

TOWNSHIP OF ELIZABETH
LANCASTER COUNTY, PENNSYLVANIA

RESOLUTION 3-2023

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF ELIZABETH, LANCASTER COUNTY, PENNSYLVANIA, ESTABLISHING FEES FOR PLANS PROPOSING THE CONSTRUCTION OF PUBLIC STREETS, AND STORM WATER MANAGEMENT PLANS AND FOR THE INSPECTIONS OF IMPROVEMENTS REQUIRED TO BE CONTRUCTED AS A PART OF SUCH PLANS; ESTABLISHING FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE ELIZABETH TOWNSHIP ZONING ORDINANCE; AND ESTABLISHING FEES FOR MISCELLANEOUS TOWNSHIP PERMITS, HEARINGS AND SERVICES. NOT TO INCLUDE THE FEES FOR SUBDIVISION AND LAND DEVELOPMENT 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 ordinance and regulations, including but not limited to the Township's 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 the 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 streets upon dedication; and

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

WHEREAS, the Board of Supervisors establishes rules, fees, and costs for these and other services by virtue of adopting various Resolutions and ,

WHEREAS, the Board of Supervisors desires to amend these Resolutions and to include the costs of these services, and incorporate zoning and building fees, review fees for the Township Engineer, Township Solicitor, and the Township Sewage Enforcement Officer, and various other 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. Fees and Escrow Payable with Application

All fees must be submitted to the Township with plan applications. Plan applications shall not be accepted without fees, and neither the Elizabeth Township Planning Commission nor the Elizabeth Township Board of Supervisors shall act on a plan application submitted without a fee. All fees shall be paid by check or money order drawn to Elizabeth Township.

Section 2. 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. The current contact number for the Recorder is 717.299.8238.

Section 3. Escrow Fees for Plan Review Expenses

Applications shall be accompanied by a fee to be placed in escrow to cover all reasonable and necessary charges that may be incurred by the Township's professional consultants, including the Township Solicitor and the Township Engineer, 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, deeds of dedication and similar matters, storm water management permits, and subdivisions and land developments. Such review fees shall be the actual fees charged by the Township Solicitor, Township Engineer or other professional consultant for the services performed. Any amount in the escrow fund which exceeds the professional consultant review costs shall be returned to the applicant. If this amount in the escrow fund is not sufficient to meet all professional consultant review costs, the applicant shall be billed accordingly and the applicant shall pay the amount due within 45 days of such billing. The filing of a plan or application under this section, or the Elizabeth Township Storm Water Management Ordinance [Chapter 150] shall constitute an implied agreement by the applicant to pay such expenses.

Section 4. 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 and any report or reports to the Township thereon. Such inspection fees shall be the actual fees charged by the Township Engineer.

Section 5. 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 and any report or reports to the Township thereon. When the inspection is performed by Township personnel, the fee shall be the hourly inspection rate of the particular employee who performed the inspection services plus any expenses incurred, including mileage charges for the Township vehicles used for transportation to the site. A minimum charge of \$50.00 per hour per person will be billed for the first hour or any portion thereof. Any time in excess of 1 hour shall be billed at the same rate on a proportional basis. This charge shall be revised to reflect changes in the costs to the Township for utilizing its personnel to perform such inspections.

Section 6. Calculation of Fee in Lieu of Dedication of Park and Recreation Land (When creating 2 or more dwelling units)

When so requested by the developer, the Township may accept a fee in lieu of dedication because of land use values, population densities, average household size, population growth trends, recreation needs of the community and similar factors render it impractical for the developer to dedicate land for recreation areas. Such fee in lieu of payments shall be payable to the Township prior to issuance of the recording of each final phase of the plan by the Township, based on each phase's percentage of the total number of dwelling units.

The amount of a fee in lieu payment shall be One Thousand Eight Hundred (\$1,800.00) dollars per individual residential lot or individual dwelling unit. This fee shall be considered per se an acceptable fee in lieu of dedication in accordance with Section 610.04 of the county Ordinance. A developer who elects to pay a fee in lieu of dedication of park and recreational land and who has determined that the fee of One Thousand Eight Hundred (\$1,800.00) 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 request and, if correct, will notify the Lancaster County Planning commission that the fee in lieu of dedication to be paid by the developer is acceptable to the Township.

