

Bill No. 11-11
Introduced: June 27, 2011
By Commissioner: Matt Kluck
Enacted: August 9, 2011

MT. LEBANON, PENNSYLVANIA

ORDINANCE NO. 3187

AN ORDINANCE OF MT. LEBANON, PENNSYLVANIA
ESTABLISHING A FEE FOR STORMWATER COLLECTION AND
MANAGEMENT

WHEREAS, it appears that Mt. Lebanon, PA ("Mt. Lebanon") 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, Mt. Lebanon desires to assess a fee for all properties that are connected with, use, are serviced by or are benefited by such system.

NOW THEREFORE, Mt. Lebanon, Pennsylvania, hereby ordains:

Section 1. Title

This chapter shall be known and may be cited as the "Mt. Lebanon, Pennsylvania Stormwater Management Fee Ordinance."

Section 2. Statement of Findings

- A. Mt Lebanon currently incurs costs to runs a 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 manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge and threatens public health and safety.
- C. Inadequate planning and management of stormwater runoff throughout a watershed can harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream beds and stream banks,

thereby elevating sedimentation), destroying aquatic habitat, and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge; stormwater is an important water resource which provides groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.

D. A comprehensive program of stormwater management is fundamental to the public health, safety, welfare and the protection of the residents of Mt. Lebanon, their resources and the environment in order to control items such as flooding, erosion and pollution.

E. The collection and conveyance system for stormwater includes underground pipes, but also includes conduits, inlets, culverts, catch basins, gutters, ditches, channels, detention ponds, streets, curbs, and drains.

F. The nature of stormwater is that any system to control stormwater must be designed for, and funds must be expended to control, peak flow, total runoff volume and pollution in the stormwater.

G. These three factors all relate to and are driven by impervious surface; once property is developed, peak flow, runoff volume and pollution all increase greatly.

H. Peak flow occurs most often during periods of intense rainfall and/or when the ground is saturated (can accept no more water) or is arid (concrete like surface resulting from overly dry conditions).

I. Because of the effect of weather on stormwater (e.g. extended dry or wet periods), no developed property can always accept all stormwater, and all developed properties therefore generate stormwater runoff.

J. In a developed, urban environment such as Mt. Lebanon, each developed property generates runoff and therefore uses or is in some fashion connected with, serviced by or benefited by the stormwater Sewerage System, which normally functions by collecting stormwater from a property and/or by preventing stormwater from entering another property.

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 stormwater Sewerage System.

M. 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.

N. Federal and state regulations (including those found at 40 CFR Part 122) require Mt. Lebanon to implement a program of stormwater controls. Mt. Lebanon is required to obtain

a permit for stormwater discharges from their separate sewer system under the National Pollutant Discharge Elimination Systems (NPDES).

O. Mt. Lebanon desires to establish fair and equitable user charges to assure that each Property and recipient of services within Mt. Lebanon 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 Mt. Lebanon.

P. The charges as determined herein are fair and equitable and are based upon the following facts: a minimum fee per residential unit is reasonable; the basis for the equivalent residential unit of 2400 square feet of impervious surface was based on a statistical sampling of properties in Mt. Lebanon; the requirement that a property have 800 square feet of impervious surface is reasonable based on the use of aerial photography to determine impervious surface and reasonably defines what is a developed property; the use of aerial photography provides an accurate measurement for impervious surface; the standard charge for single family dwellings is based on the fact that there is not a great deal of variation in size, nor any substantial manner to control stormwater runoff; the inclusion of townhomes as a single family dwelling takes into account the common areas; and that on commercial and institutional properties, the opportunity to control runoff in a meaningful way typically does exist and should be encouraged and acknowledged.

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 Mt. Lebanon, 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:

(1) **Equivalent Residential Unit (ERU)** - means 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 2,400 square feet.

(2) **Impervious Surface** - means those hard surface areas either which prevent or retard the entry of water into the soil in the manner that such water entered 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 that present under natural conditions pre-existent to development, including, without limitation, such surfaces as roof tops, asphalt, concrete, pavers, compacted aggregate engineered and maintained for vehicular traffic or parking, paving, driveways and parking lots, private streets, walkways, patio areas, storage areas or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

(3) **Mt. Lebanon** - Mt. Lebanon, Pennsylvania, a home rule municipality.

(4) **Operation, Maintenance and Capital Costs** - The associated costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation and services required to collect, convey, detain, pump and transport stormwater, flood protection, keep equipment and facilities functioning satisfactorily and economically, administer the Sewerage System and shall include sums paid to defray costs of Mt. Lebanon's improvements to the Sewerage System.

(5) **Owner** - Any person, firm, corporation, individual, partnership, company, association, society or group owning real property in Mt. Lebanon.

(6) **Property**-each lot, parcel, building or portion thereof containing 800 or more square feet of Impervious Surface.

(7) **Rental, Rates and Charges** - Sums assessed, imposed and to be collected from each Property which uses, benefits from or is serviced by the Mt. Lebanon Sewerage System or which discharges stormwater, directly or indirectly, into the Mt. Lebanon Sewerage System for the use of and the service rendered and improvement of such system.

(8) **Replacement** - The associated costs of obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the Mt. Lebanon Sewerage System so as to maintain the capacity and performance for which said system was designed and constructed; shall include costs associated with improvements to the Sewerage System.

(9) **Sewerage System** - The system of collection and conveyance, including pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, channels, detention ponds, streets, curbs, drains and all devices, appliances and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining and/or treating stormwater.

