

**TOWNSHIP OF ELIZABETH**

Lancaster County, Pennsylvania

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**RESOLUTION NO. 5-2016**

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A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF ELIZABETH, LANCASTER COUNTY, PENNSYLVANIA, ESTABLISHING FEES FOR THE SUBMISSION AND REVIEW OF SUBDIVISION AND LAND DEVELOPMENT PLANS, PLANS PROPOSING THE CONSTRUCTION OF A PUBLIC STREET, AND STORM WATER MANAGEMENT PLANS AND FOR THE INSPECTION OF IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AS A PART OF SUCH PLANS

WHEREAS, the Board of Supervisors of the Township of Elizabeth, 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 Township incurs costs in connection with the review of plans, review of documentation to insure the long-term maintenance of storm water management facilities; and inspection of improvements; and

WHEREAS, the Township Engineer, Township Solicitor or other professional consultants retained by the Township perform technical reviews of subdivision and land development 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 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 Elizabeth, Lancaster County, Pennsylvania, as follows:

Section 1. Subdivision, Land Development, Storm Water Management, and Related Plan or Waiver Application Fee Established.

(a) The preliminary and preliminary/final subdivision and/or land development plan fee shall consist of two (2) parts, namely, a basic fee and a lot and/or unit of occupancy fee or land development tract acreage. The basic fee covers the cost of the initial lot (remaining acreage) or unit of occupancy based upon the type of development involved. The lot fee is charged toward each additional proposed lot and/or each existing lot which receives additional area (lot add-on). The unit of occupancy fee is charged for each proposed unit of occupancy in excess of one (1) unit per lot. The amount of the above-mentioned fees shall be as follows:

Basic Fee:

Residential \$400.00

Non-Residential:

<u>Acreage</u>	<u>Base Fee</u>
0 – 2.00	\$800.00
2.01 – 5.00	\$1,200.00
5.01 – 10.00	\$2,000.00
10.01 – 15.00	\$2,400.00
15.01 – 25.00	\$2,800.00
25.01 – 50.00	\$3,500.00
50.01 – 100.00	\$4,000.00
100.01+	\$4,500.00

Additional Fee:

Residential

<u>No. of Lots</u>	<u>Fee per lot or unit of occupancy</u>
1 - 5	\$75.00
6 - 10	\$80.00
11 - 20	\$85.00
21 - 50	\$90.00
51 - 100	\$95.00
100+	\$100.00

Non-Residential \$10.00 per acre over 100 acres

(b) The final and revised subdivision and/or land development plan fee shall consist of two (2) parts, namely, a basic fee and a lot and/or unit of occupancy fee. The basic fee covers the cost of the initial lot (remaining acreage) or unit of occupancy based upon the type of development involved. The lot fee is charged toward each additional proposed lot and/or each existing lot which receives additional area (lot add-on). The unit of occupancy fee is charged for each proposed unit of occupancy in excess of one (1) unit per lot. The amount of the above-mentioned fees shall be as follows:

Basic Fee:

Residential

<u>No. of Lots</u>	<u>Base Fee</u>
1 - 5	\$200.00
6 - 10	\$200.00
11 - 20	\$300.00
21 - 50	\$400.00
51 - 100	\$500.00
100+	\$600.00

Non-Residential:

<u>Acreage</u>	<u>Base Fee</u>
0 - 2.00	\$800.00
2.01 - 5.00	\$1,200.00
5.01 - 10.00	\$2,000.00
10.01 - 15.00	\$2,400.00
15.01 - 25.00	\$2,800.00
25.01 - 50.00	\$3,500.00
50.01 - 100.00	\$4,000.00
100.01+	\$4,500.00

Additional Fee:

- |   |                                      |
|---|--------------------------------------|
| Residential   | \$30.00 per lot or unit of occupancy |
| Non-Residential   | \$10.00 per acre over 100 acres      |
| (c) Sketch Plan   | \$300.00                             |
| (d) Centerline separation Plan/Lot add-on plan/Lot consolidation plan | \$500.00                             |
| (e) Floodplain plan review  | \$750.00                             |
| (f) Minor and Major stormwater management plans:                      |                                      |

