

CITY OF ALIQUIPPA, BEAVER COUNTY PENNSYLVANIA

AN ORDINANCE OF THE CITY OF ALIQUIPPA, BEAVER COUNTY, PENNSYLVANIA, ESTABLISHING A FEE FOR STORMWATER MANAGEMENT, NO. 2 of 2025

WHEREAS, the City of Aliquippa has constructed and/or maintains, and will continue to construct and maintain, a system including sewers and drains to collect, treat and manage the rate, quantity and quality of stormwater ultimately discharged to the Waters of the Commonwealth;

WHEREAS, the City is under permit and mandate from the Pennsylvania Department of Environmental Protection to comply with multiple costly requirements related to its NPDES Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) requirements, including implementation of a Stormwater Management Program and a Pollutant Reduction Plan;

WHEREAS, each and every property throughout the City is benefitted by the Aliquippa City Municipal Storm Sewer System (MS4) and the implementation of the Aliquippa City Stormwater Management Program and Pollutant Reduction Plan; and

WHEREAS, the City of Aliquippa is desirous of adopting an Ordinance establishing a fair and equitable user fee for stormwater management that assures all properties that are connected with, use, are serviced by or are benefitted by such system will pay a proportionate share of costs of operation, maintenance, repair, administration, replacement, improvement and permit compliance and implementation.

NOW THEREFORE, the City of Aliquippa, Beaver County, Pennsylvania, hereby enacts and ordains as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and referred to as the "Aliquippa City Stormwater Management Fee Ordinance."

SECTION 2: STATEMENT OF FINDINGS

- A. The City currently incurs costs to install, operate and maintain the stormwater system.
- B. Inadequate management of accelerated stormwater runoff throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and

- K. Stormwater is heavily polluted when there has not been rain for a period of time, and sediment, yard waste, animal waste, pesticides, herbicides, oil and grease can be found in stormwater.
- L. Impervious surface is a primary indicator of the generation of stormwater and usage of the Storm Sewer System.

The effects of stormwater runoff can be minimized by using project designs that maintain the natural hydrologic regime and sustain high water quality, groundwater recharge, stream baseflow and aquatic ecosystems.

- M. Federal and state regulations (including those found at 40 CFR Part 122) require the City to implement a program of stormwater controls. The City is required to obtain a permit for stormwater discharges from their separate sewer system under the National Pollutant Discharge Elimination Systems (NPDES).

SECTION 3: DEFINITIONS

Terms used in this Ordinance and not given a specific definition shall be defined as set forth in applicable statutes of the Commonwealth of Pennsylvania or ordinances of Aliquippa City, if any, and shall otherwise be given their ordinary and common meaning.

CUSTOMER – Any person, property owner, firm, corporation, individual, partnership, company, association, society, or group responsible for the payment of services provided by the Aliquippa City Storm Sewer System.

EQUIVALENT RESIDENTIAL UNIT (ERU) – The measure of impervious ground cover for a typical single-family residential Property used in assessing the fees for each parcel of Property, and which has been determined to be 2,500 square feet.

IMPERVIOUS SURFACE – Those hard surface areas that either prevent or impede the entry of water into the soil under natural conditions, pre-existent to development, or which cause water to run off the surface in greater quantities, or at an increased rate of flow than under natural conditions, pre-existent to development, including, without limitation, surfaces such as roof tops, asphalt, concrete, or any other material that has been compacted, engineered and intended for vehicular traffic or parking, including, but not limited to, driveways and parking lots, or other surfaces which similarly affect the natural infiltration or runoff of natural drainage patterns existing prior to development including, but not limited to, walkways, patio areas and storage areas. Compacted gravel or crushed stone surfaces are considered impervious surfaces for this analysis. In addition, any surface designed to be constructed of permeable, pervious, or porous concrete, asphalt or pavers are also considered to be an impervious surface for this analysis.

appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, and/or treating stormwater.

STORMWATER – Runoff water from all precipitation events, snowmelt, and springs.

STORMWATER MANAGEMENT FEE – Sums assessed, imposed and to be collected for each Property that uses, benefits from or is serviced by the Aliquippa City Storm Sewer System, or that discharges stormwater, directly or indirectly, into the Aliquippa City Storm Sewer System or Water of the Commonwealth.