(10) **Stormwater** - Includes runoff water from all precipitation events, snowmelt and springs.

(11) **User** - Any person, firm, corporation, individual, partnership, company, association, society or group using, benefiting from or being served by the Mt. Lebanon Sewerage System.

Section 4. Imposition of Rental, Rates and Charges

For the use of, benefit by and the services rendered by the Sewerage System, including its operation, maintenance, repair, replacement and improvement of said system and all other expenses, **rental**, rates and charges are hereby imposed upon each and every Property that is connected with, uses, is serviced by or is benefited by Mt. Lebanon's Sewerage System, either directly or indirectly, and upon the owner(s) of such Properties. Such rental, rates and charges are imposed on a four month basis on the first of September, January, and May of each year. Such rental, rates and charges shall be payable to Mt. Lebanon by and collected from the owners of such Properties as hereinafter provided, and shall be determined as set forth below.

A. Each Property that contains a single-family residential dwelling, townhouse, or duplex shall be charged for one (1) ERU for each individual dwelling unit. The ERU charge shall be eight dollars (\$8.00) per month.

B. The charge for each other Property within Mt. Lebanon shall be based upon the number of square feet of measured impervious surface, as determined through aerial photography and surface feature evaluation processes, expressed in whole ERUs by rounding to the next highest ERU. The charge for each other Property shall be computed by multiplying the number of ERUs for a given Property by the unit rate established by Mt. Lebanon as set forth above in subsection A above. In no event shall any Property pay a charge of less than one ERU.

C. Notwithstanding the foregoing, the following Property shall be exempt from rental, rates and charges under this Ordinance.

(1) Public Street, as defined in the Mt. Lebanon Subdivision and Land Development Ordinance.

(2) Private Street, as defined in the Mt. Lebanon Subdivision and Land Development Ordinance.

Section 5. 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 6. "User" and "Owner" Distinguished

References in this Ordinance to "use," "user," "unit" or portion of a Property, lot, parcel or building with respect to the calculation and assessment of sewer rental, rates and charges shall not be construed to modify or alter the fact that sewer rental, rates and charges shall be assessed and imposed upon the Property pursuant to 53 P.S. § 7106, et seq., as may in the future be amended, and the owner of each Property against which sewer rental, rates and charges are imposed and assessed under this Ordinance shall be and remain liable for payment of the same, whether or not such owner occupies the Property. Nothing in this Ordinance shall be construed to prohibit or limit an owner's ability to collect by lease or contract sums due by a tenant or other occupier of the owner's Property, but such lease or contract shall not bind Mt. Lebanon or limit in any way Mt. Lebanon's authority to impose, assess, lien and collect sewer rental, rates and charges.

Section 7. Billing and Collection of Rental, Rates and Charges

The rental, rates and charges fixed and established by this Ordinance shall be effective as to all Properties that use, are served or are benefited by the Mt. Lebanon Sewerage System existing as of the effective date of this Ordinance, and shall be effective to all other Properties thereof that use or are so served or benefit subsequent to the effective date of this Ordinance. Rental, rates and charges imposed by this Ordinance shall be assessed and billed by Mt. Lebanon effective as of the first day of each calendar third beginning in September or on such other basis

as the Commission or its designee shall authorize. A bill shall be prepared and mailed by Mt. Lebanon (or its designee or contractor) on or before the first business day of January, May and September of each year as to calendar quarter billing or on or before the applicable billing date for other periods to the owner of each premises served by the Mt. Lebanon Sewerage System. Such assessments shall be payable at their face amount during the 30 days next following the date on which said assessment bill was mailed. [Starting in January, 2012, a discount of 2% will be given to any Owner that pays the entire calendar year rental rates and charges]. The rental, rates and charges assessed and collection will not be subject to proration or refund by Mt. Lebanon 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 rental, rates and charges assessed hereunder.

Section 8. Late Payment Penalty

Effective on the first day of the calendar month next following an assessment billing, a penalty of five percent (5%) of the rental, rates and charges assessed for that calendar quarter and not paid within the calendar month of the assessment shall be added for nonpayment within the time allowed.

Section 9. Interest on Unpaid Rental, Rates and Charges

Interest at the rate of ten percent (10%) per year from the first day of the calendar month next following that month in which sewer rental, rates and charges were assessed and billed shall accrue and be added to all original amounts of sewer rental, rates and charges remaining unpaid at the end of the calendar month in which the same were first imposed and assessed, and shall continue to accrue until the full amount of such rental, rates and charges is paid in full.

Section 10. Rental, Rates and Charges Constitute Lien on Property

In accordance with the Municipal Claims Act, 53 P.S. § 7101, et seq. (as amended), all rental, 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 11. Exemptions and Credits Applicable to Rental, Rates and Charges

Credits against Rental, Rates and Charges are an appropriate means of adjusting fees, rates, rental, charges, fines and penalties, under some circumstances, to account for applicable mitigation measures. Credit mechanisms are attached hereto as Appendix A. No exception, Credit, offset, or other reduction in rental, rates and charges shall be granted based on age, race, tax status, economic status or religion of the customer, or other condition unrelated to the demand for and cost of services provided by Mt. Lebanon.

Section 12. Appeal Procedures

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

(1) An appeal of a rental, rate and charge must be filed in writing with the Public Works Director or his/her designee within thirty (30) days of the charge being mailed or delivered to the Property owner. Any appeal must state the reasons for the appeal.

