

Borough of Bedford
Ordinance #2024- 04

**AN ORDINANCE OF THE BOROUGH OF BEDFORD, BEDFORD COUNTY,
PENNSYLVANIA ESTABLISHING A CHARGE FOR SUPPORT OF STORMWATER
MANAGEMENT SYSTEMS**

Whereas, the Borough of Bedford has constructed, owns, operates and maintains, and will continue to construct, own, operate and maintain, an extensive public stormwater management system to collect and manage stormwater to protect the health, safety and welfare of its citizens; and

Whereas, the Borough desires to assess an equitable charge for developed properties that are connected with, use, are serviced by, or are benefited by such stormwater management system to provide a dedicated funding source for the ongoing expenses associated with the Borough's stormwater management system.

Now Therefore, Be it Ordained and Enacted, by the Council of the Borough of Bedford, County of Bedford and Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted:

Section 1. Title

This chapter shall be known and may be cited as the "Borough of Bedford Stormwater Management System Charge Ordinance."

Section 2. Statement of Findings

- A. The Borough of Bedford incurs costs to maintain an extensive public stormwater system. The Borough's stormwater system includes underground pipes, conduits, inlets, outfalls, culverts, catch basins, reservoirs and lake, flood control structures, gutters, ditches, channels, public best management practices, public streets, curbs, conveyances, appurtenances and drains (collectively the "Stormwater Management System").

- B. Inadequate management of accelerated stormwater runoff throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overwhelms the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood mitigation efforts in upstream and downstream communities, reduces groundwater recharge and threatens public health and safety.
- C. A comprehensive program of stormwater management is fundamental to the public health, safety, welfare and the protection of the residents of the Borough of Bedford, their property, resources and the environment in order to control items such as flooding, erosion and pollution.
- D. Impervious surface is a primary characteristic of a property's generation of stormwater and usage of the Stormwater Management System.

Section 3. Definitions

- A. Words and terms used in this Ordinance and not given specific definition shall be defined as set forth in applicable statutes of the Commonwealth of Pennsylvania or Ordinances of the Borough of Bedford, if any, and shall otherwise be given their ordinary and common meaning.
- B. For purposes of this Ordinance, the following words and terms shall be defined as set forth below:

The Authority – Municipal Authority of the Borough of Bedford.

Developed Parcel – A parcel altered from a natural state that contains impervious surface equal to or greater than 400 square feet. Excludes parcel adjoining a Single-Household Detached, owned by the same owner, on which the only development is an impervious surface(s) that is an appurtenant residential use

that would customarily have been created on the adjoining Single-Household Detached parcel had the adjoining lot not existed and been owned by the same owner, i.e., a garage, driveway, shed, pool, patio, etc. Also excluded is a parcel which is exempt from real estate taxation pursuant to the laws of the Commonwealth of Pennsylvania.

Impervious Surface – A surface that prevents or retards the infiltration of water into the ground in a manner that such water entered the ground under natural conditions pre-existent to development. Impervious surface (or area) includes, but is not limited to: roofs, additional outdoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway area (including pavement, concrete, pavers, brick, compacted aggregate), and any private streets and sidewalks. Any travel areas proposed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

Owner – Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in the Borough of Bedford.

Stormwater Management System – The system of collection and conveyance, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, reservoirs and lake, flood control structures, stormwater best management practices, channels, detention ponds, public streets, curbs, drains and all devices, appliances, appurtenances and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, discharging and/or treating stormwater.

Stormwater – Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris,

sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

Unit – Impervious surface of a developed parcel equaling 5,000 square feet.

Section 4. Stormwater Management Charge

There is hereby imposed a charge on each developed parcel in the Borough of Bedford. The proceeds of the charge shall be used exclusively for the Borough stormwater management system.

Section 5. Rate of charge

The stormwater management charge for the year 2025 is hereby set at \$144.00 per Unit or portion thereof on a developed parcel in the Borough of Bedford existing on January 1, 2025. The charge shall remain in effect for subsequent years unless modified by Resolution of the Borough Council prior to the end of a calendar year. Any parcel becoming a developed parcel after January 1 of any year or increasing in number of units shall be subject to a pro-rated stormwater management charge for that year.

Section 6. Collection of charge

The Authority is hereby directed to collect the stormwater charge quarterly or as it otherwise collects charges for water and wastewater services.

Section 7. Stormwater Management System Rules & Regulations

The Authority shall adopt, by resolution, rules and regulations governing the Stormwater Management System. Said Rules and Regulations shall include right of inspection, rules relative to connection, maintenance and repair, billing, payments and penalties.

Section 8. Charges Constitute Lien on Property

In accordance with the Municipal Claims Act, 53 P.S. §7101, et seq. (as amended), all rates and charges, 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 9. Policies and Procedures Authorized

- A. The Authority may by resolution adopt such policies and procedures as it deems appropriate to ensure collection of rates and charges assessed and imposed pursuant to this Ordinance. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency; filing of liens; municipal lien proceedings to collect filed liens; and any and all other measures or combination thereof which the Authority 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.

Section 10. Stormwater Management System Fund

The funds received from the collection of the charges authorized by this Ordinance shall be deposited into an Authority Stormwater Management System Fund, a fund dedicated to the operation, administration, maintenance, repair and improvement of the Stormwater Management System.

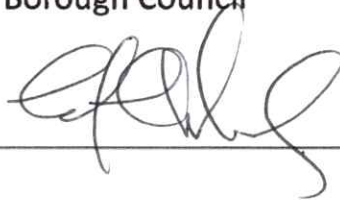
Section 11. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision of its application not been included therein.

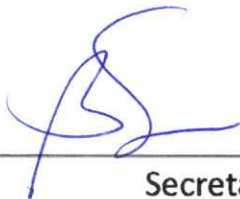
Enacted and Ordained this 17th day of December, 2024.

Bedford Borough Council

By

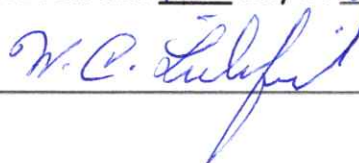


Attest:



Secretary

Approved this 17th day of December, 2024.



Mayor