<u>Acres*</u>	<u>Fees</u>
0-1.00	\$1,000.00
1.01-5.00	\$2,000.00
5.01-10.00	\$2,500.00
10.01-15.00	\$3,000.00
15.01-25.00	\$3,500.00
25.01-50.00	\$4,000.00
50.01-100.00	\$4,500.00
100.00+	\$5,000.00 + \$35.00/acre over 100 acres

(g) Stormwater management plan exemption request

<u>Impervious Area</u>	<u>Fee</u>
1 to 300 S.F.	\$50.00
301 to 600 S.F.	\$100.00
601 to 1,000 S.F.	\$150.00

- |  |   |
|--|---|
| (h) Exemption applications for tracking of impervious area reduction   | \$25.00   |
| (i) Stormwater management small project plan   | \$250.00  |
| (j) Pre-application meeting with Township staff (if the applicant desires that the Township Engineer or other professional consultant attend, the applicant will be invoiced for the fees of such consultant, and such fees must be paid in full before the applicant may submit a formal application) | \$50.00 per hour per staff member – 1 hour min. |

\*Acreage of tract to be based upon acreage of disturbed land area identified on the Township application; stipulated in the Erosion and Sedimentation Control Permit

application, as applicable; or, as stipulated in the NPDES Permit application, as applicable, whichever is greater.

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, Public Street and Storm Water Management 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 8, 9, 10, and 11 below. The Township is 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:

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| (a) Minor Residential Subdivision or Land Development Plan (1 – 5 Lots or Units of Occupancy)      | \$2,000.00   |
| (b) Minor Residential Subdivision or Land Development Plan (5-10 Lots or Units of Occupancy)       | \$2,500.00   |
| (c) Major Residential Subdivision or Land Development Plan (11-20 Lots or Units of Occupancy)      | \$4,000.00   |
| (d) Major Residential Subdivision or Land Development Plan (21 or more Lots or Units of Occupancy) | \$5,000.00   |
| (e) Non-Residential Subdivision or Land Development Plan   | \$5,000.00 or such lower amount for a minor subdivision or land development plan if the applicant presents sufficient evidence that all costs associated with reviews and inspections will be less than \$2,500.00 |

(f) Sketch Plan	\$1,000.00
(g) Centerline separation Plan/Lot add-on plan/Lot consolidation plan	\$1,000.00
(h) Floodplain plan review	\$2,000.00
(i) Minor stormwater management plan	\$2,000.00
(j) Major stormwater management plan	\$2,500.00
(k) Stormwater management plan exemption request (over 300 S.F.), max.**	\$500.00
(l) Stormwater management small project plan, max.**	\$750.00
(m) Inspection of stormwater management facilities which are part of an approve subdivision or land development plan and the lot owner will be installing stormwater management facilities	\$500.00 or 5% of total improvement guaranty, whichever is greater.

\*\* Actual escrow amount, if necessary, will be determined by the enforcement officer after completion of the review fee, but shall not exceed the noted maximum

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 Elizabeth Township Planning Commission nor the Elizabeth 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 Elizabeth 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. Calculation of Fee In Lieu of Dedication of Park and Recreation Land. Applicants desiring to pay a fee in lieu of dedication of park and recreation land shall compute the amount of such fee as follows:

- (a) The Board of Supervisors, upon consideration of land use values, population densities, average household size, population growth trends,

recreational needs of the community and similar factors hereby determines that a fee of two thousand five hundred (\$2,500.00) Dollars per individual residential lot or individual dwelling unit shall be considered per se an acceptable fee in lieu of dedication in accordance with the Township Subdivision and Land Development Ordinance. A developer who elects to pay a fee in lieu of dedication of park and recreational land, subject to the Board of Supervisor's determination that a fee in lieu of dedication of park and recreation land is acceptable and compliant with the Township Comprehensive Plan and any adopted Recreation Plan, and who has determined that the fee of two thousand five hundred (\$2,500.00) Dollars per individual residential lot or dwelling unit is acceptable shall so notify the Township in writing identifying the plan, the number of individual residential lots and/or dwelling units, and the fee in lieu of dedication of land to be paid. The Township will verify the figures in the request.

(b) If a developer desires to have an individual computation of the amount of park and recreational land which must be dedicated in accordance with the Township Subdivision and Land Development Ordinance, the developer shall provide the Township with the following information:

(1) The number and type of dwelling units proposed to be erected, including the number of bedrooms to be located within each dwelling unit.