(2) Using information provided by the appellant, the Public Works Director (or his/her designee) shall conduct a technical review of the conditions on the Property and respond to the appeal in writing within thirty (30) days. In response to an appeal, the Public Works Director may adjust the rental, rate and charge applicable to the Property in accordance with the provisions of this Ordinance.

(3) A decision of the Public Works Director that is adverse to an appellant may be further appealed to the Municipal Manager or his/her designee within thirty (30) days of the adverse decision. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to Mt. Lebanon Manager or his/her designee. The Municipal Manager or his/her designee shall issue a written decision on the appeal within thirty (30) days. All decisions by the Municipal Manager or his/her designee shall be personally delivered to the owner or, sent to the billing address of the customer by registered or certified mail.

(4) A decision of the Municipal Manager that is adverse to appellant may be further appealed to the Commission within thirty (30) days of receipt of the adverse decision. The Appellant, stating the ground for further appeal, shall deliver notice of the appeal to the Municipal Manager or his/her designee. The appellant shall present his appeal at the next meeting of the Commission that is at least 7 days after delivery of the appeal. The Commission shall issue a written decision on the appeal within thirty (30) days of the conclusion of the presentation. The decision of the Commission shall be final.

Section 13. Policies and Procedures Authorized

A. The Commission or its designee may by resolution adopt such policies and procedures as it deems appropriate to ensure collection of sewer rental, 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; scire facias sur municipal lien proceedings to collect filed liens; and any and all other measures or combination thereof which the Commission 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 Mt. Lebanon be imposed as a charge for nonpayment and added to the balance due on said owner's account. **[Exhibit B contains a listing of such charges.]**

C. No lien shall be satisfied, nor shall any collection proceeding be discontinued until all amounts due on an account, including rental, rates, penalties, interest, collection fees, attorney's fees, court costs and other charges are first paid in full to Mt. Lebanon.

D. The Manager is authorized to adopt any policies or procedures that the Manager deems necessary or convenient to interpret or implement this Ordinance.

Section 14. Storm Sewer Revenue Fund

The funds received from the collection of the rental, rates and other charges authorized by this Ordinance shall be deposited into a Storm Sewer Revenue Fund, a fund and account hereby created and dedicated to the operation, administration, maintenance, repair and improvement of the Sewerage System and paying Operation, Maintenance and Capital Costs.

Section 15. No Warranty or Action

Nothing in this ordinance or in the design, operation or maintenance of the Sewerage System shall be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action seeking the imposition of money damages against Mt. Lebanon, its officers, employees, or agents. Mt. Lebanon expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon Mt. Lebanon, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may not exist or hereafter be created.

Section 16. Severability.

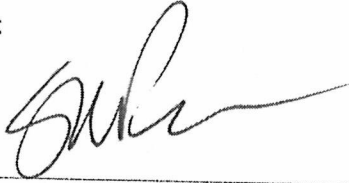
If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions 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.

Section 17. Effective Date

This Ordinance shall become effective on September 1, 2011, will expire August 31, 2031 unless extended by ordinance on or before that date; provided, however, that the expiration of the Ordinance will not apply to nor affect the validity and collectability of any rate, rental or charge assessed prior to such expiration date.

ORDAINED AND ENACTED into an Ordinance and passed by the Commission of Mt. Lebanon, Pennsylvania on this 9th day of August, 2011.

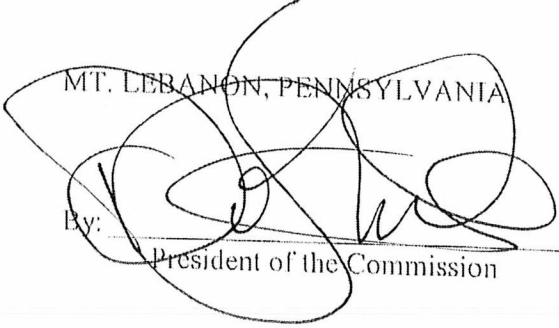
ATTEST:



Secretary

MT. LEBANON, PENNSYLVANIA

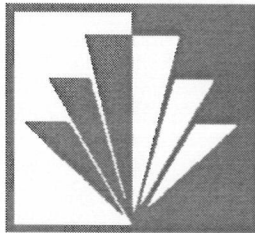
By:



President of the Commission

Municipality of Mt. Lebanon Stormwater Fee

Credit Manual for Stormwater Fees



MT. LEBANON
P E N N S Y L V A N I A

Prepared By:
Gateway Engineers, Inc.

Approved September 13, 2011

Stephen M. Feller, Municipal Manager



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1 INTRODUCTION

1.1 Overview

The Municipality of Mt. Lebanon established a municipal wide stormwater fee. The fee is intended to provide a stable source of revenue for the Municipality's stormwater management program that allocates the costs of stormwater services across stormwater "users" in the Municipality through a stormwater fee (or user fee). Ordinance No. 3187 that enacted the user fee contains much of the rationale for the fee and the credits detailed herein, and is incorporated herein by reference.

The Municipality has developed a system of credits for stormwater service customers who undertake significant and specific, approved actions that reduce the demand for stormwater service on the public stormwater system, or provide an ongoing significant public benefit related to stormwater management. This manual details the policies and procedures for Stormwater Fee credits.

The two different stormwater fee credits that will be offered in the Municipality of Mt. Lebanon are summarized in the following pages. The credits that are available for single family residential properties are:

- One-time Rain Barrel Credit
- Peak Flow Attenuation Credit

The credit that is available for non-single family residential properties is:

- Peak Flow Attenuation Credit
- Education Credit

To qualify for credits, the stormwater utility customer must fill out a credit application form and submit it to the Department of Public Works, 710 Washington Road, Pittsburgh, PA 15228, (412) 343-3400. The application will be evaluated to determine the amount of credit that the parcel/customer is entitled. The applicant will be notified by letter of the determination of credits. Appeal of the determination can be made in accordance with Section 12 of the ordinance.

