RESOLUTION NO. 2026 - 24

WHEREAS, the East Lampeter Sewer Authority received approval from the Pennsylvania Department of State to amend its Articles of Incorporation to engage in stormwater management activities; and,

WHEREAS, the responsibility to develop a comprehensive Stormwater Management Program for the Township of East Lampeter has been delegated to the East Lampeter Sewer Authority; and,

WHEREAS, the East Lampeter Sewer Authority (the "Authority"), through an Asset Transfer Agreement between the Authority and East Lampeter Township, Lancaster County, Pennsylvania (the "Township"), intends to acquire and own an extensive public stormwater management system ("Stormwater System") to collect and manage stormwater to protect the health, safety, and welfare of its citizens; and

WHEREAS, the Authority desires, in accordance with applicable law, to assess a reasonable, equitable, and uniform fee for all developed properties that are connected with, use, are serviced by, or are benefited by such Stormwater System to provide a dedicated funding source for the ongoing expenses associated with the Authority's Stormwater Management Program; and

WHEREAS, the Authority on March 19, 2020, adopted Resolution 2020-1 assessing such a reasonable, equitable, and uniform fee; and

WHEREAS, the Authority desires to amend such Resolution 2020-1 to adjust the amount of such fee and chooses to make such amendment by means of an amended and restated resolution; and

WHEREAS, there have been no intervening amendments to Resolution 2020-1

NOW, THEREFORE, BE IT RESOLVED by the East Lampeter Sewer Authority that this resolution shall be known and may be cited as the **"East Lampeter Sewer Authority Amended and Restated Stormwater Management Program Fee Resolution"** and amends, restates, supersedes and replaces Resolution 2020-1 in its entirety.

A. The Authority incurs costs to operate, maintain, replace, repair and improve the extensive Stormwater System within the Township, including underground pipes, conduits, inlets, outfalls, culverts, catch basins, dams, flood controls structures, gutters, ditches, channels, detention ponds, public best management practices, public streets, curbs, conveyances, appurtenances, and drains. Additionally, the Authority incurs costs related to pollution reduction.

B. A comprehensive Stormwater Management Program is fundamental to the public health, safety, welfare, and the protection of the residents of the Township, their property, resources, and the environment in order to control items such as flooding, erosion, and pollution.

C. Throughout the Township, each property uses or is in some fashion connected with, serviced by, or benefited by the public Stormwater System.

D. Impervious area is a primary characteristic of a property's generation of stormwater and usage of the Stormwater System.

E. The Authority desires to establish reasonable, equitable, and uniform user fees to assure that each lot, developed parcel, building, and recipient of services within East Lampeter Township will pay its proportionate share of the costs of operation, maintenance, repair, regulatory compliance, administration, replacement, and improvement related to the Stormwater System and Stormwater Management Program provided or paid for by the Authority.

F. The charges as established herein are fair and equitable and are based upon the following facts:

(1) The use of aerial photography, photogrammetry, and GIS analysis provides an accurate measurement of impervious area coverage of land parcels within the Township.

(2) The determination of both the Equivalent Residential Unit (ERU) and the Stormwater Management Program Fee are reasonable based on the use of aerial photography to determine impervious area.

(3) The basis for establishing 2,100 square feet of impervious area as an ERU was based on a statistical analysis of single-family residential parcels in East Lampeter Township.

(4) The most equitable method to manage the wide range of impervious area on parcels within the Township is a tiered fee schedule.

(5) The establishment of a baseline, or minimum, of 500 square feet of impervious area for qualification as a single-family residential parcel or developed parcel subject to the fees established herein is reasonable.

(6) The Authority acknowledges that the opportunities to control the rate, volume, and water quality of stormwater runoff in an effective and meaningful way do exist and should be encouraged.

1. DEFINITIONS

1.1. Words and terms used in this Resolution and not given specific definition shall be defined as set forth in applicable statutes of the Commonwealth of Pennsylvania or resolutions of the Authority, if any, and shall otherwise be given their ordinary and common meaning.

1.2. For purposes of this Resolution, the following words and terms shall be defined as set forth below:

1.2.1. **Developed Parcel** – A parcel altered from a natural state that contains impervious area equal to or greater than 500 square feet.

1.2.2. **Equivalent Residential Unit (ERU)** – The basic unit for the computation of Stormwater Program Fees. An ERU is based on the statistically estimated impervious area found on the average single-family residential parcel and has been established to be two thousand one hundred (2,100) square feet of impervious area. The ERU is used to assess the Stormwater Program Fees for each parcel of developed property within the Township.

1.2.3. **Impervious Area (IA)** – Surfaces which prevent the infiltration of water into the ground. All structures, buildings, parking areas, driveways, roads, streets, sidewalks, decks, and any areas of concrete, asphalt, packed stone, and compacted soil shall be considered impervious surface if they prevent infiltration.