TOWNHOUSE/CONDOMINIUM/MULTI-UNIT – A building which contains at least three (3) but no more than eight (8) single family dwelling units, each of which are separated from the adjoining unit or units 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 4: IMPOSITION STORMWATER MANAGEMENT FEE

1. That Stormwater Management Fee is hereby imposed upon each and every developed Property, (Single Family Residential Property, and Non-Single Family Residential Property) as each and every Property is connected to, uses, is serviced by and/or is benefited by the Aliquippa City Storm Sewer System and the implementation of the Aliquippa City Stormwater Management Program and Pollutant Reduction Plan, as required by the City's NPDES MS4 Permit.
2. The Stormwater Management Fee shall be \$8.00 per ERU per month initially, effective the ____ day of _____, 202__, which will be billed on a quarterly basis in accordance with Section 5.
3. Each Property that is a Single-Family Residential Property shall be charged for one (1) ERU.
4. The charge for a 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 ERUs by rounding to the next closest one-half of one ERU. The charge shall be computed by multiplying the number of ERUs for a given Property by the unit rate established by Aliquippa City as set forth above in Subpart "2" above.
5. The minimum charge for every Non- Single Family Residential Property shall be one ERU.

SECTION 7: RENTAL, RATES AND CHARGES CONSTITUTE LIEN ON PROPERTY

In accordance with the Municipal Claims Act, 53 P.S. § 7101, et seq. (as amended), all fees, penalties, interest, collection fees, lien filing fees, satisfaction fees or any other charge imposed for failure to make prompt payment shall constitute a lien upon and against the subject Property from the date of imposition and assessment.

SECTION 8: REDUCTIONS AND CREDITS APPLICABLE TO STORMWATER MANAGEMENT FEE

Credits against the Stormwater Management Fee prepared by RAR engineering group, inc. and the City's Fee Reduction Program are an appropriate means of adjusting the assessment of fees owed to account for the implementation of mitigating measures. Credits shall be applied as described in the City of Aliquippa Fee Reduction Program Guide or as otherwise adopted by City Council. Applications for Credit shall be filed with the City Manager or designee, on forms supplied by the City.

Entities in possession of approved, valid, and current Discharge Permit, ("NPDES") or Stormwater Management Plan approved by City of Aliquippa, shall receive a fifty percent (50%) reduction of the Stormwater Management Fee assessed.

SECTION 9: APPEAL PROCEDURE

Any Customer or Property Owner who believes the provisions of this Ordinance have been applied in error may appeal in the following manner and sequence.

1. The appeal of the Stormwater Management Fee must be delivered or mailed to the City Manager or designee, within thirty (30) days of the charge being mailed to the Property Customer. The appeal must be in writing, on form supplied by the City, and state all reasons for the appeal. Using the information provided by the appellant, and also any other investigation that is needed in the City Manager's opinion, the City Manager, Designee, or Committee created by the City Council, shall review the written submission and respond to the appeal in writing within thirty (30) days. The City Manager has the authority to adjust the Stormwater Management Fee if deemed appropriate.
2. A decision of the City Manager that is adverse to appellant may be further appealed to the Aliquippa City Uniform Construction Code Board of Appeals within thirty (30) days of the adverse decision being issued. The appellant shall state in writing the grounds for further appeal and shall mail or deliver the appeal to the City Manager or designee. The appellant shall be permitted to present his/her appeal to the Uniform Construction Code Board of Appeals at the next scheduled meeting that is at least seven (7) days after receiving receipt of the appeal by the City Manager. The Uniform Construction Code Board of

SECTION 13: 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 separated, distinct and independent provision from the remaining provisions that shall be and remain in full force and effect. It is hereby declared that this Ordinance would have been adopted had such invalid or unconstitutional provision of its application not been included therein.

SECTION 14: EFFECTIVE DATE

This Ordinance shall take effect immediately.

ENACTED AND ORDAINED this 1st day of October, 2025.

ATTEST:

CITY OF ALIQUIPPA



Samuel L. Gill
City Manager



Dwan B. Walker
Mayor



Myron R. Sainovich
City Solicitor