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Borough of West Chester v. Pennsylvania State System of Higher Education

Supreme Court of Pennsylvania - April 30, 2026 - A.3d - 2026 WL 1204133

Borough brought petition for review against state university system and university seeking declaratory judgment that its stormwater charge imposed on developed properties constitutes a fee for service rather than a tax.

The Commonwealth Court granted defendants' motion for summary relief, determining that charge was general tax, rather than fee for service. Borough appealed.

The Supreme Court held that:

- Defendants had burden, on cross-motions for summary adjudication, to prove that charge constituted a tax, rather than fee for service, despite fact that borough initially filed action;
- In matter of first impression, charge related to stormwater management arose out of federal and state mandates imposed on borough for public benefit, thereby weighing in favor of determination that charge constituted "local tax," rather than "fee for service"; and
- In matter of first impression, apparent lack of express or implied contractual relationship between borough and landowners subject to charge weighed in favor of determination that charge constituted "local tax," rather than "fee for service."

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