1.2.4. **Non-Single-Family Residential (NSFR)** - any developed parcel not fitting the definition of single-family residential. NSFR shall include, but not be limited to, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial and retail properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

1.2.5. **Operation and Maintenance** - The associated costs of equipment and facilities, energy, manpower, materials, transportation, and services required to collect, convey, detain, pump and transport stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, administer the Stormwater Management Program and shall include sums paid to defray costs of the Authority's improvements to the Stormwater System.

1.2.6. **Owner** - Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in East Lampeter Township.

1.2.7. **Replacement** - The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the service life of the Stormwater 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 Stormwater System.

1.2.8. **Single-Family Residential (SFR)** - A freestanding building containing one (1) dwelling unit that is designed for occupancy by one (1) family. Manufactured homes and modular homes shall be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the manufactured/modular home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings.

1.2.9. **Stormwater Management Program (SMP)** - The comprehensive program developed and implemented by the Authority to address stormwater issues, including, but not limited to, reductions in storm runoff rate and volume, improvements to water quality, compliance with state/federal regulatory permit (e.g. MS4 Permit) requirements and, to provide for the satisfactory management of the stormwater system assets.

1.2.10. **SMP Fee** - Sums assessed, imposed, and to be collected from each developed lot, parcel, building or portion thereof which uses, benefits from or is serviced by the Stormwater System or which discharges stormwater, directly or indirectly, into the public Stormwater System, for the use of and the service rendered and improvement of such system and additionally for the administration and operation of the Stormwater Management Program.

1.2.11. **Stormwater System** - The public system of collection and conveyance, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, dams, 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.

1.2.12. **Stormwater** – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

1.2.13. **Undeveloped Parcel** – A parcel that does not meet the definition of "developed parcel."

1.2.14. **User** - Any person, firm, corporation, individual, partnership, company, association, government agency, society or group using, benefiting from or being served by the public Stormwater System.

2. STATUTORY AUTHORITY

2.1. The Authority is empowered to regulate these activities pursuant to the Act of May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipal Authorities Act, 53 Pa.C.S. §5601 *et seq.*

3. IMPOSITION OF STORMWATER MANAGEMENT PROGRAM FEE

3.1. For the use of, benefit by, and the services rendered by the Stormwater System, including its operation, maintenance, repair, replacement, and improvement of said system and all other expenses, the SMP Fees are hereby imposed upon each and every developed parcel, parcel of land, building or portion thereof that is connected with, uses, is serviced by, or is benefited by the Stormwater System, either directly or indirectly, and upon the owner(s) of such developed lots, parcels of land, or buildings. Such SMP Fees shall be payable to the Authority by and collected from the owners of such developed lots, parcels of land, or buildings as hereinafter provided, and shall be determined as set forth below.

3.2. The SMP Fee per ERU shall be set at Five Dollars and Fifty Cents ($5.50) per month.

3.3. The charge for all properties within the Township shall be according to the following schedule:

			Monthly Rate	Quarterly Rate
3.3.1.	Tier 0:	Less than 500 square feet, IA	No Charge	No Charge
3.3.2.	Tier 1:	500 – 1,499 square feet, IA	$2.60	$7.80
3.3.3.	Tier 2:	1,500-2,999 square feet, IA	$5.50	$16.50
3.3.4.	Tier 3:	3,000-4,499 square feet IA	$9.30	$27.90
3.3.5	Tier 4	4,500-7,999 square feet IA	$12.70	$38.10
3.3.6	Tier 5:	Greater than or equal to 8,000 square feet IA $12.70 per month plus $2.10 per month per 1,000 square feet over 8,000 $38.10 per quarter plus $6.30 per quarter per 1,000 square feet over 8,000		

3.4. Notwithstanding the foregoing, public streets shall be exempt from SMP Fees under this Resolution.

3.5 The SMP Fee for a particular parcel shall be adjusted at the time there is any change (reduction, addition or expansion) to impervious area within the parcel.

3.6 Effective January 1, 2027, and for the twelve months and four quarters of calendar year 2027 the above-stated charges shall be reduced by 50 percent and billed accordingly to properties. This reduction shall remain in effect until future Authority action.

4. UNIFORM APPLICATION OF USER FEES

4.1. SMP Fees shall be assessed, imposed, liened, and collected as to all owners, lots, parcels, buildings units and users.

5. "USER" AND "OWNER" DISTINGUISHED

5.1. References in this Resolution to "use," "user," "unit" or portion of a lot, parcel or building with respect to the calculation and assessment of SMP Fees shall not be construed to modify or alter the fact that the SMP Fees imposed by this Resolution are assessed to the owner of each developed lot, parcel, or building, and that such owner shall be and remain liable for payment of the same, whether or not such owner occupies the property or directly uses the Stormwater System. Nothing in this Resolution 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 the Authority or limit in any way its authority to impose, assess, lien and collect SMP Fees.

