

TOWNSHIP OF WEST HEMPFIELD

Lancaster County, Pennsylvania

RESOLUTION NO. 1-16

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST HEMPFIELD, LANCASTER COUNTY, PENNSYLVANIA, REESTABLISHING FEES FOR THE SUBMISSION AND REVIEW OF SUBDIVISION AND LAND DEVELOPMENT PLANS AND FOR THE INSPECTION OF IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AS A PART OF A SUBDIVISION OR LAND DEVELOPMENT; REESTABLISHING FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE WEST HEMPFIELD ZONING ORDINANCE; REESTABLISHING FEES IN CONNECTION WITH THE ADMINISTRATION OF THE WEST HEMPFIELD TOWNSHIP BUILDING CODE; AND ESTABLISHING FEES FOR MISCELLANEOUS TOWNSHIP PERMITS AND SERVICES.

WHEREAS, the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, is required to review plans and documents submitted by developers to determine compliance with applicable Township ordinances and regulations, including but not limited to the Township's Subdivision and Land Development Ordinance and Storm Water Management Ordinance; and

WHEREAS, Section 2317 of the Second Class Township Code (the "Township Code") provides that no person may construct, open or dedicate any road or drainage facilities for public use unless the Board of Supervisors has reviewed and approved a plan; and

WHEREAS, the Township incurs costs in the review of plans proposing the installation of new streets and drainage facilities and documentation necessary to insure that the Township will obtain clear title to such facilities upon dedication; and

WHEREAS, the Township has enacted a Storm Water Management Ordinance in accordance with the authority of the Pennsylvania Storm Water Management Act and with Section 2704 of the Township Code; and

WHEREAS, the Board of Supervisors incurs costs in the administration of the Storm Water Management Ordinance; and

WHEREAS, the Township Engineer, Township Solicitor or other professional consultants retained by the Township perform technical reviews of such plans and documents at a cost to the Township; and

WHEREAS, the inspection of improvements required to be installed in subdivisions or land developments may be done by the Township staff or by the Township Engineer or other professional consultants retained by the Township; and

WHEREAS, the Township Engineer or other professional consultants perform such inspections at a cost to the Township and when the Township staff performs such inspections, there is a cost to the Township as that employee is not performing general municipal work which may benefit the entire Township but rather is providing services which benefit a particular developer; and

WHEREAS, the Township has enacted a Zoning Ordinance and a Building Code, and the Township incurs costs in the receipt of applications, issuance of permits, and inspection of construction authorized by such Ordinances; and

WHEREAS, the Board of Supervisors is authorized to adopt fees to be paid by applicants to reimburse the Township for expenses incurred in the processing of applications, the review of plans and documents, and for expenses incurred in the inspection of improvements; and

WHEREAS the Township may impose fees for hearings before the Zoning Hearing Board and fees for proceedings before the Board of Supervisors; and

WHEREAS, the Township incurs costs in the publication of various documents and maps and in the provision of such publications and other services; and

WHEREAS, the Board of Supervisors desires to establish fees and costs for such applications, inspections, publications and services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, as follows:

Section 1. Subdivision, Land Development and/or Storm Water Management Plan Application Fee Established. The preliminary, final, revised, lot add-on plan and improvement construction plan filing fees are established as follows:

(a)	Minor residential preliminary or final subdivision or land development plan (1-5 lots or units of occupancy)	\$200.00
(b)	Major residential preliminary or final subdivision or land development plan (6 or more lots or units of occupancy)	\$500.00
(c)	Non-residential preliminary or final subdivision or land development plan	\$300.00
(d)	Lot add-on plan	\$200.00
(e)	Sketch plan or revised plan	\$200.00
(f)	Improvement construction plan	\$300.00
(g)	Separate storm water management plan:	\$200.00
(h)	Storm Water Exemption Application for Projects Under 200 sq.ft.	\$20.00
(i)	Storm Water Exemption Application for projects over 200 sq.ft. but Less than 1,000 sq.ft.	\$50.00
(j)	Minor Land Disturbance Project	\$200.00
(k)	Storm Water Alternate Plan Processing	\$200.00

The filing fee shall be used to reimburse the Township for its administrative expenses in connection with the processing of the application, including but not limited to receipt, transmittal and storage of plans and reports, postage, and similar expenses.

