

**RATES, RULES, AND REGULATIONS  
FOR THE STORMWATER  
MANAGEMENT SYSTEM OF  
HUMMELSTOWN MUNICIPAL  
AUTHORITY**

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**Adopted December 12, 2022**

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Hummelstown Municipal Authority  
261 Quarry Road  
Hummelstown, PA 17036

## ARTICLE I ARTICLE I DEFINITIONS

Terms and phrases used and not specifically defined herein shall be defined as set forth in the applicable statutes of the Commonwealth of Pennsylvania, resolutions of the Hummelstown Municipal Authority (the “Authority”), if any, or shall otherwise be given their ordinary and common meanings. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Resolution containing the Rates, Rules, and Regulations for the Authority relating to stormwater management shall be as follows:

- A. Best Management Practices (“BMPs”) – The methods, procedures, and analyses specified in the Pennsylvania Stormwater Best Management Practices Manual to reduce flooding potential and control the volume, flow rate, and water quality of stormwater. BMPs include activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of the Stormwater Management Program. Stormwater BMPs are commonly grouped into one of two broad categories or measures: “nonstructural” or “structural”. “Nonstructural” BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas “structural” BMPs are measures that consist of physical devices or practices that are installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices.
- B. Borough – The Borough of Hummelstown, Dauphin County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania.
- C. Hummelstown Municipal Authority (“HMA” or “Authority”) – The Hummelstown Municipal Authority, a Pennsylvania municipal authority organized and existing under the Pennsylvania Municipality Authorities Act, or its designee.
- D. Credit – A Stormwater Management Program Fee reduction that a Property Owner receives for implementing and complying with the practices and policies contained in these Rates, Rules and Regulations, and the related Credit Policy. The Credit Policy is included in the Credit and Appeals Manual as Appendix B hereto.
- E. Credit Application – The Stormwater Credit Application Form that is included in the Credit and Appeals Manual as Appendix B hereto.
- F. Equivalent Residential Unit (“ERU”) – is a unit of measure of Impervious Area (in square feet) which represents the impervious surface area on the typical Single-Family Residential Parcel in the Borough as a unit of comparison. ERU shall mean for the purposes of this Resolution 3,600 square feet of Impervious Area.

- G. Impervious Area (“IA”) – A surface that prevents the infiltration of water into the ground. Impervious Area includes, but is not limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, swimming pools, paved parking or driveway areas, and private streets and sidewalk. Any surface areas initially proposed to be gravel or crushed stone shall be assumed to be an Impervious Area.
- H. Inlet – A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.
- I. MS4 – Municipal Separate Storm Sewer System. A separate storm sewer (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) which is all of the following:
- (i) Owned or operated by a State, city, town, borough, county, district, association or other public body (created by or under State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Federal Act (33 U.S.C.A. § 1288) that discharges to surface waters of this Commonwealth.
  - (ii) Designed or used for collecting or conveying stormwater.
  - (iii) Not a combined sewer.
  - (iv) Not part of a POTW.
- J. National Pollutant Discharge Elimination System (“NPDES”) – The Federal Government’s and Commonwealth of Pennsylvania’s system for issuance of discharge permits under the federal Clean Water Act (“CWA”), the Pennsylvania Clean Streams Law and Storm Water Management Act. PADEP has been delegated the responsibility to implement the federal CWA NPDES program in Pennsylvania.
- K. Non-Single Family Residential Parcel (“NSFR”) – Any Property that is not a Single-Family Residential Parcel. NSFR shall include, but not be limited to, multi-family properties, apartments, boarding houses, hotels, motels, churches, mobile home parks, commercial, institutional, governmental and industrial parcels.
- L. 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 and Replacement to the Stormwater Management System.
- M. Outlet – Points of water disposal from a stream, river, lake tidewater or artificial drain.

