall extending from the basement to the roof, each unit having independent access directly to the outside, and having no units above or below. For the purpose of this definition each dwelling unit is located on an independent tax parcel containing no other dwelling units.

SECTION 6. UNIFORM APPLICATION OF RENTAL, RATES, AND CHARGES

Rental, rates, and charges shall be assessed, imposed, liened and collected as to all property, owners, lots, parcels, buildings units, and users.

SECTION 7. STORMWATER MANAGEMENT FEE

A. Stormwater Management Fee

1. Each property in Borough of Coraopolis shall be subject to a monthly stormwater management fee equal to the product of the Base ERU Rate and the number of ERUs of impervious surface area on the lot as calculated in subsection (B) below, less any credits for the lot approved by the Authority pursuant to Section 8 of this Resolution.
 - a. Each property that is a single or two family residential property will be deemed to have one ERU.
 - b. Each Non-Single-Family Residential Property, shall be assessed at a rate based upon the number of square feet of impervious surface, as determined by measurement through aerial photography and surface feature evaluation, expressed in whole ERUs by rounding to the next highest ERU. The charge shall be computed by multiplying the number of ERUs for a given property by the unit rate as set forth below in subpart "2" or as later adopted by Resolution of the Coraopolis Water and Sewer Authority.

2. The Base ERU Rate shall be revised at least once every five (5) years after the effective date of this Resolution. The Base ERU Rate as established by this Resolution shall be \$7.00 per ERU per month.

B. Measurement of impervious surfaces.

1. An owner may file an application with the Authority contesting the calculation of impervious surface area on the lot as of the date of the application. The applicant must submit satisfactory evidence as required by the Authority, such as square footage measurements and descriptions of the relevant buildings or materials. Any approved changes in calculations will take effect on the first day of the billing period beginning after the application was submitted, even if retroactive as of date of approval; no refunds or credits shall be granted for amounts billed prior to submission of the application. The applicant may appeal the determination of the Authority as set forth in Section 11.
2. The Authority shall review and update the impervious surface data as necessary.
3. Upon close-out of any building permit under which the associated documentation or other data indicate that impervious surface has been constructed upon a lot, the Borough of Coraopolis Building Code Administrator shall provide the Authority notice of the number of square feet of impervious surface added, in net, to the lot, as indicated on documentation associated with said permit, together with the applicable tax lot number. The Authority shall thereafter update the data to reflect the adjusted impervious surface area on the lot.

SECTION 8. STORMWATER MANAGEMENT FEE CREDITS

A. The stormwater management fee for a lot shall be reduced as provided herein if the Authority certifies that the lot is eligible for one or more credits in accord with this section and the Stormwater Fee Study, dated December 2018, as prepared by Lennon, Smith, Souleret Engineering, Inc.

B. PCSM BMP Credit:

1. The credit for operation and maintenance of a Post-Construction Stormwater Management (PCSM) Best Management Practice (BMP) shall be the product of: the lot's stormwater management fee, the percentage of the total impervious surface area on a lot from which stormwater runoff is mitigated or

managed by the BMP, and the practice or structure's Credit Rate (assigned at 50%); provided, however, that the maximum credit that may be applied to any lot shall be 50% of the stormwater management fee that would be assessed to that lot in the absence of any stormwater management fee credit.

2. Credits are available for those stormwater management practices or structures enumerated in the Stormwater BMP Manual as updated from time to time that were designed and installed to capture and control the runoff from the 100-year design storm event. The stormwater management practice or structure enumerated in the Stormwater BMP Manual must follow the Stormwater BMP Manual guidelines, as updated and amended.
3. An engineered structure or practice beyond those enumerated in the Stormwater BMP Manual that provides quality treatment and/or quantity attenuation shall be considered by the Authority for storm-water management fee credits under this section using the following criteria:
 - a. The proposal must demonstrate that the practice will provide a quantifiable treatment and/or runoff control benefit to the lot through engineered design principles.
 - b. The drainage area leading to the practice must be clearly defined, including the area, amount of impervious cover, flow path, and existing and proposed land use.
 - c. The proposal must demonstrate that the practice will perform as well or better than the Stormwater BMP Manual design.

C. Public Education/Involvement Credit

1. Public Education and Involvement Credit may also be considered for owners that have the capability to conduct, organize and implement public education or public involvement activities related to stormwater management or stormwater quality. This credit is based upon public participation and involvement requirements of Minimum Control Measures (MCM) No. 1 and No. 2 as part of the Authority's MS4 Permit. Groups and/or organizations that assist the Authority in completing its goals for MCM 1 and MCM 2 will be eligible for credit up to 10% of the annual fee, at the discretion of the Authority, based upon the proposed education or involvement.
2. Eligibility for credit requires a minimum annual documented participation of 20 participant manhours associated with educational or involvement activities

sponsored by the applicant. All activities must be approved for credit eligibility in advance. For receipt of credit, the applicant must provide written copies of educational curriculum or materials and/or written agendas and descriptions for involvement activities. Subsequent to completion of the educational activity the applicant must furnish to the Authority documentation of completed activities, to include, at a minimum, a written summary of the planning, implementation and results of the activity or event, a sign in sheet or roster identifying the participants and photographic documentation of the activity. This credit must be applied for, reviewed, and approved annually.