Section 2. Posting of Escrow for Reimbursement of Township Expenses in Processing Subdivision and Land Development and Other Applications. Each applicant shall deposit with the Township a sum in the amount as set forth below (the "Escrow Fund") at the time of filing an application for approval of a subdivision or land development plan, a public street plan and/or a storm water management plan. The Escrow Fund shall be used to reimburse the Township for all engineering, inspection and legal fees incurred in the review of the plan, inspection of improvements, preparation and recording of any appropriate deeds or documents, and any other expenses which the Township may incur in the connection with the processing of the application and development of the property as set forth in Sections 5, 6, 7, and 9 below. The Township shall be irrevocably authorized to withdraw from time to time any monies deposited in the Escrow Fund by the applicant/developer in order to pay expenses and fees incurred by the Township. At such point as the Escrow Fund has been reduced to one-half of the amount posted by the applicant at the time of filing the application or less as a result of withdrawals as herein provided, then, and in that event, and at that time, the Township shall bill the applicant/developer an amount sufficient to restore the Escrow Fund to the original sum. In the event the Escrow Fund is insufficient at any time to pay such costs, the Township shall bill applicant/developer for the actual or anticipated additional costs. In the event the Escrow Fund is in excess of the Township's costs, the Township shall refund such excess monies, without interest, to Developer upon completion of the development of the property. The amount of the Escrow Fund shall be determined as follows:

(a)	Minor Residential Subdivision or Land Development Plan (1-5 Lots or Units of Occupancy)	\$1,500.00
(b)	Major Residential Subdivision or Land Development Plan (6 or more Lots or Units of Occupancy)	\$5,000.00
(c)	Non-Residential Subdivision or Land Development Plan or other Plan (e.g. public street only or storm water management facilities only)	\$5,000.00
(d)	Lot add-on plan	\$500.00
(e)	Improvement construction plan	\$5,000.00
(f)	Storm Water Management Plan	\$500.00
(g)	Storm Water Alternate Plan Processing	\$500.00

Section 3. Fees and Escrow Payable With Application. All filing fees and any required escrow deposit must be submitted to the Township with plan applications. Plan applications shall not be accepted without fees and required escrow deposits, and neither the West Hempfield Township Planning Commission nor the West Hempfield Township Board of Supervisors shall take action on a plan application submitted without a fee and, if required, an escrow deposit. The fees imposed by this Resolution are in addition to any fees imposed by the Lancaster County Planning Commission pursuant to Section 502 of the Pennsylvania

Municipalities Planning Code for its review of plans or by any municipal authority or public utility as established by such authority or utility for review of plans showing improvements, extensions, or connections to the authority's or the utility's facilities. All fees and, if required, escrow deposits shall be paid by check or money order drawn to the Treasurer of West Hempfield Township.

Section 4. Recording Fees. Any costs relating to the reduction of final plans for the purpose of recording the same with the Recorder of Deeds of the County of Lancaster and any recording fees shall be paid by the applicant.

Section 5. Reimbursement for Plan and Document Review Expenses. Applicants shall reimburse the Township for all reasonable and necessary charges incurred by the Township's professional consultants, including but not limited to the Township Engineer and the Township Solicitor, for the review and any report or reports to the Township on an applicant's application, plans, supporting data, proposed agreements relating to the maintenance of improvements or open space, financial security, and similar matters if any, in connection with subdivisions and land developments, public street plans, and storm water management applications. Such review fees shall be the actual fees charged by the Township Engineer, Township Solicitor or other professional consultant for the services performed. The present fee schedule of the Township Engineer is attached hereto as Exhibit "A", and the present fee schedule of the Township Solicitor is attached hereto as Exhibit "B", both of which are incorporated herein. Such schedules shall be revised from time to time to reflect the changes in the rates charged to the Township by the Township Engineer, Township Solicitor, or such other professional consultant. The filing of a plan or application under the West Hempfield Township Subdivision and Land Development Ordinance, Storm Water Management Ordinance, Road Ordinance, other governing ordinance and/or Section 2317 of the Township Code shall constitute an implied agreement by the applicant to pay such expenses.