- N. Owner – Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real Property in the Hummelstown Borough.
- O. PADEP – Pennsylvania Department of Environmental Protection.
- P. Parcel Identification Number (PIN) – A discrete identification number for each lot, parcel, building or other structure within Hummelstown.
- Q. Pennsylvania Stormwater Best Management Practices Manual – The most recent version of the Pennsylvania Stormwater Best Management Practices Manual.
- R. Property – Each lot, parcel, building or portion thereof, separately established by Parcel Identification Number on the tax rolls of the Borough of Hummelstown or Dauphin County. Each Property shall be classified as a Single Family Residential Parcel or a Non-Single Family Residential Parcel for the purposes of these Rates, Rules and Regulations.
- S. Replacement – The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the service life of the Stormwater Management 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 Management System.
- T. Single Family Residential Parcel (SFR) – Any Property containing only one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facility designed for occupancy by one (1) family unit; including single family homes, attached and detached townhouses, condominiums, duplexes, and mobile homes located on individual lots.
- U. Stormwater – Stormwater is runoff water from all precipitation events, snowmelts or springs.
- V. Stormwater Main – A principal pipe in the Stormwater Management System, owned and maintained by the Authority, to collect and transport stormwater.
- W. Stormwater Management 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.
- X. User – Any person, firm, corporation, individual, partnership, company, association, government agency, society or group using, benefiting from or being served by the public Stormwater Management System.
- Y. User Fee – Funds assessed, imposed and to be collected from each property within the Borough (by discrete PIN) which uses, benefits from, or is serviced by the Stormwater Management System, or discharges Stormwater, directly or indirectly, into the Stormwater

Management System for the use of such system and the service rendered by, and improvement of, such system.

**ARTICLE II**  
**ARTICLE II CONNECTIONS TO THE SYSTEM**

- 2.1 It shall be unlawful for any owner of Property within the Borough to establish a physical connection to the Stormwater Management System, except as provided for herein or under any other applicable rules, regulations, resolutions or specifications of the Authority. Such specifications are available at the Borough Building or website.
- 2.2 Properties that are physically connected to the Stormwater Management System as of January 1, 2023, may be permitted to remain connected to the Stormwater Management System, until such time that any improvement is made to that particular Stormwater Main serving that particular Property, at which time the connection may be abandoned, at the sole discretion of the Authority.
- 2.3 It is recognized that a circumstance may exist wherein no means of controlling stormwater is available to a particular Property except by direct connection to the Stormwater Management System. No person shall make or cause to be made any connection with the Stormwater Management System until they have fulfilled all of the following conditions and procedures:
  - 2.3.1 Any owner desiring to connect to the Stormwater Management System of the Authority must first make a written application for a permit at least two (2) weeks before the service is required. No work of any nature shall commence before the issuance of said permit.
  - 2.3.2 The application will state the Property's address, the owner's name, the reason that the connection is necessary, the proposed use of the Property, conveyance criteria calculating anticipated stormwater flow, and the size of pipe, basins and any proposed appurtenances.
  - 2.3.3 The owner or his authorized agent must sign the application. The application together with these Rates, Rules, and Regulations of the Authority and all other applicable local resolutions or ordinances shall regulate and control the provision of stormwater service to the Property.
  - 2.3.4 The application must be accompanied by any required service charges and any other fees, including any amount required for deposit in an escrow account to cover necessary plan review and inspection costs, established by the Authority from time to time.
  - 2.3.5 The application must contain a proposed date when the connection will be ready for inspection.

- 2.3.6 Any connection to the Stormwater Management System shall conform in all respects to the specifications of the Authority. Such specifications are available at the Borough Building or website.
- 2.4 When an application has been made for a stormwater connection or change in an existing service, it is assumed that all plumbing, piping and fixtures which will be serviced are in order to receive the service. The Authority shall not be liable in any case for any accident, breaks, or leakage arising in any way in connection with the acceptance of stormwater flow or failure to accept stormwater flow, or the freezing of pipes or fixtures, nor for any damage to the building or Property which may result from the usage or non-usage of stormwater service provided to the Property.
- 2.5 At the time of the inspection of the stormwater connection, the owner shall permit the Authority's designated inspector full and complete access to all pipes and appurtenances in each building and in and about all parts of the Property. No portion of the work shall be covered over, or in any manner concealed, until after it is inspected and approved by the inspector.
- 2.6 No stormwater lateral shall be laid in the same trench with a water, sewer or gas pipe or with any facility of a public service company, or within five feet of any excavation or vault without written approval of the Authority.
- 2.7 Notwithstanding any other provisions to the contrary, the Authority shall at all times reserve the right to withhold the issuance of any permit for connection to the Stormwater Management System until the owner provides collateral or security as the Authority in its sole and absolute discretion deems adequate. Such security is to provide a fund from which all costs and expenses can be paid for the construction of any necessary connection from the existing Stormwater Main to the Property of the Owner; in the event the owner or any successor fails to complete the construction.
- 2.8 The Property Owner who is approved for connection to the Stormwater Management System shall be responsible for all direct and indirect costs associated with providing said connection including the cost of excavating the main, making the actual connection and surface restoration.

