

SOUTH LEBANON TOWNSHIP  
ORDINANCE NUMBER 362

AN ORDINANCE AMENDING ORDINANCE NUMBER 360 OF SOUTH LEBANON TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA WHICH ESTABLISHED STORMWATER MANAGEMENT FEES.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of South Lebanon Township, and it is hereby ordained and enacted by the authority of the same as follows:

The Stormwater Management Fee Ordinance Number 360 of South Lebanon Township is hereby amended to read as follows:

**SECTION ONE: SECTION SIX: IMPOSITION OF STORMWATER FEES** is hereby amended to read as follows:

A. Each Single-Family Residential (SFR) parcel shall be charged annually for one (1) ERU in the amount of \$26.49.

B. All other developed Non-Single-Family Residential (Non-SRU) parcels shall be charged annually by dividing the total impervious area on a Non-SFR parcel by the impervious area per ERU to determine the number of ERUs to assign to a parcel. One (1) ERU is billed at a rate of \$26.49, with one ERU equal to 3,507 square feet of impervious area.

C. The Board of Supervisors may modify the annual fees by Resolution as deemed necessary.

**SECTION TWO: SECTION SEVEN: BILLING AND COLLECTION OF STORMWATER FEES** is hereby amended to read as follows:

A. The stormwater fees fixed and established by this ordinance shall be effective as to all properties that use, are served, or are benefited by the South Lebanon Township stormwater management system existing as of the effective date of this ordinance, and shall be effective to all other properties thereof that use, are served or benefited by the stormwater management system subsequent to the effective date of this ordinance. Stormwater fees imposed by this ordinance shall be assessed and billed by South Lebanon Township on an annual basis. For single-family residential

parcels, such assessments shall be payable at their face amount during the thirty (30) days next following the date on which said assessment bill was mailed. For non-single-family residential (Non-SFR) parcels, such assessments shall be payable in installments as set forth on the payment coupon included with the assessment bills that are mailed. The annual billing date shall be on or about January 1. The user fees assessed and collected shall not be subject to proration or refund by South Lebanon Township 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 use fees assessed hereunder.

**SECTION THREE: SECTION EIGHT: LATE PAYMENT PENALTY, INTEREST PAID ON UNPAID STORMWATER FEES** is hereby amended to read as follows:

For single-family residential (SFR) parcels, the face amount of all stormwater fee charges shall be payable within thirty (30) days of annual bill distribution with a penalty of ten percent (10%) assessed on the 31<sup>st</sup> day. On the first day of each subsequent month in which the account remains unpaid, an interest charge of one-half percent (.5%) per month shall be added to the account. All unpaid user charges shall be a lien against the property, and the Township Solicitor and/or designated representative shall file such lien on or after December 31 of the year in which the account remains unpaid. Any collection, legal and filing fees shall be borne by the user.

For all non-single-family residential (Non-SFR) parcels, all stormwater fee charges shall be payable in installments as set forth in the payment coupon mailed with the assessment bill. All installment payments shall be due by the date set forth on the payment coupon. A penalty of ten percent (10%) shall be assessed on the date following when payments are due as indicated on the payment coupon. On the first day of each subsequent month in which the account remains unpaid, as set forth herein, an interest charge of one-half percent (.5%) per month shall be added to the account. All unpaid user charges shall be a lien against the property, and the Township Solicitor and/or designated representative shall file such lien on or after December 31 of the year in which the account remains unpaid. Any collection, legal and filing fees shall be borne by the user.

**SECTION FOUR: SECTION TEN: CREDITS** is hereby amended to read as follows:

A. Credits shall be available as described in the South Lebanon Township Stormwater Management Fee Rate Study Credit Manual, attached hereto as Exhibit "A" and incorporated herein by reference.

B. Property owners seeking to obtain credits must complete the South Lebanon Township Stormwater Management Fee Credit Application Form, attached here as Exhibit "B" and incorporated herein by reference.

C. The initial annual credit cap shall be \$65,000.00. Credits will be distributed on a first-come, first-served basis until the credit cap is reached.

D. If a Credit Application is approved, the property owner will receive credit beginning with the next regular billing cycle that begins a minimum of 30 days after approval from the Board of Supervisors.

E. The Township may in 2019 choose to grant one-time rebates for credit applications that were received in 2018 but could not be processed or approved before the 2018 bills were mailed. Should this occur, the property owner would receive both a credit on the 2019 fee and a rebate for the 2018 fee on their 2019 stormwater management fee bill.

F. The Board of Supervisors may review the credit cap and Credit Manual established by this ordinance, and may modify the amount of the credit cap of the Credit Manual by Resolution as deemed necessary.

