



STORMWATER UTILITY FEE APPEAL MANUAL AND APPLICATION

Upper Allen Township Authority has established formal policies and procedures with regard to an individual property owner's ability to appeal their stormwater utility fee. This process outlines the steps that property owners must follow to appeal a stormwater utility fee(s).

A completed appeal form with required documentation must be submitted to:

**Upper Allen Township Authority
Attn: Stormwater Appeals
100 Gettysburg Pike
Mechanicsburg, Pennsylvania 17055**

An appeal must be **submitted within 30 calendar days from the date the bill was mailed** by the Township to the property owner.

QUALIFICATION FOR AN APPEAL

Property owners may appeal their property's stormwater fee based on two primary issues:

1. Incorrect calculation of the square footage of impervious area (i.e., number of billing units);
2. Mathematical error in calculating fee. (Please note: in no event shall any property be charged less than half (.50) of an ERU.)

OUTCOMES OF AN APPEAL OF THE CALCULATION OF IMPERVIOUS AREA ON THE PARCEL

Each billing unit is 4,206 square feet of impervious area, rounded to the nearest whole number in accordance with the Utility Fee Resolution. Property owners should be aware that there are a number of outcomes that could occur when appealing the measurement of impervious area on their parcel. Possible outcomes include:

1. No change in measurement; no change in the number of billing units.
2. Reduction in the amount of impervious area; no change in billing units because the impervious area adjustment was too small to change the total number of billing units.
3. Reduction in the amount of impervious area; reduction in billing units.
4. Increase in the amount of impervious area; no change in billing units because the adjustment was too small to change the total number of billing units.
5. Increase in the amount of impervious area; increase in number of billing units.

APPEAL PROCESS

An appeal process begins with the property owner providing:

1. A completed and signed Application Form; and
2. A written statement regarding the nature of the appeal; and
3. Information required that supports the appeal, including but not limited to:
 - a. A plot plan, map, recent aerial image, as-built drawings, or similar information detailing actual impervious surfaces currently on-site. The information shall include dimensions of all impervious surface areas.
 - b. The owner's estimate of the total amount of impervious area based on supporting documentation submitted with the application.

The completed application and supporting data must be submitted to the address on the Appeal Form (also provided above).

REVIEW PROCESS

Step One: Upon receipt of an Appeal Application, Township staff will log the Appeal for tracking purposes.

Step Two: Within 10 calendar days of receipt, the Township Hearing Officer, who is appointed by the Stormwater Authority Board, shall determine if the Application is complete. If the application is incomplete, the Hearing Officer shall offer to the property owner an additional five (5) calendar days to supply missing information. The 5-day period begins from the date of notification of the incomplete application.

NOTE: If the property owner does not provide the additional information requested within the five (5) days granted by the Hearing Officer, the appeal will be considered closed.

Step Three: Upon determination of a complete application, the Hearing Officer shall complete a review of the Appeal Application and documentation. The Hearing Officer shall provide written determination by mail of the outcome of the Appeal to the property owner within 30 calendar days after receipt of the completed Application.

- *Outcome Reducing the Number of Billing Units:* The adjustment in billing units will be provided to the appropriate staff of the Township with instructions on changes to the account files, GIS files, and/or the customer's stormwater utility fee. Archived copies of billing and GIS files will be retained for Township records. If the bill for the fee has not been paid, the property owner has 15 calendar days after receipt of the decision of the Hearing Officer to pay the adjusted amount due. If payment has already been made, the property owner will receive a credit on their account for the adjusted amount. Credits cannot be applied to previous billing cycles.
- *Outcome Increasing the Number of Billing Units:* If it is the determination of the Hearing Officer that the amount of impervious area is greater than originally measured AND it increases the number of billing units, the billing file will be adjusted for the bill preparation in the following billing period. The property owner must pay the fee based on the current bill, no later than 15 calendar days after notification of the finding of the Hearing Officer to ensure the account is paid on time to avoid late payment penalties.

Step Four: If property owner disagrees with the Hearing Officer's decision, the property owner may appeal to the Stormwater Authority Board within 30 calendar days of receipt of the written decision. The property owner must state in writing the grounds for further appeal and supply additional information as appropriate to support the claim.

Step Five: The Stormwater Authority Board shall issue a written decision on the appeal via certified mail to the property owner within 30 calendar days of receiving documentation of the disputed Hearing Officer's decision and update the tracking log on the appeal. Any person aggrieved by a decision of the Board may appeal to the Court of Common Pleas of Cumberland County within 30 calendar days of receipt of the Board's decision.

Step Six: The customer shall pay any required fees within 15 calendar days of the expiration of their right to appeal. The required fees shall be indicated on the owners' utility bill. If the amount

due is different than what is on the utility bill, a letter indicating the due amount will be provided by the Hearing Officer. If payment is not received by that time, the unpaid fee shall be considered delinquent and subject to the provisions under § 200-8.3 and § 200-8.4.



STORMWATER UTILITY FEE APPEAL APPLICATION

This application is for property owners to appeal their stormwater fee with regard to billing errors or inaccuracies. Pertinent sections must be filled out in their entirety. Please submit one application per parcel to:

**Upper Allen Township Authority
Attn: Stormwater Appeals
100 Gettysburg Pike
Mechanicsburg, Pennsylvania 17055**

Applications must be received within 30 calendar days of the charge being mailed to the property owner.

Date: _____ **Utility Account No.:** _____
Parcel ID No.: 42-_____ **Property Address:** _____

Property Owner Information:

Name: _____
Mailing Address: _____
Email: _____ **Phone:** _____

Reason for Appeal (Check Applicable):

- Incorrect impervious area square footage
- Mathematical error in fee calculation

Application Checklist: Please include the following documents with this application:

- Complete and Signed Application
- Written Appeal Description of the nature of the appeal

If the appeal is related to the amount of impervious area/billing unit value, the following additional documentation must be provided:

- Plot plan, map, aerial image, as-built drawing, or similar information detailing actual impervious surfaces currently on-site.
- The owner's estimate of the total amount of impervious area based on supporting documentation submitted with the application.