### **ARTICLE III ARTICLE III FEES**

- 3.1 For the use of, benefit by, and the services rendered by the Stormwater Management System, including its Operation and Maintenance, repair, Replacement, and improvement of said system and all other expenses, User Fees are imposed upon each and every Property that is connected with, uses, is serviced by or is benefited by the Stormwater Management System, either directly or indirectly, and upon the owner(s) of such Property. Such User Fees shall be payable by and collected from the owners of such Property as hereinafter provided, and shall be determined as set forth below.
- 3.2 User Fees shall be assessed, liened and collected by PIN as to all Property.

- 3.3 The User Fee has been established by a duly adopted resolution of HMA. A Rate Schedule containing the currently applicable User Fee and any other charges is attached hereto as Appendix A. Please note that the User Fee may, in the discretion of HMA, be amended from time-to-time by appropriate resolution of HMA and, to the extent practicable, Appendix A hereto will be updated to reflect any such revisions.

**ARTICLE IV  
ARTICLE IV BILLING AND COLLECTION**

- 4.1 Unless expressly excepted, the User Fees fixed and established by these Rates, Rules, and Regulations shall be effective as to all Properties that use, are served, or are benefited by the Authority's Stormwater Management System, either directly or indirectly.
- 4.2 User Fees imposed by this Resolution shall be assessed and billed by the Authority or its authorized agent on a quarterly basis. Such assessments shall be due and payable 30 days from the first day of the quarter annual period for which the bill is rendered. The quarterly billing dates shall be on or about January 1, April 1, July 1, and October 1. The User Fees assessed and collected will not be subject to the proration or refund by the Authority 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 User Fees assessed hereunder.
- 4.3 The Board of the Authority may review and update the User Fees fixed and established by these Rates, Rules and Regulations as deemed necessary. The Authority reserves the right to disregard charges accruing at \$4.00 per month or less. The pursuit of such policy of the Authority in no way operates to exempt a Property from the imposition of User Fees. User Fees for which a bill is not issued due to qualification of what the Authority has deemed *de minimis* shall not be recoverable against the Property until such time as the Authority begins sending invoices for User Fees due on the Property in accordance herewith. The Authority may not issue invoices for delinquent User Fees for which it knowingly declined to provide an invoice or statement in accordance with its standard billing practices.
- 4.4 All User 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 ten percent (10%) penalty. Interest at a rate of one half percent (1/2%) per month shall accrue and be added to all original amounts of User Fees remaining unpaid at the end of the quarter in which the same were first imposed and assessed, and shall continue to accrue until the full amount of such User Fees are paid in full.
- 4.5 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.

**ARTICLE V  
ARTICLE V RIGHT OF INSPECTION**

- 5.1 When applying for a Credit, the Owner agrees that properly identified HMA representative may at reasonable times enter any Property unannounced to inspect the Property or



condition or operation of BMPs. If, after its review or inspection, HMA staff finds the BMPs or Operations and Maintenance Agreement out of compliance with either the Credit Application or operational requirements, the Owner will be notified in writing and given forty-five (45) days to correct the inaccuracy or non-compliance.

- 5.2 The Authority may, but is not required to, enter onto any Property to do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority related to the Stormwater Management System. Such acts may include repair and Replacement to components of the Stormwater Management System located on private Property when deemed necessary to protect the health, safety, and public welfare. The Authority assumes no liability for undertaking repairs pursuant to this Article.

**ARTICLE VI  
UNLAWFUL USE OF STORMWATER MANAGEMENT SYSTEM**

- 6.1 No User connected to the Stormwater Management System shall discharge or cause to be discharged into the Stormwater Management System any element or property of sewage, agricultural, industrial, or commercial waste, leachate, heated effluent, or any other matter that is not stormwater, whether originating at a point or nonpoint source.
- 6.2 No person shall connect, cause to be connected, or allow any other person to connect any building and/or Property or other source of water to the Stormwater Management System in any manner other than as provided for in these Rates, Rules, and Regulations.
- 6.3 No person shall make, or cause to be made, any cross connection between any pipe, fixture, or other appurtenance connected in any way to the Stormwater Management System and any public or private component of any potable water system or wastewater source; whereby, in the opinion of the Authority, the potential exists for vacuum or back siphonage which could permit the co-mingling of sanitary wastes, Stormwater, and/or potable water.