1.2 Definitions

Best Management Practices (BMP): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.

Credit: Three types of credits exist:

One-time Rain Barrel Credit: The installation of a rain barrel to collect rooftop stormwater runoff; only one rain barrel per property will be considered and documentation shall be provided.

Peak Flow Attenuation Credit: The reduction of the peak flow from a 25 year storm for a portion of the property affected by use of a structural stormwater control system as documented by a professional engineer through a report and calculations on the performance of the system.

Education Credit: In kind service provided by a public or private school to educate students in the subject of stormwater management, which must be applicable to the Municipality's N.P.D.E.S. permit. Prior approval of the education credit by the Municipality is required.

Detention facility: A stormwater structure, by means of a single control point, which provides temporary storage of stormwater runoff in ponds, parking lots, depressed areas, rooftops, buried underground vaults or tanks, etc., for future release, and is used to delay and attenuate peak flow and/or reduce the discharge of pollutants from land.

Equivalent Residential Unit (ERU): The measure of impervious surface for a typical single-family residential property used in assessing the fees for each parcel of property, and which has been determined to be 2,400 square feet.



ERU Rate: The stormwater fee applied to each base billing unit, or 2,400 square feet. In the Municipality of Mt. Lebanon, the ERU rate, as of July 26, 2011, is \$8.00 per month.

Impervious surface: Those hard surface areas either which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existing to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, without limitation, such surfaces as roof tops, asphalt, concrete, pavers, compacted aggregate engineered and maintained for vehicular traffic or parking, paving, driveways and parking lots, walkways, patio areas, storage areas or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

Non-single-family residential property: Individual properties that have 800 square feet or more of impervious surface and are not used as a single-family residential property (e.g., apartments). The term Non-single-family residential properties include manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.

Retention facility: A stormwater facility that provides storage of stormwater runoff and is designed to eliminate subsequent surface discharges. These facilities can be effective in reducing downstream flooding because they do not allow discharge of stormwater runoff to downstream locations except in extreme flood events where the storage volume of the facility is exceeded. Retention facilities can also be effective in reducing stormwater pollution since the pollutants contained in stormwater are not released downstream.

Single-family residential property: Developed land containing one structure which is designed for occupancy by one family. These may include house, manufactured homes, townhomes, and mobile homes located on one or more individual lots or parcels of land. The inclusion of townhomes as single family dwellings takes into account the common areas.

Stormwater: Includes runoff water from all precipitation events, snowmelt and springs.

2 CREDIT POLICIES & INSTRUCTIONS

2.1 General Policies

There are certain conditions that must be met and applications that must be completed that will determine what properties qualify for a credit and for what amount of credit. General policies for stormwater fee credits are listed below. See the following pages for policies, details, and special circumstances that may be specific to individual credits.

- Credit is given to eligible properties only, as described in the credit policies presented in this manual and/or in the credit application(s).
- It is the responsibility of the property owner (or his/her designee) to apply for stormwater credits, and to provide the necessary substantiating information with the Credit application, as described herein. Credits for past due accounts will not be considered.
- Credit applications are available from the Department of Public Works and questions regarding credits should be referred to the Public Works Director. Public Works staff are not responsible for initiating, performing engineering calculations, or otherwise assisting with preparation of credit applications. Such applications shall include documentation by a licensed professional engineer for peak flow reduction credits in the form of a report and surveyed as built plans.
- The Department of Public Works will only review complete credit applications. The review will be performed within four (4) weeks after a complete application is submitted. If approved, the credit will be applied in the next billing cycle after approval. Should payment for the entire year already be made, the credit for this year will be applied to the stormwater bill for the next fiscal year.
- The applicant will be required to pay an application fee equal to \$25 per ERU of service for evaluation of the request for credit for Peak Flow Attenuation up to a maximum of \$1,000.00. Applications for Educational Credits shall be \$25 per ERU up to a maximum of \$250.00.
- Multiple credits may be given to eligible properties. However, the total credit available to any one property shall not exceed 50% of the stormwater fee. This applies only to applications for the Peak Flow Attenuation credit.



- Credits are maintained on a property as long as the activity is being performed in accordance with Municipality requirements, or the stormwater facility is properly functioning in accordance with applicable Municipality codes and ordinances, or the policies stated herein.
- Termination of credits based upon public works inspection may occur. If the structural BMP has been found to be operating inadequately and corrections have not been made within 30 days of notification by the Municipality in writing.

2.2 One-time Rain Barrel Credit

These credits are available only to single family residential properties. One credit per property will be issued from an annual budget on a first come first served basis. Credits will be distributed until the budgeted amount is depleted. The credit shall be 25% of the cost of the rain barrel or a minimum of \$25.00 and maximum of \$50.00. The applicant must provide the rain barrel receipt with their application along with a photo showing its installation has occurred. Citizens wishing to apply for this credit may contact the Public Works Department at (412) 343-3400 to find out if the credit is still available in a given year. There shall be no fee for this application.

2.3 The Peak Flow Attenuation Credit

These credits are available only to properties that discharge stormwater to a detention or retention facility that is in compliance with Chapter XVI of the Mt. Lebanon Code, and that are constructed and maintained properly.