Section 7. Reimbursement of Costs for Acceptance of Dedication of Park and Recreation Land

All recreation area required by the Elizabeth Township Subdivision and Land Development Ordinance [Chapter 160-63] shall be irrevocably dedicated to the Township unless the Township shall waive such required dedication. The recording of a subdivision or land development plan upon which recreation area is indicated shall constitute an offer of dedication to the Township. The Elizabeth Township Board of Supervisors, in its sole discretion, shall have the power to accept dedication of such land. The developer shall present evidence of clear title to the recreation area and deed of dedication which shall be in the form acceptable to the Township Solicitor. The developer shall reimburse the Township for all costs associated with the acceptance of dedication.

Section 8. Resolution of Fee Disputes

In the event the developer disputes the amount of any such inspection fee or expenses the developer shall, within 30 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 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 45 days of the date of billing the Township and the developer cannot agree on the amount of expenses which are reasonable and necessary, then the Township and the developer shall jointly, by mutual agreement, appoint an arbitrator to resolve such dispute who shall be of the same profession or discipline as the professional consultant whose fees are being disputed who shall review such charges and expenses and make a determination as to the amount thereof which is reasonable and necessary.
2. The arbitrator so appointed shall hear such evidence and review such documentation as the professional in his/her sole opinion deems necessary and render a decision within 50 days of the billing date. The developer shall pay the entire amount determined in the decision within 60 days of the billing date.
3. The fee for the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator; otherwise, it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The Elizabeth Township Board of Supervisors and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

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, streetlights and any other signs or lights which are necessitated by the applicant's land development or subdivision shall be charged to and paid by the applicant. A minimum charge of \$65.00 per hour, per person, shall be billed for the first hour or any portion thereof for the costs of installing traffic control signs or performing other services for the development. The actual cost of all supplies, including signs, poles and other materials, shall be paid by the developer. If the Township is required to provide snow removal

services on a road not accepted by the Township, the developer shall be charged the reasonable and customary commercial rate for such services plus the actual cost of all materials used. The filing of a plan or application under the provisions of the Elizabeth Township Storm Water Management Ordinance [Chapter 150] or the Elizabeth Township Subdivision or Land Development Ordinance [Chapter 160] shall constitute an implied agreement by the applicant to pay such expenses.

Section 10. Zoning Application Fees

The following application and appeal fees shall be imposed in connection with the administration of the Elizabeth Township Zoning Ordinance: *(Note: any Requests for Continuance of Hearing to Another Date will be charged \$100.00 in addition to base fee.)*

Temporary Zoning Permit	Fee, Inspection Fee, and other fees - TBD
Zoning Hearing Board Application or Appeal	\$600.00 (base fee)
Challenges to the Validity of the Zoning Ordinance*	\$1,000.00 (base fee)

**The fee for a hearing on a petition for a curative amendment to the Zoning Ordinance or Zoning Map which has been submitted to the Elizabeth Township Board of Supervisors or for a hearing before the Elizabeth Township Zoning Hearing Board challenging the validity of the Zoning Ordinance or Map.*

Application for Conditional Use Hearing	\$600.00 (base fee)
Petition for Amendment to the Zoning Ordinance or Zoning Map	\$1,000.00 (base fee)

Section 11. Zoning Permit Fees

All applicants for a permit for new residential and/or non-residential and multifamily construction shall pay an administrative and inspection fee, which shall be calculated as follows:

Minimum Processing Fee for ANY Zoning Permit Application \$40.00

PLUS:

Above Ground Pools	\$25.00
Above Ground Pools with Decking	\$30.00
In Ground Pools	\$125.00
Decks and Patios on grade	\$30.00
Sheds and Accessory Structures 150 s.f. to 400 s.f. (Under 150 s.f.- no add'l fee)	\$35.00

Permanent Signs and Billboards

Up to 4 s.f. – no add'l fee

Over 4 s.f. - \$3.00/s.f. of sign area

(Identical 2-sided signs are considered one-sided for fee purposes.)