Section 6. Reimbursement for Inspection of Improvements when such Inspection is Performed by the Township Engineer or other Professional Consultant. Developers shall reimburse the Township for all reasonable and necessary charges incurred by the Township's professional consultants or the Township Engineer for inspection of the improvements required to be constructed under the Subdivision and Land Development Ordinance or the Storm Water Management Ordinance or the Township Road Ordinance and any report or reports to the Township thereon. Such inspection fees shall be the actual fees charged by the Township Engineer or other professional consultant for the services performed. The present fee schedule of the Township Engineer is attached hereto as Exhibit "A" and incorporated herein. Such schedule shall be revised from time to time to reflect changes in the rates charged to the Township by the Township Engineer.

Section 7. Reimbursement for Inspection of Improvements when such Inspection is Performed by Township Personnel. In some circumstances, inspection of improvements may be performed by personnel employed by the Township. If the inspection is performed by Township personnel, developers shall reimburse the Township for all reasonable and necessary charges incurred by the Township for inspection of the improvements required to be constructed under the Storm Water Management Ordinance or the Subdivision and Land Development Ordinance or the Road Ordinance and any report or reports to the Township thereon. When the inspection is performed by Township personnel, the fee shall be Fifty (\$50.00) Dollars per hour. A minimum charge of Fifty (\$50.00) Dollars per hour per person will be billed for the first hour or any portion thereof. Any time in excess of one (1) hour shall be billed at the same rate on a proportional basis. This charge shall be revised from time to time to reflect changes in the costs to the Township of utilizing its personnel to perform such inspections.

Section 8. Resolution of Fee Disputes. In the event the developer disputes the amount of any plan

review or inspection fees or expenses imposed pursuant to Sections 5, 6, or 7 above, the developer shall, within ten (10) days of the billing date, notify the Township Secretary that such fees are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the developer's dispute of the fees. Disputes shall be resolved as follows:

1. If within twenty (20) days of the date of billing, the Township and the developer cannot agree on the amount or the expenses which are reasonable and necessary, then the Township and the developer shall jointly, by mutual agreement, appoint another professional engineer to review such charges and expenses and make a determination as to the amount thereof which is reasonable and necessary.

2. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The developer shall pay the entire amount determined in the decision immediately.

3. The fee of the professional engineer for determining the reasonable and necessary expenses shall be paid by the developer if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required is less than the original bill by One Thousand (\$1,000.00) Dollars or more, the Township shall pay the fee of the professional engineer. In all other situations the Township and the developer shall each pay one-half (1/2) the fee of the professional engineer.

4. If the Township and the developer cannot agree upon the professional engineer to be appointed, the engineer shall be selected in the manner provided in Article V of the Pennsylvania Municipalities Planning Code.

Section 9. Additional Expenses. All expenses incurred by the Township prior to street dedication for the installation, maintenance or operation of street signs, traffic control signs, traffic control lights, street lights and any other signs or lights which are necessitated by the developer's land development or subdivision shall be charged to and paid by the developer. A charge of Fifty (\$50.00) Dollars per hour, per person for Township personnel shall be billed for the costs of installing traffic control signs or performing other services for the development. The actual cost of all supplies and equipment, including signs, poles and other materials shall be paid by the developer. If the Township is required to provide snow removal service on a street not accepted by the Township, the developer shall be charged the reasonable and customary commercial rate for such service plus the actual cost of all materials used.

Section 10. Zoning Application Fees. The following application and appeal fees shall be imposed in connection with the administration of the West Hempfield Township Zoning Ordinance:

Zoning Hearing Board application or appeal.....	\$500.00
Conditional use application	\$500.00
Curative amendment application	\$1,000.00
Application to rezone or amend text of Zoning Ordinance	\$1,000.00

Additional hearings on conditional use, curative amendment, rezoning
 or amendment of text of Zoning Ordinance \$200.00

In addition to the above fees to be paid at the time the application or appeal is filed, applicants and appellants shall, upon receipt of an invoice from the Township, reimburse the Township for one half of the court reporter's appearance fee attributable to the application or appeal. The Township's invoice shall be payable within thirty (30) days of receipt or upon the issuance of any permit authorized by the decision of the Zoning Hearing Board or Board of Supervisors, whichever date is earlier.