Annual Time-Credit Criteria for Peak Flow Attenuation

1. A Peak Flow Attenuation credit will be available to both residential and non-residential properties that have onsite stormwater detention/retention ponds or other structural BMPs designed to control the peak flow from the property in accordance with Chapter VXI of the Mt. Lebanon Code.
2. The facility must, at a minimum, be designed for the 25 year storm. A facility designed for less than a 25 year storm will receive no credit, partial or otherwise. A facility must be built and operated according to relevant BMPs.

3. A homeowner's association may apply for a credit for a pond that serves their neighborhood. The credit will be applied uniformly to the number of units within the homeowners association in which the facility is located for up to 50%.
4. Sufficient information including as built plans and an engineering analysis must be supplied to the Public Works Director to verify that the controls meet the following criteria: the peak runoff rate under post development conditions must be less than, or equal to, the peak runoff rate for the same property under predevelopment conditions for the 25 year storm.
5. Credit applications for new installation of facilities may be submitted to the Public Works Director at any time during the construction process. However, the credit will not be approved based on site plans alone. The credit application requires that the detention/retention facility must be constructed and working in proper operating condition as certified by a professional engineer.
6. The total credit percentage for the Peak Flow Attenuation shall not exceed a 50% credit of the properties stormwater fee.
7. A credit shall only be applied to the portion of the property's impervious area served by the stormwater facilities. Thus, if only 80% of the impervious area is served by a functioning facility, and a 50% credit is applied, the entire parcel credit will be $80\% * 50\% = 40\%$.
8. All detention/retention systems for which credit is applied must be working in proper operating condition at the time that the application is submitted.

Ownership and Maintenance Requirements

9. The facilities must be owned, operated and maintained, either on-site or by record of agreement, by the applicant. The applicant must provide documentation of the activities that will occur in order to inspect and maintain the facility to the standards presented herein on a bi-annual basis through a submission of a report by a professional engineer documenting the performance of the facility.
10. The stormwater detention/retention facilities must be operated and maintained in proper condition to control the peak runoff rate as presented above, in accordance with the maintenance standards presented in this manual and the relevant BMPs. If the applicant does not operate and maintain the facility as required, the credit will be discontinued, if

when notified by Public Works in writing that the corrections are not made within 30 days.

11. In order for stormwater retention and detention facilities to operate as they were intended, maintenance must be routinely performed and documented to the Municipality on a bi-annual basis. Improperly maintained stormwater facilities do not reduce stormwater impacts effectively and are therefore ineligible for credit. The following items are the basic minimum maintenance requirements for all applicable stormwater facilities:
 - a. Sediment shall be removed when about 30% of storage volume of the facility is filled.
 - b. Sediment traps, if existing, shall be cleaned out when filled.
 - c. No woody vegetation shall be allowed to grow on any planned embankments without special design provisions.
 - d. Debris shall be removed from blocking inlet and outlet structures and from other areas of potential clogging (i.e., weirs, pipes, grates, etc.). This is especially important after major storms. Detention control devices should be checked a minimum of two times a year and after heavy rain events for debris accumulation and clogging.
 - e. The control structures shall remain unaltered and be kept structurally intact, free from erosion, and functioning as originally designed.
 - f. Maintenance records of all such activities shall be maintained and submitted with the bi-annual report documenting facility performance.

Credit Application and Approval Process

12. If all requirements and conditions of this section are met, the credit will be available upon successful completion of the credit application process and approval of an on-site inspection performed by the Municipality.
13. Credit applications for new developments can occur as part of the normal development plan review procedures. The completed credit application should accompany the final plat for the site. Any credit would not be available until the peak flow attenuation facility has been installed and inspected by the Municipal Engineer.
14. For these credits, a Right-of-Entry or easement, as applicable, must be granted to the Municipality in order for the Municipality to review and approve the credit and to perform

occasional inspections to see that the stormwater management facility is maintained and operating as designed. Right-of-entry is granted via the applicant's or property owner's signature on the credit application.

15. The credits will remain in place with automatic renewal unless the required operational provisions are not met.

2.4 The Education Credit

Public education about water quality is an important and required component of Mt. Lebanon's ongoing N.P.D.E.S. permit compliance. Because public and private schools have a unique opportunity to educate schoolchildren on water quality and perform services which otherwise would be the responsibility of Mt. Lebanon, up to a 20% credit is available to public or private school properties on which a school operates. Residential properties that home school children are not eligible for the Education Credit. To qualify for this credit, the school must undertake a curriculum of education activities that provides for at least two hours (in total) per calendar school year of education targeting water quality and the curriculum must provide this level of education for at least 90% of all enrolled students in each grade year. The curriculum components that will be used to satisfy this credit policy must be submitted to Mt. Lebanon DPW for review and approval. Applications for Education Credits will be taken on a first come first serve basis; the total amount of credit will be limited to the total amount spent by the Municipality on the public education portion of the N.P.D.E.S. permit on an annual basis. Applications must be submitted annually no later than September 15 to the Department of Public Works. An example of how credits will be distributed is as follows: Five school properties apply for \$6000.00 in available Education Credit dollars; the applications represent a total of 500 ERU's. If the credits are all approved, the result would be a \$12 per year credit for each ERU on each of the five school properties.