New Construction and Structural Additions: *(including accessory structures over 400 s.f.)*

Minimum Processing Fee for ANY Zoning Permit Application \$40.00

PLUS: \$.50 per s.f. of usable space

Other Permits:

Driveway Fee for Township Road \$40.00

(If for State Road, contact PA DOT at 717.299.7621)

(Also, additional costs for Storm Water Management Review may be incurred if the driveway's dimensions are being enlarged in any manner.)

Demolition (commercial demo requires DEP notification) \$100.00 plus Admin, Review, Inspection and other Fees, TBD

Sewage Permits – See Sewage Enforcement Officer for specific costs.

New Agricultural Construction: *(excluding single family dwellings)*

Minimum Processing Fee for ANY Zoning Permit Application \$40.00

PLUS: \$.15 per s.f. of usable space

Remodeling:

Minimum Processing Fee for ANY Zoning Permit Application \$40.00

PLUS: Dollar value under \$2,500.00 – no add'l fee
\$2,500.00 and above - \$10.00 per thousand

Section 12. UCC (Uniform Commercial Code) Fees:

Applicant needs to verify with Code Official associated with the Firm that the applicant has chosen on the original application. These fees are paid directly to the Code Official's firm, not to the Township.

Fees are based on services such as but not limited to: application review, inspections, and associated administrative costs.

Section 13. Fees in Accordance with PA Office of Open Records, Right to Know Law. Check on current resolution

Copies <i>(A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page)</i>	\$0.25 per page
Certification of a Record	\$1.00 per record, not per page.
Specialized documents: For example, but not limited to, blueprints, color copies, Non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media	Actual Cost
Redaction Fee	No Redaction Fee may be imposed

Conversion to Paper:

If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in more expensive medium. (Sec.1307(e)).

Postage Fee:

Fees for Postage may not exceed the actual cost of mailing.

Statutory Fees:

If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than the statutory amount.

Section 14. Other Township Fees:

Elizabeth Township Pavilion Rentals

Rental fees are based upon classification of group:

- Class A- Organizations affiliated with or supervised by Elizabeth Township; or as determined by the Board of Supervisors
- Class B- Elizabeth Township Residents & Businesses; Non-profit organizations (Civic, Fraternal, Religious, Educational)
- Class C- All Others

Elizabeth Township-Municipal Pavilion:

	<u>Class A</u>	<u>Class B</u>	<u>Class C</u>
Pavilion Only:	65.00	65.00	85.00
Recreational Fields (Organized Sports)			25.00
Security Deposit			

*Elizabeth Township reserves the right to adjust any fee as necessary.

Return Check Charge \$50.00

Standard Copies \$0.25

IPMC (International Property Maintenance Code)

WAAB (Warwick Area Appeals Board) Application \$500.00

ZHB Appeal \$600.00

Home Occupation Permit \$50.00

Section 15. Street Dedication Fees

The fees for processing the acceptance of streets which have been offered for dedication to the Township shall be as follows:

First street which Township is requested to accept \$1,500.00

Each additional street which the Township is requested to accept at the same time \$1,000.00

Should the fees and costs incurred by the Township in processing the acceptance of dedication of streets be greater than the fees established herein, the Township shall bill the person requesting that such streets be accepted for all such additional fees and costs. The person requesting acceptance of the streets shall pay the bill for the additional fees and costs within thirty days after the bill is issued by the Township.

The request by any person for the Township to accept dedication of a street or streets shall constitute and be deemed an implied promise and contract to pay all fees imposed by this Resolution.

The payment of the fees established herein shall create no obligation upon the Township to accept dedication of any street or streets.

Section 16. SWM (Storm Water Management)

All applicants should consult with the Township Engineer to determine the appropriate SWM plan fees. The Engineer is David Miller/Associates at 717.898.3402.

Section 17. No part of a fee established in this Resolution is refundable.

Section 18. The Board of Supervisors reserves the right to revise the fees in this Resolution at any time by additional resolution.

Section 19. 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 by all other resolutions are hereby ratified and confirmed.

Section 20. Severability: In the event any provisions, sections, sentence, clause or part of this Resolution shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Board of Supervisors that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 21. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 13th day of February 2023, 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
Secretary

BY: Jeff Buel
(Vice) Chairman
Board of Supervisors

TOWNSHIP SEAL