Section 11. Zoning and Uniform Construction Code Permit Fees. The following permit fees shall be imposed in connection with the administration of the West Hempfield Township Zoning Ordinance and the West Hempfield Township Uniform Construction Code Ordinance:

Residential structures and/or additions (Includes attached garages, finished basements room additions; excludes decks and porches)	\$0.30 per sq. ft. Minimum \$35.00
Commercial, Office, Church, Educational Institutional structures and/or additions	\$0.20 per sq. ft. Minimum \$100.00
Industrial structures and/or additions First 100,000 square feet Each square foot over 100,000 square feet	\$0.20 per sq. ft. \$0.05 per sq. ft. Minimum \$100.00
Agricultural.....	\$50.00 per building
In ground swimming pools, whirlpools, spas, Jacuzzis	\$75.00
Above ground swimming pools	\$35.00
Signs, attached (non-electric)	\$35.00
Signs, attached (electric).....	\$75.00
Signs, freestanding (non-electric).....	\$50.00
Signs, freestanding (electric).....	\$100.00
Demolition permit	\$35.00
Renewal of expired permits for additional one year.....	½ original fee maximum \$100.00
Replace or rebuild structure damaged by fire or natural disaster within 6 months.....	no charge
Pennsylvania Uniform Construction Code (if applied for at the same time as the zoning permit.....	\$4.00

Permits for new driveway, expansion or alterations and/or grading.....	\$35.00
Residential accessory structures (includes sheds, accessory structures, decks decks, porches, patios, balconies, unattached garages, fences; excludes unfinished basement areas)	\$0.20 per sq. ft. Minimum \$35.00
Remodeling, alterations, and tenant build-outs for commercial, industrial, office structures	\$100.00 plus \$4.00 per each thousand dollars
Electrical wiring only	\$35.00
Any other zoning permit or UCC permit.....	\$35.00

Section 12. Uniform Construction Code Appeal Fees. Each appeal to the Central Lancaster County Uniform Construction Code Board of Appeals shall be accompanied by a fee in the amount of \$500.00. A stenographic record of the proceedings shall be kept. The appearance fee for a stenographer shall be borne or reimbursed to the Township entirely by the person or entity requiring a hearing. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person or entity appealing from the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person or entity requesting such copy or copies. In all other cases the party requesting the original transcript shall bear the cost thereof.

Section 13. Liquor License Transfer. Each request for approval for an intermunicipal liquor license transfer or issuance of a liquor license for economic development shall be accompanied by a fee in the amount of \$500.00 to cover administrative costs associated with the hearing on the request. A stenographic record of the proceedings shall be kept. The appearance fee for a stenographer shall be borne or reimbursed to the Township entirely by the person or entity requesting approval. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person or entity appealing from the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person or entity requesting such copy or copies. In all other cases the party requesting the original transcript shall bear the cost thereof.

Section 14. Appeals Under Local Agency Law. Every request for a hearing under the Local Agency Law, 2 Pa.C.S. §551 *et seq.*, for which the Township has not established a specific fee by other resolution or ordinance shall be accompanied by a fee in the amount of \$500.00. A stenographic record of the proceedings shall be kept. The appearance fee for a stenographer shall be borne or reimbursed to the Township entirely by the person or entity requiring a hearing. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person or entity appealing from the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person or entity requesting such copy or copies. In all other cases the party requesting the original transcript shall bear the cost thereof.

Section 15. On-Lot Sewage Disposal Systems. The following fees shall be imposed for tests, applications, reviews and permits relating to on-lot sewage disposal systems:

On-lot sewage system permit.....	\$100.00
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Holding tank permit.....	\$100.00 plus reimbursement of costs relating to holding tank agreement
Perc and probe test observation.....	\$200.00 for first test and \$100.00 for each additional test
Any other services performed by Township Sewage Enforcement Officer.....	\$50.00 per hour
Appeal from determination of Sewage Enforcement Officer.....	\$50.00

Section 16. West Hempfield Township Sewer System. The following fees shall be imposed relating to the public sewer system owned by West Hempfield Township:

