

Notice is hereby given that the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of the Ordinance summarized below, at the regularly scheduled Chambersburg Town Council Meeting on November 22, 2021 at 7:00 p.m. at the Borough Office, 100 South 2nd Street, Chambersburg, Pennsylvania 17201.

**BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2021-_____

**AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 251 OF THE CODE OF THE BOROUGH
OF CHAMBERSBURG, “STORMWATER MANAGEMENT”, BY AMENDING
CERTAIN PROVISIONS OF ARTICLE IX, “STORM SEWER UTILITY”**

WHEREAS, pursuant to its power under the laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of the Borough of Chambersburg, Franklin County, Pennsylvania (the “Borough”) is in the hands of its Town Council; and

WHEREAS, the Borough is empowered by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq.*, as amended, and the Pennsylvania Stormwater Management Act, 32 P.S. § 680.1 *et seq.*, as amended, to regulate land use activities that affect stormwater runoff; and

WHEREAS, Section 1202(2) of the Borough Code, 8 Pa.C.S.A. § 1202(2), authorizes the Borough to charge fees associated with the use of Borough utilities; and

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S.A. § 1202(5), authorizes the Borough to make regulations as may be necessary for the health, safety, morals, and general welfare, and safety of the Borough; and

WHEREAS, pursuant to that statutory authorization, Town Council has by ordinance previously established a Storm Sewer Utility as a department of the Borough to manage and operate the Borough-owned stormwater collection and conveyance system; and

WHEREAS, sufficient financial resources are required for the Borough to regulate, manage, enforce, and supervise the System as well as to respond effectively to regulatory requirements; and

WHEREAS, Town Council desires to amend certain provisions of Article IX, “Storm Sewer Utility”, of Chapter 251, “Stormwater Management”, of the Code of the Borough of Chambersburg, by revising the Storm Sewer Utility rate structure, and by providing for a more detailed credit policy

NOW THEREFORE BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council for the Borough of Chambersburg, Franklin County, Pennsylvania, hereby amends Chapter 251, “Stormwater Management”, of the Code of the Borough of Chambersburg as provided herein.

SECTION 1: Section 251-47 of Article IX of Chapter 251 of the Code is hereby repealed and replaced with a new Section 251-47, entitled “Rates of Storm Sewer Service Fee”, to read as follows:

- A. The Town Council hereby establishes the rate structure set forth herein as its Storm Sewer Service Fee, which shall apply to all parcels of real estate located within the Borough of Chambersburg, and is based on the relative contribution of each parcel to the demand for stormwater management services and bears a substantial relationship to the costs of providing stormwater management services and stormwater management systems and facilities for the Storm Sewer Utility. Town Council may, by resolution, establish and amend the Storm Sewer Service Fee per ERU. The costs of operating expenses, capital investments and reserve accounts may be included in the Storm Sewer Service Fee.

All Single-Family Residential Properties: 1 ERU

All-Non Single-Family Residential Properties: The number of ERUs equivalent to the impervious area on the property, calculated as whole or half numbers only. A fraction of a whole number less than 0.25 will be rounded down to a whole number; a fraction of whole number 0.25 and greater will be rounded up to half number, a fraction of whole number less than 0.75 will be rounded down to a half number and a fraction of whole number 0.75 and greater rounded up to the next whole number.

SECTION 2. Section 251-49 of Article IX of Chapter 251 of the Code is hereby repealed and replaced with a new Section 251-49, entitled “Credit Policy and Appeals”, to read as follows:

- A. The Town Council of the Borough of Chambersburg hereby establishes a credit system for on-site systems or facilities. The Borough Storm Sewer System Manager, or his designee, shall review credit applications and determine such credits based on the technical requirements, design and performance standards, and a survey of all parcels, together and to be contained in the Borough Storm Sewer Management Program Credit Policy Manual, which is attached hereto and incorporated herein as Appendix E.

- B. Owners of property for which a credit to the Storm Sewer Service Fee has been applied shall be required to enter into a Maintenance Agreement, substantially in the form attached to Appendix E, outlining the maintenance requirements for a property to annually qualify for a credit.

- C. Pursuant to the Borough Storm Sewer Management Program Credit Policy Manual, owners of real property assessed with a Storm Sewer Service Fee shall have the right to appeal the impervious area calculation for their property. Appeals shall be made on the Appeal Form attached to Appendix E, which is also available on the Borough website and at the Borough Office.

SECTION 3. REPEALER: All provisions of previous ordinances of the Borough of Chambersburg, or parts thereof, which are contrary or inconsistent to this Ordinance, are expressly repealed.

SECTION 4. SAVINGS CLAUSE: In all other respects, Chapter 251 of the Code of the Borough of Chambersburg shall remain as previously enacted and ordained.

SECTION 5. SEVERABILITY: The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

SECTION 6. EFFECTIVE DATE: This Ordinance shall take effect immediately. The revised Storm Sewer Service Fees set forth herein shall be assessed in the first utility billing cycle commencing after January 1, 2022.

ENACTED, ORDAINED, AND APPROVED this ___ day of _____, 2021.

Attest: _____

 Alice C. Elia,
 Town Council President

 Walter C. Bietsch, Mayor