**ARTICLE VII  
ARTICLE VII PROHIBITED WASTES**

- 7.1 The discharge of Stormwater to the Stormwater Management System in any manner other than allowed by these Rates, Rules, and Regulations, and all other applicable local resolutions or ordinances, is expressly prohibited.
- 7.2 The discharge of excessive amounts of stormwater to the Stormwater Management System is expressly prohibited. The Authority reserves the right to define the amount it deems excessive by resolution.
- 7.3 The discharge of garbage or any form of waste to the Stormwater Management System is expressly prohibited.
- 7.4 Users of the Authority's Stormwater Management System are advised that they are likewise subject to all local resolutions and ordinances governing Stormwater, whether or not specifically set forth herein. If a conflict exists between the rules and regulations stated



herein, and any Authority resolution or Borough ordinance, the more stringent regulation or requirement shall apply and control.

**ARTICLE VIII  
GENERAL AND MISCELLANEOUS PROVISIONS**

- 8.1 The Authority may implement such administrative procedures necessary to implement the policies and requirements set forth in these Rates, Rules, and Regulations.
- 8.2 Floods from Stormwater may occur occasionally that exceed the capacity of the Stormwater Management System maintained and financed with User Fees. Nothing herein shall be deemed to imply that Properties subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control Stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in these Rates, Rules, and Regulations shall deem the Authority liable for any damages incurred from Stormwater or from adverse water quality. Nothing herein is intended to reduce the need or necessity for flood insurance, and 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/or agents arising out of any alleged failure or breach of duty with respect to the Authority's Stormwater Management System.
- 8.3 The Authority will review and update the User Fees fixed and established by these Rates, Rules, and Regulations by resolution every five years or sooner as deemed necessary.
- 8.4 If any section, clause, or other portion of these Rates, Rules, and Regulations is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Rates, Rules, and Regulations as a whole or any other part hereof.
- 8.5 No agent or employee of the Authority shall have the right or authority to bind the Authority by any promise, agreement or representation contrary to the letter or intent of these Rates, Rules, and Regulations.

**ARTICLE IX  
ARTICLE IX APPEAL PROCEDURES**

- 9.1 Any owner who believes the provisions of these Rates, Rules and Regulations have been applied in error may appeal in accordance with the Credit and Appeals Manual attached hereto as Appendix B.

**ARTICLE X  
POLICIES AND PROCEDURES AUTHORIZED**

- 10.1 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 these Rates, Rules and Regulations. 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 all other measures or combinations thereof which the Board may deem appropriate.

- 10.2 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 expenses, and 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.
- 10.3 No lien shall be satisfied nor shall any collection proceeding be discontinued until all amounts due on an account, including User Fees, interest, collection fees, attorneys' fees, court costs and other charges are first paid in full to the Authority.
- 10.4 The Authority may implement such administrative procedures necessary to implement the policies and requirements set forth in these Rates, Rules and Regulations.

**ARTICLE XI  
ARTICLE XI STORMWATER OPERATING ACCOUNT**

- 11.1 Unless expressly provided for or required by law or applicable agreement related to Stormwater management, the funds received from the collection of the User 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 Stormwater Management System, and for the operation, maintenance, repair, and capital improvement of the Stormwater System.

**ARTICLE XII  
NO WARRANTY OR ACTION**

- 12.1 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.

**ARTICLE XIII  
ARTICLE XIII PENALTIES**

- 13.1 Any violation of these Rules and Regulations is hereby declared to be a summary offense in accordance with Section 5607(d)17 of the Pennsylvania Municipality Authorities Act, as amended, and shall be punishable by a fine of up to Six Hundred (\$600.00) Dollars for each offense. Each and every day that a violation of these Rates, Rules, and Regulations exists shall constitute a separate and distinct offense.

- 13.2 The Authority may also enforce the terms of these Rates, Rules, and Regulations by an appropriate action brought in the Court of Common Pleas of Dauphin County, Pennsylvania.

**ARTICLE XIV**  
**ARTICLE XIV CREDITS**

- 14.3 Any owner seeking Credits shall make application in accordance with the Credit and Appeals Manual attached hereto as Appendix B.

## APPENDIX A

### RATE SCHEDULE

1.1. Single Family Residential Parcels - \$39/quarter

1.2. Non-Single Family Residential Parcels:

The amount of IA, rounded to the nearest 100 square feet, divided by one ERU (3,600 square feet), then multiplied by \$39/quarter. Notwithstanding the foregoing, bills will not be issued to parcels having an IA that would result in a User Fee of less than \$3.25/quarter after giving effect to any applicable Credit.

1.3. Notwithstanding the foregoing, public streets shall be exempt from User Fees under these Rates, Rules and Regulations.

**APPENDIX B**

**CREDIT AND APPEALS MANUAL**

**[See Attached.]**