Connection fee (to be collected by the Township and forwarded to Columbia Borough in accordance with intermunicipal agreement to acquire capacity in wastewater treatment plant).....	\$2,300.00
Inspection fee.....	\$50.00

Section 17. Fees for Copies of Township Publications. The following fees shall be imposed for copies of the following Township publications:

Zoning Ordinance.....	\$35.00
Subdivision and Land Development Ordinance.....	\$25.00
Storm Water Management Ordinance.....	\$25.00
Zoning Maps.....	\$10.00
Comprehensive Plan.....	\$35.00
Individual Comprehensive Plan maps.....	\$10.00

Section 18. Other Township Fees. The following fees shall be imposed for the following Township services and records:

Accident Reports.....	\$15.00
Seized dog fee.....	\$25.00
Dog boarding fee.....	\$10.00
Humane League holding fee.....	\$125.00
Humane League transportation fee.....	\$25.00

Recycling Bins.....	\$5.00
Solicitation Permits (Per Individual)	\$25.00
Solicitation Permit Renewal	\$10.00
Copies per page	\$0.25
Certification of any document as true and correct copy of Township record.....	\$10.00
Renewal of Trailer Permits.....	\$10.00
Returned Check Charge.....	\$15.00

Section 19. No part of a fee established by this Resolution is refundable.

Section 20. The Board of Supervisors reserves the right to revise the fees in this Resolution at any time by resolution.

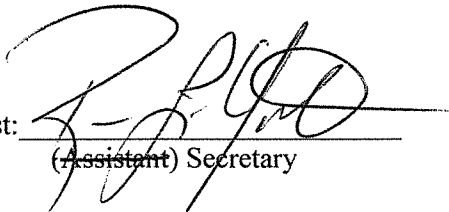
Section 21. This Resolution shall not be deemed to repeal any other resolution of this Township establishing fees or charges. This Resolution shall be interpreted to amend only those fees expressly set forth in this Resolution, and all other fees and charges imposed by all other resolutions are hereby ratified and confirmed.

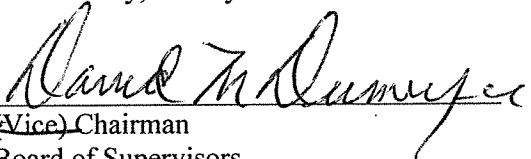
Section 22. The provisions of this Resolution are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Board of Supervisors that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 23. This Resolution shall take effect and be in force immediately as provided by law.

DULY ADOPTED the 4th day of January, 2016, by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST HEMPFIELD
Lancaster County, Pennsylvania

Attest: 
(Assistant) Secretary

By: 
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

EXHIBIT A

REVIEW

West Hempfield Township 2016 Rate Schedule

I. Compensation for personnel shall be in accordance with the following hourly rates:

<u>Position</u>	<u>Hourly Rate</u>
Project Professional/Senior Project Manager	\$ 181.00
Senior Professional/Project Manager II	\$ 143.00
Professional III/Project Manager I	\$ 127.00
Professional II/Technician III	\$105.00
Professional I/Technician II	\$ 79.00
Technician I - CADD Operator, Survey Aide	\$ 70.00

<u>Hourly Rates for Key Personnel</u>	<u>Hourly Rate</u>
Ben Webber, Primary Contact.....	\$ 141.00

II. Compensation for expenses and other charges shall be as follows:

Mileage	Current federally allowable rate
Direct expenses.....	Cost + 15%

III. Invoices will be rendered monthly and are payable upon receipt.

IV. Charges are subject to revision.

Effective 1/16

EXHIBIT B

Morgan, Hallgren, Crosswell & Kane, P.C.

2016 Fee Schedule

William C. Crosswell	\$180.00/hr.
Josele Cleary	\$175.00/hr.
Anthony P. Schimaneck	\$175.00/hr.
Robert E. Sisko	\$175.00/hr.
Jason M. Hess	\$170.00/hr.
Other Attorneys	not to exceed \$180.00/hr.

In addition, out of pocket expenses will be required to be reimbursed, including, but not limited to, photocopying, long distance telephone charges, fees paid to the Recorder of Deeds in and for Lancaster County, Pennsylvania, and travel expenses.