(2) The estimated number of persons who will occupy each dwelling unit.

(3) Should the Township disagree with the developer's estimated population per dwelling unit, the developer shall also present the Township with census data and other empirical information concerning household sizes within Elizabeth Township and within Lancaster County to enable the Township to verify the accuracy of developer's estimate or to compute a new estimate.

The amount of land to be dedicated shall be computed in accordance with Section 160.63 of Township Subdivision and Land Development Ordinance based upon the estimated population of the proposed development established by the Township utilizing the information provided by the developer. To the extent permitted by law, the property offered for dedication must be dry and of slopes at or below ten percent; must be contiguous; must not be less than one hundred feet in width; must be greater than one acre in size; must not be transected by a road; must contain at least one emergency access; and must not consist of storm water management areas, sidewalks, medians and/or crosswalks. Developers must furnish improvement guarantees for recreational facilities and equipment in addition to all other subdivision and/or land development guarantees. Recreation areas must be inspected, completed, and dedicated to the Township prior to fifty percent occupancy of the development project.

(c) After the Township and developer have agreed upon the amount of land which developer is required to dedicate to the Township, if the developer

desires to pay a fee in lieu of dedication and does not desire to pay the fee established by Section 5.A of this Resolution, the developer shall provide the Township with developer's estimate of the fair market value of the land per acre. The estimated fair market value shall be determined using the following criteria:

(1) If the developer is the equitable owner of all of the land which is included within the proposed development, the developer shall present the Township with a copy of the fully executed agreement of sale. The price per acre contained within such agreement of sale shall be considered the fair market value of the park and recreational land if the developer presents evidence to the satisfaction of the Township that the price has been established by a seller who is not related to the developer, who does not have a business relationship with the developer, and who is not under pressure to sell the land. If the developer cannot present such evidence to the Township, the fair market value shall be determined in accordance with Paragraph (1).

(2) If the developer is the record owner of all of the land within the development and has acquired all of the land within the development as a single parcel within the past 12 months, then the price per acre actually paid by the developer shall be considered the fair market value per acre of the park and recreational land if the developer presents evidence to the satisfaction of the Township that the price has been established by a seller who is not related to the developer, who does not have a business relationship with the developer, and who is not under pressure to sell the land. If the developer cannot present such evidence to the Township, the fair market value shall be determined in accordance with Paragraph C. The developer shall provide the Township with a copy of the deed and any realty transfer tax statement of value filed with the Recorder of Deeds of Lancaster County, Pennsylvania, demonstrating the price paid for the land within the proposed development.

(3) If the developer purchased the land within the proposed development in separate, smaller parcels, or if the developer acquired the land within the proposed development more than 12 months prior to the filing of the final plan, the developer shall present the Township with an appraisal, performed by a licensed MAI appraiser, of the entire tract of land being developed. The appraisal shall compute the fair market value as if the developer were to transfer the parcel to a successor developer. The appraisal shall specifically consider the zoning classification of the tract, the total land area of the tract, and the intensity of development which is permitted upon the tract by the applicable zoning. The appraisal shall be prepared at developer's expense.

(4) If the Township in its sole discretion is not satisfied with the information set forth in the appraisal, the developer, at the developer's sole expense, shall provide a second appraisal to the Township which meets the requirements of this Resolution.



(5) It is the responsibility of the developer to furnish any information which developer considers pertinent to the determination of the fair market value of the land to the Township.

The Board of Supervisors shall establish the fair market value per acre of the land at a public meeting using the data submitted by the developer in accordance with the requirements of this Section.

Section 6. Payment of Fee in Lieu of Dedication. A developer who elects to pay a fee in lieu of dedication of park and recreational land shall either pay the fee in lieu of dedication in full or post an irrevocable letter of credit for the full amount of the fee in lieu of dedication before the Township will execute the Final Plan to enable its recording. If the developer elects to post an irrevocable letter of credit, the letter of credit shall be in a form acceptable to the Township Solicitor. The developer shall pay the fee in lieu of dedication attributable to each lot or unit of occupancy at the time the developer makes application for a zoning permit or building permit for the lot or unit of occupancy. After the developer has made such application and paid such fee, the developer, not more frequently than monthly, may request that the Board of Supervisors authorize a reduction in the letter of credit for the portion of the fee in lieu of dedication which developer has paid. Developer shall submit this request in writing not less than ten (10) business days before the meeting of the Board of Supervisors at which developer requests the Board authorize the deduction. The letter of credit to secure payment of fees in lieu of dedication shall be in addition to any other financial security which developer is required to post in connection with developer's subdivision or land development plan.