Municipality of Mt. Lebanon Stormwater Credit Application

Please Read Instructions on Reverse Side Before Completing			Date
Property Owner(s) Information			
Last Name	First Name	Middle Initial	Phone No.
Property Address Information (No. & Street Name, Zip Code and Lot & Block No. if known)			
Owner(s) Mailing Address (if different)			
No. & Street Name	City	State, Zip	
Type of Credit			
___ Rain Barrel Credit	___ Peak Flow Attenuation Credit	___ Education Credit	

For Rain Barrel Credit: Please attach receipt from purchase and below indicate date of installation:

For Peak Flow Attenuation Credit: Provide a brief description of Peak Flow Attenuation Facility including a report by professional engineer along with as built plans.

For Education Credit: Provide a copy of the curriculum components indicating calendar school year for which the credit is being applied for.

For Official Use Only

Date Received	___ / ___ / ___	Received By	Lot & Block No.
Rain Barrel Credit	Receipt	Cost of Rain Barrel \$ _____	(no fee for rain barrel application)
Application Fee Paid	\$25 Residential	\$25/EDU (\$1000 max) Non SF Residential \$ _____ (fee collected)	
Date of Review		Reviewed By	
Type and Amount of Credit	\$ _____ Rain Barrel (one time credit per property)	\$ _____ Peak Flow Credit to be issued beginning ___ / ___ / ___	\$ _____ Education Credit to be issued beginning ___ / ___ / ___
Date Approval	___ / ___ / ___	Approved By	

Bill No.: 6-18
Introduced: August 14, 2018
By Commissioner: Grella
Enacted: August 27, 2018

MT. LEBANON, PENNSYLVANIA

ORDINANCE NO. 3303

**AN ORDINANCE OF MT. LEBANON, PENNSYLVANIA
AMENDING BILLING AND COLLECTION PROCEDURES
FOR STORMWATER COLLECTION AND MANAGEMENT**

WHEREAS, Mt. Lebanon, PA (“Mt. Lebanon”) enacted Ordinance No. 3187 on August 9, 2011 establishing a fee for Stormwater Collection and Management; and

WHEREAS, Mt. Lebanon desires to amend billing and collection procedures associated with the fees assessed for all properties that are connected with, use, are serviced by or are benefited by such system.

NOW THEREFORE, Mt. Lebanon, Pennsylvania, hereby ordains:

Section 1. The introductory paragraph of Section 4. Imposition of Rental, Rates and Charges of Ordinance 3187 is hereby amended to read as follows (new text underlined and deleted text in strikethrough).

For the use of, benefit by and the services rendered by the Sewerage System, including its operation, maintenance, repair, replacement and improvement of said system and all other expenses, rental, rates and charges are hereby imposed upon each and every Property that is connected with, uses, is serviced by of is benefited by Mt. Lebanon’s Sewerage System, either directly or indirectly, and upon the owner(s) of such Properties. ~~Such rental, rates and charges are imposed on a four month basis on the first of September, January, and May of each year.~~ Such rental, rates and charges are imposed on an annual basis on the first of January of each year. Such rental, rates and charges shall be payable to Mt. Lebanon by and collected from the owners of such Properties as hereinafter provided, and shall be determined as set forth below.

Section 2. Section 7. Billing and Collection of Rental, Rates and Charges of Ordinance 3187 is hereby amended to read as follows (new text underlined and deleted text in strikethrough).

The rental, rates and charges fixed and established by this Ordinance shall be effective as to all Properties that use, are served or are benefited by the Mt. Lebanon Sewerage System existing as of the effective date of this Ordinance, and shall be effective to all other Properties thereof that use or are so served or benefit subsequent to the effective date of this Ordinance. ~~Rental, rates and charges imposed by this Ordinance shall be assessed and billed by Mt. Lebanon effective as of the first day of each calendar third beginning in September or on such other basis as the Commission or its designee shall authorize.~~ Rental, rates and charges imposed by this Ordinance shall be assessed and billed by Mt. Lebanon effective as of the first day of January of each year or on such other basis as the Commission or its designee shall authorize. A bill shall be prepared and mailed by Mt. Lebanon (or its designee or contractor) on or before the first business day of January, ~~May and September~~ of each year as to calendar quarter billing or on or before the applicable billing date for other periods to the owner of each premises served by the Mt. Lebanon Sewerage System. ~~Such assessments shall be payable at their face amount during the 30 days next following the date on which said assessment bill was mailed. [Starting in January, 2012, a discount of 2% will be given to any Owner that pays the entire calendar year rental rates and charges].~~

All Properties subject to the payment of such assessment shall be entitled to a discount of two percent (2%) from the amount of such assessment upon making payment of the whole amount thereof within the first two (2) months of the calendar year. If the assessment is not paid at discount, the face amount of the assessment is due by the last day of April for the calendar year billed.

All Properties subject to the payment of such assessment where the number of Equivalent Residential Units (ERU) as determined under Section 4.B. are greater than or equal to five (5) ERUs, shall be allowed to pay in three (3) equal installments. The first installment is due the last day of April of the calendar year. The second installment is due the last day of June of the calendar year billed. The third and final installment is due the last day of September of the calendar year. If a Property elects to pay via installments, the two percent (2%) discount shall not apply. If a Property is delinquent in an installment payment, penalty and interest, as outlined in Sections 7, 8 and 9, will be applied on the outstanding balance upon delinquency, not on the date that is four (4) months after the date of the imposition of the rental, rates and charges.

The rental, rates and charges assessed and collection will not be subject to proration or refund by Mt. Lebanon 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 rental, rates and charges assessed hereunder.

Section 3. Section 8. Late Payment Penalty of Ordinance 3187 is hereby amended to read as follows (new text underlined and deleted text in strikethrough).