6. BILLING AND COLLECTION OF SMP FEES

6.1. The SMP Fees fixed and established by this Resolution shall be effective as to all lots, parcels, buildings or portions thereof that use, are served or are benefited by the Stormwater System existing as of the effective date of this Resolution, and shall be effective to all other lots, parcels, buildings or portions thereof that use or are so served or benefit subsequent to the effective date of this Resolution.

6.2. SMP Fees imposed by this Resolution shall be assessed and billed by or on behalf of the Authority effective as of January 1st each calendar year. (The first billing pursuant to this Resolution shall be on or about July 1, 2020). For existing customers of the Authority, the SMP Fee shall be included as a separate and readily identifiable line on the sanitary sewer bill which is typically prepared and mailed by the Authority (or its designee or contractor) on a quarterly basis. Owners of developed parcels within East Lampeter Township that are not currently sanitary sewer customers will receive an SMP only bill. In all instances, the invoice date, period of service, and due date of the SMP Fee shall be consistent with and match the corresponding elements of the sanitary sewer charges.

6.3. The SMP Fee imposed by this Resolution shall be due and payable immediately upon receipt of the bill by the owner and shall be paid not later than the due date appearing on the bill.

7. LATE PAYMENT PENALTY AND INTEREST

7.1. All SMP Fees are due and payable upon presentation and if not paid within thirty (30) days from the date of billing shall be subject to a five percent penalty. Additionally, unpaid bills shall accrue interest at the rate of one percent per month.

8. USER FEES CONSTITUTE LIEN ON PROPERTY

8.1. 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.

9. EXEMPTIONS AND CREDITS APPLICABLE TO STORMWATER CHARGES

9.1. The Authority may in the future establish a Credit Policy and develop an application form and guidance documenting the credit process. Credits against SMP Fees are an appropriate means of adjusting SMP Fees, final charges, fines and penalties, under some circumstances, to account for applicable mitigation measures and the level of service provided to the parcel.

10. APPEAL PROCEDURES

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

10.2. An appeal of the rate and charge must be filed in writing with the Authority or its 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 and be submitted using the forms provided by the Authority for such purpose.

10.3. Using information provided by the appellant, the Authority (or its designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. In response to an appeal, the Authority (or its designee) may adjust the SMP Fees applicable to the property in accordance with the provisions of this Resolution. If the Authority (or its designee) fails to respond within sixty (60) days, the appeal shall be deemed accepted.

10.4. Any person aggrieved by any decision of the Authority, relevant to the provisions of this Resolution, may file an action in the Court of Common Pleas of Lancaster County as permitted by law.

11. POLICIES AND PROCEDURES AUTHORIZED

11.1. The Authority may by resolution adopt such rules, regulation, policies, and procedures as it deems appropriate to ensure collection of rates and charges assessed and imposed pursuant to this Resolution. 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 Authority may deem appropriate.

11.2. 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 on said owner's account.

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

11.4. The Authority may adopt any policies or procedures that the Authority Staff deems necessary or convenient to interpret or implement this Resolution. This may include the creation of a rate review/stormwater advisory review committee.

12. STORMWATER MANAGEMENT PROGRAM FUND

12.1. Unless expressly provided for or required by law or applicable agreement related to stormwater management, the funds received from the collection of the SMP Fees authorized by this Resolution shall be deposited into the Authority's Stormwater Operating Account, a fund and account dedicated to the operation and administration of the SMP, for the operation, maintenance, repair, and capital improvement of the Stormwater System, and for pollution reduction costs.

13. NO WARRANTY OR ACTION

13.1. Nothing in this Resolution or in the design, operation or maintenance of the Stormwater 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 the Authority, its officers, employees, or agents. The Authority expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Authority, 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.

14. SEVERABILITY

14.1. If any section, subsection, sentence, clause, phrase or portion of this Resolution 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 Resolution 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 Resolution would have been adopted had such invalid or unconstitutional provision of its application not been included therein.

15. EFFECTIVE DATE

15.1. This Resolution shall take effective immediately upon execution.

DULY ADOPTED by the East Lampeter Sewer Authority Board this 4 day of November 2026.

ATTEST_____
Secretary

EAST LAMPETER SEWER AUTHORITY

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Chair

I, Todd Stumpf Secretary of the East Lampeter Sewer Authority, hereby certify that the foregoing is a true and correct copy of a resolution adopted at a legally constituted meeting of the East Lampeter Sewer Authority held on November 4, 2026, at which meeting a quorum was present and voted in favor thereof.

Secretary