Section 7. Reimbursement of Costs for Acceptance of Dedication of Park and Recreation Land. If developer shall dedicate park and recreational land to the Township, developer shall, at developer's sole cost and expense, provide the Township with a legal description of the land, a plot plan of the land, and a title search. The Township Solicitor, at developer's cost, will prepare the Deed of Dedication and any necessary mortgage releases or other documents. Developer shall transfer good and marketable title to the park and recreation land to the Township. Developer's financial security shall not be finally released until developer has transferred all park and recreation land to the Township. Developer shall pay all recording costs and other incidental costs associated with the transfer and shall, if requested by the Township, pay any costs necessary to construct and install a sign identifying the land as park and recreation land open to the general public.

Section 8. 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, engineering consultants, 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 Elizabeth Township Subdivision and Land Development Ordinance, Storm Water Management Ordinance, Road Ordinance, and/or Section 2317 of the Township Code shall constitute an implied agreement by the applicant to pay such expenses.

Section 9. 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 or other Township employees 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's engineering consultants.

Section 10. 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 as set forth in Exhibit "C". A minimum charge of one 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. The developer shall also reimburse the Township for all mileage reimbursement which the Township may pay to its personnel if such personnel use personal vehicles to travel to and from a development site.

Section 11. 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. The fees set forth in Exhibit "C" shall be billed for the costs of installing traffic control signs or performing other services for the development. A minimum charge of one 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. The actual cost of all supplies and equipment, including signs, poles and other materials shall be paid by the developer. The developer shall also reimburse the Township for all mileage reimbursement which the Township may pay to its personnel if such personnel use personal vehicles to travel to and from a development site. 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 12. Resolution of Fee Disputes. In the event the developer disputes the amount of any such plan review or inspection fees or expenses, the developer shall notify the Township Secretary that such fees are disputed as unreasonable or unnecessary, in the manner provided in Article V of the Pennsylvania Municipalities Planning Code. All disputes shall be resolved in accordance with the procedure set forth in such statute.

Section 13. Except as otherwise set forth herein, all fees imposed hereunder or all payments required to replenish escrow accounts as required by Section 2 of this Resolution shall be due and payable in full within thirty (30) days of the date of the invoice for such fees. If payment is not received by the Township on or before the thirtieth (30th) day, such fee shall be deemed delinquent. A penalty of ten percent (10%) shall be added to such outstanding fee. In addition, the outstanding fee shall bear interest at the rate of one and one-half percent (1½%) per month or fraction thereof beginning one month after the fee becomes due and payable until paid. This is an annual percentage rate of eighteen percent (18%).

Section 14. No part of a fee established by this Resolution is refundable.

Section 15. The Board of Supervisors reserves the right to revise the fees in this Resolution at any time by resolution.

Section 16. 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 17. 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 18. This Resolution shall take effect and be in force immediately as provided by law.

DULY ADOPTED the 21st day of March, 2016  
by the Board of Supervisors of the Township of Elizabeth, Lancaster County,  
Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF ELIZABETH  
Lancaster County, Pennsylvania

Attest: Rodney D. May

By: Rodney D. May  
(Assistant) Secretary

B. Row  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]

EXHIBIT B

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

2016 Fee Schedule

William C. Crosswell	\$180.00/hr.
Josele Cleary	\$175.00/hr.
Robert E. Sisko	\$175.00/hr.
Anthony P. Schimaneck	\$175.00/hr.
Jason M. Hess	\$170.00/hr.
All other attorneys	Not to Exceed \$175.00

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.

EXHIBIT C

Elizabeth Township Employee 2016 Fee Schedule

Zoning Officer	<u>\$66.00/hr.</u>
Roadmaster	<u>\$55.60/hr.</u>
Administrative Services	<u>\$50.60/hr.</u>