~~Effective on the first day of the calendar month next following an assessment billing, a penalty of five percent (5%) of the rental, rates and charges assessed for that calendar quarter and not paid within the calendar month of the assessment shall be added for nonpayment within the time allowed.~~

All Properties who shall fail to make payment of any assessments against them within four (4) months after the date of the imposition of the rental, rates and charges shall be charged a penalty of five percent (5%) of the unpaid rental, rates and charges assessed for that calendar year.

Section 4. Section 9. Interest on Unpaid Rental, Rates and Charges, of Ordinance 3187 is hereby amended to read as follows (new text underlined and deleted text in strikethrough).

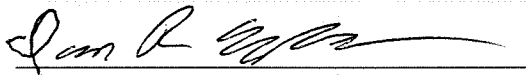
All Properties who shall fail to make payment of any assessments against them within four (4) months after the date of the imposition of the rental, rates and charges shall be charged interest ~~Interest~~ at the rate of ten percent (10%) per year from such date. ~~the first day of the calendar month next following that month in which sewer rental, rates and charges were assessed and billed~~ Interest shall accrue and be added to all original amounts of sewer rental, rates and charges remaining unpaid at the end of the calendar month in which the same were first imposed and assessed, and shall continue to accrue until the full amount of such rental, rates and charges is paid in full.

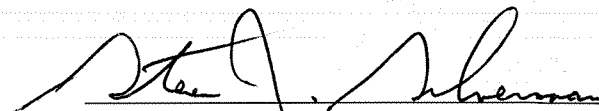
Section 5. The effective date of this Ordinance shall be January 1, 2019.

ORDAINED AND ENACTED into an ordinance and passed by the Commission of Mt. Lebanon, Pennsylvania on the 27th day of August, 2018.

ATTEST:

MT. LEBANON, PENNSYLVANIA


Secretary


President of the Commission

Bill No. 4-22
Introduced: September 28, 2022
By Commissioner: Ranney
Enacted: October 25, 2022

MT. LEBANON, PENNSYLVANIA

ORDINANCE NO. 3349

**AN ORDINANCE OF MT. LEBANON, PENNSYLVANIA AMENDING
THE FEE FOR STORMWATER COLLECTION AND MANAGEMENT
AND EXTENDING THE EFFECTIVE DATE**

WHEREAS, that Mt. Lebanon, PA ("Mt. Lebanon") 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, Mt. Lebanon, PA ("Mt. Lebanon") enacted Ordinance No. 3187 on August 9, 2011 establishing a fee for Stormwater Collection and Management for all properties that are connected with, use, are serviced by or are benefited by such system; and

WHEREAS, since its inception in 2011, the Storm Sewer Revenue Fund created by such Ordinance has been used for a variety of important and worthwhile projects which are critical to and successful in the Municipality's efforts to collect and control stormwater, including the removal of water from roads; and

WHEREAS, the number and cost of worthwhile projects continues to grow, especially as flooding events continue to increase; and

WHEREAS, the cost of projects and the maintenance of the system continues to outpace the ability of the fee, which has not increased since 2011, to enable the Storm Sewer Revenue Fund to continue to adequately support this important endeavor in a sustainable fashion.

NOW THEREFORE, Mt. Lebanon, Pennsylvania, hereby ordains:

Section 1. Section 4, Imposition of Rental, Rates and Charges of Ordinance 3187 (as amended) is hereby amended to read as follows (new text underlined and deleted text in strikethrough).

Section 4. Imposition of Rental, Rates and Charges.

For the use of, benefit by and the services rendered by the Sewerage System, including its operation, maintenance, repair, replacement and improvement of said system and all other expenses, rental, rates and charges are hereby imposed upon each and every Property that is connected with, uses, is serviced by or is benefited by Mt. Lebanon's Sewerage System, either directly or indirectly, and upon the owner(s) of such Properties. Such rental, rates and charges are imposed on an annual basis on the first of January of each year. Such rental, rates and charges shall be payable to Mt. Lebanon by and collected from the owners of such Properties as hereinafter provided, and shall be determined as set forth below.

A. Each Property that contains a single-family residential dwelling, townhouse, or duplex shall be charged for one (1) ERU for each individual dwelling unit. The ERU charge shall be eight dollars (\$8.00) per month.

The ERU charge will be changed as follows:

<u>Effective Date of change</u>	<u>Monthly ERU charge</u>
<u>January 1, 2024</u>	<u>\$9.00</u>
<u>January 1, 2025</u>	<u>\$10.13</u>
<u>January 1, 2026</u>	<u>\$11.39</u>
<u>January 1, 2027</u>	<u>\$12.81</u>
<u>January 1, 2028</u>	<u>\$14.42</u>

Each January 1 thereafter: Monthly charge will increase in accordance with the following formula:

The monthly ERU charge will be adjusted for a given calendar year by an amount equal to the percentage change in the CPI-U. The CPI-U shall be calculated based on the percentage change from September to September. Example: For January 1, 2029, the monthly ERU charge shall be calculated using the percentage change from September 2027 to September 2028. The percentage change shall be rounded to four (4) decimal places. The calculation will be confirmed by resolution adopted before the increase is to take place.

B. The charge for each other Property within Mt. Lebanon shall be based upon the number of square feet of measured impervious surface, as determined through aerial photography and surface feature evaluation processes, expressed in whole ERUs by rounding to the next highest ERU. The charge for each other Property shall be computed by multiplying the number of ERUs for a given Property by the unit rate established by Mt. Lebanon as set forth above in subsection A above. In no event shall any Property pay a charge of less than one ERU.

