

RESOLUTION NO. 2021-14

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN EXEMPTION POLICY FROM THE STORMWATER MANAGEMENT UTILITY FEE FOR ELIGIBLE NON-PROFIT ORGANIZATIONS AS DESCRIBED IN EXHIBIT "A".

WHEREAS, the Ferguson Township Board of Supervisors adopted Ordinance #1066 on February 16, 2021 establishing a Stormwater Management Utility Fee for all property owners in Ferguson Township; and

WHEREAS, the intention of the ordinance and fee is to offset the direct and indirect costs of stormwater management in Ferguson Township; and

WHEREAS, the Board of Supervisors is desirous of establishing a full exemption process for non-profit organizations who demonstrate eligibility under the requirements described in the attached policy; and

NOW THEREFORE, the Ferguson Township Board of Supervisors hereby establishes a full exemption from the Stormwater Management Utility Fee for non-profit organization who demonstrate compliance with the eligibility guidelines described in the policy attached hereto and made part of this Resolution as Exhibit "A".

RESOLVED this 5th day of April, 2021.

TOWNSHIP OF FERGUSON

By: _____

Laura Dininni, Chair
Board of Supervisors

[SEAL]

ATTEST:

David G. Pribulka, Secretary

Exhibit "A"

**Ferguson Township
Stormwater Management Utility Fee
Non-Profit Hardship Exemption Policy**

Adopted: 4-5-2021

Amended: _____

Purpose

The Ferguson Township Board of Supervisors enacted Ordinance #1066 on February 16, 2021, establishing a Stormwater Management Utility Fee for the purposes of funding the Township's obligation to maintain its stormwater management infrastructure; complying with state and federal permit requirements; and to assess all property owners more equitably in accordance with each property's total impervious area. This policy is intended to provide a process by which certain qualified non-profit organizations may request an exemption from the stormwater utility fee.

Policy

- 1) It shall be the policy of the Township to provide a full (100%) exemption from the Stormwater Management Utility Fee to an organization exempt from taxation, or would qualify from exemption from taxation under §501(c)(3); §501(c)(13); or §501(c)(19) of the Internal Revenue Code and assessed an annual stormwater utility fee payment that equals or exceeds one percent (1%) of the organization's total (taxable or non-taxable) annual revenue prior to deductions for applicable credits or exemptions. To determine eligibility under this policy, the Township requires the organization meet the following conditions:
 - a. Applicant can provide verification that the organization is exempt or qualifies for exemption from taxation under §501(c)(3); §501(c)(13); or §501(c)(19);
 - b. Applicant organization is an equitable owner of a property subject to the assessment of the stormwater management utility fee;
 - c. Applicant organization's total annual revenue does not exceed one million dollars (\$1 million); and
 - d. The annual assessment on the property for which the exemption would apply equals or exceeds one percent (1%) of the organization's total annual revenue.
 - i. For example, a qualified non-profit organization whose annual stormwater management utility fee is \$1,785, and whose total annual revenue is \$150,000 would qualify for the exemption: $\$1,785 \text{ stormwater fee} / \$150,000 \text{ annual revenue} \times 100 = 1.19\%$
- 2) Qualified organizations with intent to request this exemption must file the Non-Profit Hardship Exemption Application with the Township no later than September 30th of each year prior to the fiscal year for which the exemption is being requested. It is the responsibility of the applicant to complete and submit the application and supporting documentation such as the most recent Form 990 or organizational audit filed for the most recent fiscal year of the organization. Other supporting documentation may be requested for review and acceptance by the Director of Finance.
- 3) Applications for exemptions shall be filed annually. No applications shall be accepted after September 30th of each year without written authorization from the Township Manager. Applicants who fail to reapply for the exemption, or who do not demonstrate compliance

with the provisions of this Policy, shall be deemed ineligible for the exemption and will be subject to the applicable stormwater management utility fee for their respective property in the following fiscal year.

- 4) By October 31st of each year, the Director of Finance shall review each application for an exemption under this policy and provide a written response to the applicant communicating the outcome of the review. Applications which are deemed rejected or non-compliant may be appealed to the Township Manager no later than November 30th of each year. On appeal, the Township Manager shall make a determination as to whether the guidelines prescribed above have been met and whether the organization is eligible for the exemption. The outcome of the appeal to the Township Manager shall be communicated to the applicant no later than December 31st of each year. The decision of the Township Manager shall be binding and not subject to further appeal under this policy.
- 5) The revenue source for the implementation of this non-profit hardship exemption policy shall be separate and distinct from the stormwater management utility fee and shall be deposited by the Township from the General Fund into the Stormwater Fund. Nothing shall prevent the Board of Supervisors from modifying or eliminating the policy. Any such modification or elimination may apply to beneficiaries of the existing policy at the discretion of the Board of Supervisors.
- 6) Only organizations which are exempt or that qualify for exemption from taxation under §501(c)(3); §501(c)(13); or §501(c)(19) of the Internal Revenue Code may apply for an exemption under this Policy. Applicant organization must be an equitable owner of a property subject to the assessment of the stormwater management utility fee.