D. Administration of credits.

1. In order to obtain a credit, an owner must apply in a form satisfactory to the Authority. The Authority will determine materials required for a satisfactory application, but must include:
 - a. A plan of operation and maintenance, and
 - b. A demonstration of the BMP's management of stormwater.
2. If an application is approved by the Authority, the resulting reduction in the stormwater management fee shall take effect with the beginning of the next billing period that begins at least thirty (30) days after the application was approved.
3. The owner must assume all responsibility for operation and maintenance of stormwater management structure. Failure to maintain the structure shall result in cancellation of the credit.
4. Except for Public Education/Involvement Credits, a credit shall continue to be applied to each future bill so long as the lot continues to be eligible for the credit; provided, however, that the Authority shall cancel any credit for failure to provide access to inspect and confirm that the lot's continuing eligibility for a particular recurring credit.
5. The applicant may appeal the Authority's denial of an application or cancellation of a previously approved credit as set forth in Section 11 of this Resolution.

SECTION 9. STORMWATER ACCOUNT AND BILLING

A. The Authority shall create and maintain a dedicated stormwater account separate from all other Authority accounts or funds. All stormwater management fees, and any penalties

or interest on such fees, shall be deposited into that account, and shall be used by the Authority solely to provide stormwater services.

B. Billing.

1. The Authority shall issue bills for stormwater management fees on a quarterly basis, or another regular periodic basis, not less regularly than annually. The stormwater management fees may be billed on a combined utility bill that contains other charges, including water and/or sewer service. Stormwater management fees that are shown on a combined bill may be for a different service period than that used for other utility services.
2. Bill recipient.
 - a. The Authority shall bill the stormwater management fee to the owner of each lot or property, unless such other agreement is made by the Authority.
 - b. In all cases, the owner is finally responsible for any unpaid stormwater management fees, including penalties and/or interest.
3. If a lot is incorrectly billed, or not billed, or a bill is sent to the wrong party, the Authority may back-bill the owner for a period not to exceed two years.
4. The Authority is authorized to develop billing forms, guidelines, and practices not inconsistent with this section.

SECTION 10. ENFORCEMENT AND PENALTIES

A. Effects of nonpayment

1. The stormwater management fee shall be payable without penalty for thirty (30) days following the bill date.
2. Effective on the 31st day following the bill date, a penalty of five (5%) percent of the billed amount for that billing period shall be added for nonpayment within the time allowed.
3. On all amounts remaining unpaid after sixty (60) days following the bill date, and after each period of thirty (30) days or portion thereof thereafter,

one (1%) percent of the amounts unpaid (including penalties assessed for non-payment) shall be added and collected.

4. In accordance with the Municipal Claim and Tax Lien Law, 53 P.S. § 7101, et seq., any uncontested portion of the stormwater management fee, with any added penalty or interest, shall constitute a lien upon and against the subject lot from the date of the bill date.

SECTION 11. REVIEW AND APPEAL PROCESS

A. Any owner who believes the provisions of this Resolution have been applied in error may appeal in the following manner and sequence.

1. Any person aggrieved by the Authority's determination pursuant to Sections 7 and 8 of this Resolution (appealing impervious surface or credit determination) may appeal such decision to the Authority within sixty (60) days of the date of the adverse decision. Such appeal must be in writing and explain why the Authority's decision should be reversed. The appeal will be considered at the next scheduled open meeting after its receipt by the Authority. The aggrieved person may present evidence at the open meeting at which the appeal is considered, but such evidence must be limited to the matters stated in the written appeal. The Authority will issue a written determination within thirty (30) days of the open meeting at which the appeal was considered.
2. Any person with a direct interest who is aggrieved by the Authority's written determination of an appeal, or by the failure of the Authority to make a written determination within thirty (30) days of the meeting at which an appeal was considered, shall have the right to appeal to the Court of Common Pleas.

B. Whenever any stormwater management fee charged under the provisions of this Resolution is set aside, then the Authority is authorized to issue a new fee with the same force and effect and complying with any legal requirements.

SECTION 12. FLOODS AND LIABILITY

Floods from stormwater runoff may occur occasionally that exceed the capacity of the stormwater system maintained and financed with the stormwater management fee. This Resolution does not imply that properties subject to stormwater 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 Resolution shall deem the Authority or

the Borough of Coraopolis liable for any damages incurred in a flood or from adverse water quality. Further, payment of a stormwater 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 13. REPEALER.

That any and all previous Resolution(s) which are inconsistent with the terms and provisions of this Resolution are hereby repealed.

SECTION 14. SEVERABILITY

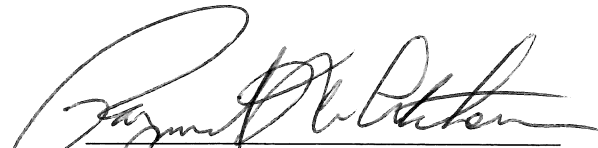
If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such holding shall not affect the validity of the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


SECTION 15. EFFECTIVE DATE.

That this Resolution shall take effect January 1, 2019 or as soon thereafter as allowed by law.

ATTEST:

**CORAOPOLIS WATER AND SEWER
AUTHORITY**


Raymond McCutcheon, Manager


John Schombert, President