C. Notwithstanding the foregoing, the following Property shall be exempt from rental, rates and changes under this Ordinance.

(1) Public Street, as defined in the Mt. Lebanon Subdivision and Land Development Ordinance.


(2) Private Street, as defined in the Mt. Lebanon Subdivision and Land Development Ordinance.

Section 2. Section 15 of Ordinance 3187 is hereby amended to read as follows (new text underlined).

Section 15. Effective Date. This Ordinance shall become effective on September 1, 2011, will expire August 31, 2031 unless extended by ordinance on or before that date; provided, however, that the expiration of the Ordinance will not apply to nor affect the validity and collectability of any rate, rental or charge assessed prior to such expiration date. Effective January 1, 2023, the Ordinance is extended indefinitely, and thus will not expire August 31, 2031.

ORDAINED AND ENACTED into an Ordinance and passed by the Commission of Mt. Lebanon, Pennsylvania on this 25th day of October, 2022.

ATTEST:



Secretary

MT. LEBANON, PENNSYLVANIA

By: 

President of the Commission

Bill No.: 9-23
Introduced: November 14, 2023
By Commissioner: Swager Wilson
Enacted: December 12, 2023

MT. LEBANON, PENNSYLVANIA
ORDINANCE NO. 3363

AN ORDINANCE OF MT. LEBANON, PENNSYLVANIA
AMENDING BILLING AND COLLECTION PROCEDURES
FOR STORMWATER COLLECTION AND MANAGEMENT

WHEREAS, Mt. Lebanon, PA ("Mt. Lebanon") enacted Ordinance No. 3187 on August 9, 2011 establishing a fee for Stormwater Collection and Management; and

WHEREAS, Mt. Lebanon enacted Ordinance No. 3303 on August 27, 2018 amending billing and collection procedures associated with the fees assessed for all properties that are connected with, use, are serviced by or are benefited by such system.

WHEREAS, Mt. Lebanon desires to further amend billing and collection procedures associated with the fees assessed for all properties that are connected with, use, are serviced by or are benefited by such system.

NOW THEREFORE, Mt. Lebanon, Pennsylvania, hereby ordains:

Section 1. Section 7. Billing and Collection of Rental, Rates and Charges of Ordinances 3187 and 3303 are hereby amended to read as follows (new text underlined and deleted text in strikethrough).

The rental, rates and charges fixed and established by this Ordinance shall be effective as to all Properties that use, are served or are benefited by the Mt. Lebanon Sewerage System existing as of the effective date of this Ordinance, and shall be effective to all other Properties thereof that use or are so served or benefit subsequent to the effective date of this Ordinance. Rental, rates and charges imposed by this Ordinance shall be assessed and billed by Mt. Lebanon effective as of the first day of January of each year or on such other basis as the Commission or its designee shall authorize. A bill shall be prepared and mailed by Mt. Lebanon (or its designee or contractor) on or before the first business day of ~~January~~ February of each year ~~on or before~~ for the applicable billing date to the owner of each premises served by the Mt. Lebanon Sewerage System.

All Properties subject to the payment of such assessment shall be entitled to a discount of two percent (2%) from the amount of such assessment upon making payment of the whole amount thereof by April 30 for the calendar year in which billed. ~~within the first two (2) months of the calendar year.~~ If the assessment is not paid at discount, the face amount of the assessment is due by last day of ~~April~~ August for the calendar year billed.

~~All Properties subject to the payment of such assessment where the number of Equivalent Residential Units (ERU) as determined under Section 4.B. are greater than or equal to five (5) ERUs shall be allowed to pay in three (3) equal installments. The first installment is due the last day of April of the calendar year. The second installment is due the last day of June of the calendar year billed. The third and final installment is due the last day of September of the calendar year. If a Property elects to pay via installments, the two percent (2%) discount shall not apply. If a Property is delinquent in an installment payment, penalty and interest, as outlined in Sections 7, 8 and 9, will be applied on the outstanding balance upon delinquency, not on the date that is four (4) months after the date of the imposition of the rental, rates and charges.~~

The rental, rates and charges assessed and collection will not be subject to proration or refund by Mt. Lebanon 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 rental, rates and charges assessed hereunder.

Section 2. Section 8. Late Payment Penalty of Ordinance 3187 and 3303 is hereby amended to read as follows (new text underlined and deleted text in strikethrough).

All Properties who shall fail to make payment of any assessments against them by the last day of August for the calendar year billed ~~within four (4) months after the date of the imposition of the rental, rates and charges~~ shall be charged a penalty of five percent (5%) of the unpaid rental, rates and charges assessed for that calendar year.

Section 3. Section 9. Interest on Unpaid Rental, Rates and Charges of Ordinance 3187 and 3303 is hereby amended to read as follows (new text underlined and deleted text in strikethrough).


All Properties who shall fail to make payment of any assessments against them by the last day of August for the calendar year billed ~~within four (4) months after the date of the imposition of the rental, rates and charges~~ shall be charged interest at the rate of ten percent (10%) per year from such date. Interest shall accrue and be added to all original amounts of sewer rental, rates and charges remaining unpaid at the end of the calendar month and shall continue to accrue until the full amount of such rental, rates and charges is paid in full.

Section 4. The effective date of this Ordinance shall be January 1, 2024.

ORDAINED AND ENACTED into an ordinance and passed by the Commission of Mt. Lebanon, Pennsylvania on the 12th day of December 2023.

ATTEST:

MT. LEBANON, PENNSYLVANIA


Secretary


President of the Commission