G. "Agricultural Homestead Exclusion" credit: A non-SFR property which is engaged in an agricultural use and has a single-family residence may be eligible for an agricultural homestead exclusion credit. This credit allows all impervious areas specifically associated with the single-family residence (the "homestead") to be removed from the calculation of ERUs for the property and collectively assigned one (1) additional ERU. This area is also called "curtilage" or "farmstead area" for the purposes of the Pennsylvania Clean and Green Act. The homestead area includes the primary farm residence and associated improvements such as a garage, patio, deck, pool, or shed used solely for residential purposes. The Homestead area would include the lane for driveway from the public street to the curtilage only and does not include a driveway which serves both the curtilage and agricultural or other non-residential activity. The Homestead Exclusion shall not apply to any building or

impervious surface that is used for an agricultural or other non-residential activity, including but not limited to barns, workshops, feedlots, greenhouses, silos, driveways, or gravel storage areas.

The credit cap set forth in Subsection C above does not apply to the Homestead exclusions.

**SECTION FIVE: SECTION ELEVEN: APPEAL PROCEDURES** is hereby amended to read as follows:

A. Non-Single-Family Residential Impervious Area/ERU Calculation Appeal: An owner of a non-single-family residential (Non-SFR) property who believes that the impervious area calculation, and thus the ERU calculation, for the property is incorrect may file an appeal to have the impervious area of the property re-examined. The property owner must provide a detailed estimate of the impervious area on the property for the appeal to be considered. A survey or analysis performed by a surveyor licensed in the Commonwealth of Pennsylvania is the preferred means of identifying and measuring the impervious area on a parcel. The Township reserves the right to, with the property owner's permission, inspect the property to determine the boundaries of the impervious surfaces upon it.

B. Incorrect Non-SFR Classification Appeal: A property owner who believes that the classification of his or her property as Non-SFR is incorrect may file an appeal to have the classification changed to SFR. The classification may only be changed via a land use code changed through the Lebanon County Assessment Office and the Board of Supervisors will not override the decision of the Assessment Office.

C. Auxiliary Parcel Appeal: Property owners who own two adjacent SFR parcels may be billed for a separate ERU for each parcel even if there is only one single-family residence between the two parcels. In this instance, the property owner may file an appeal to have one of the two ERUs waived.

D. Other Appeals: The Township Board of Supervisors may entertain other appeals for extenuating circumstances. The property owner shall contact the Township office to discuss other appeals in detail. The Appeal Form shall not be used for errors in billing information (customer name, address, phone number, and the like). The property owner shall contact the Township directly regarding incorrect billing information.

E. An appeal of the stormwater fees shall be in writing on the South Lebanon Township Stormwater Management Fee Appeal Form attached hereto as Exhibit "C", and shall be filed at the Township office within thirty (30) days of the stormwater management fee being mailed to the property owner. The Township may extend the appeal period by thirty (30) days at its discretion.

F. Upon receipt of the appeal, the Board of Supervisors shall consider the appeal, perform a site visit if necessary, consult with the Township Engineer, designated representative, and Solicitor if necessary, and issue an acceptance or rejection of the appeal. The appeal shall be accepted or rejected within sixty (60) days of receipt by the Township. All decisions of the Board of Supervisors shall be personally delivered to the owner or sent to the billing address by certified mail.

G. The filer of a rejected appeal may then take an appeal to the Court of Common Pleas of Lebanon County within thirty (30) days of the date the appeal set forth above has been rejected by the Township.

H. If an appeal is not filed with the Court of Common Pleas of Lebanon County within thirty (30) days as set forth in Paragraph G above, or if an appeal was not taken and payment is not made within thirty (30) days of receipt of a rejected appeal by the Board of Supervisors, the Appellant's property shall be liened for all past-due amounts in accordance with the Municipal Claims Act, 53 P.S. 7101, et seq., as amended.

**SECTION SIX:** The fees set forth herein is determined by an Amended Stormwater Pollution Control Fee Rate Study (SPCFRS) prepared by Steckbeck Engineering and Surveying, Inc. dated February 7, 2018, which study is on file at the South Lebanon Township Municipal Building and is incorporated herein by reference as if fully set forth.

**SECTION SEVEN: EFFECTIVE DATE**

This Ordinance shall be effective five (5) days after enactment by the Board of Supervisors.

ENACTED this 27th day of February, 2018.

ATTEST:

BOARD OF SUPERVISORS  
SOUTH LEBANON TOWNSHIP

\_\_\_\_\_  
Township Secretary

\_\_\_\_\_(SEAL)  
Chairman

\_\_\_\_\_(SEAL)  
Vice-Chairman

\_\_\_\_\_(SEAL)  
Member