

TOWNSHIP OF WEST COCALICO TOWNSHIP

Lancaster County, Pennsylvania

RESOLUTION NO. 08052021

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST COCALICO TOWNSHIP, 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; REESTABLISHING FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE WEST COCALICO TOWNSHIP ZONING ORDINANCE; AND ESTABLISHING FEES FOR MISCELLANEOUS TOWNSHIP PERMITS, HEARINGS, AND SERVICES.

WHEREAS, the Board of Supervisors of the Township of West Cocalico Township, 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 Manager-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 Manager-Engineer or other professional consultants retained by the Township; and

WHEREAS, the Township Manager-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 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 Cocalico Township, Lancaster County, Pennsylvania, as follows:

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

- A. The preliminary, final and revised subdivision and/or land development plan fee shall consist of an administrative fee and an escrow account amount. The amount of the above-mentioned fee shall be as follows: Preliminary, final, revised and lot add-on filing fee:

Administrative Fee:	
Sketch Plan	\$100.00
Lot Add-On, Revised, Separation	\$250.00
Preliminary or Final Plan Escrow Account	\$500.00

B.	Sketch Plan	\$250.00
C.	Lot add-on plan	\$1000.00
D.	Waiver request (per waiver)	\$50.00
E.	Floodplain plan review	\$250.00
F.	Stormwater management plan or application exemption request	
	Under 300 square feet impervious area	\$50.00
	301 - 1,000 square feet impervious area	\$100.00
	1,001 square feet impervious area or greater	\$250.00
G.	Small project application (1,001 – 2,500 square feet impervious area)	\$250.00
H.	Minor stormwater management plan (2,501 – 5,000 square feet impervious area). Fee is comprised of stormwater management plan and permit fees	\$350.00
I.	Major stormwater management plan (5,001 square feet impervious area or greater). Fee is comprised of stormwater management plan and permit fees	\$1,000.00
J.	Alternate processing for agricultural operation with implemented conservation plan	\$250.00
K.	Stormwater management plan exemption request	\$250.00
L.	Pre-application meeting with Township staff (if the applicant desires the Township Manager-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)	\$100.00

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, Public Street and Storm Water Management Applications. Each applicant shall deposit 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 stormwater 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 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 the 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
(1-3 Lots or Units of Occupancy) | \$2,000.00 |
| B. | Minor Residential Subdivision or Land Development Plan
(4-10 Lots or Units of Occupancy) | \$3,500.00 |
| C. | Major Residential Subdivision or Land Development Plan
(11-20 Lots or Units of Occupancy) | \$7,500.00 |
| D. | Major Residential Subdivision or Land Development Plan
(21 or more Lots or Units of Occupancy) | \$10,000.00 |
| E. | Non-Residential Subdivision or Land Development Plan | \$7,500.00 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 \$7,500.00 |
| F. | Sketch Plan | \$500.00 |
| G. | Lot add-on plan | \$1,000.00 |
| H. | Small project application (1,001 – 2,500 square feet impervious area) | \$500.00 |
| I. | Minor storm water management plan (2,501 – 5,000 square feet impervious area) | \$1,500.00 |
| J. | Major stormwater management plan (5,001 square feet impervious area or greater) | \$2,000.00 |
| K. | Alternate processing for agricultural operation with implemented | |

conservation plan \$750.00

- L. Storm water exemption request (greater than 1,001 square feet impervious area) \$750.00

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 Cocalico Township Planning Commission nor the West Cocalico 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 Cocalico Township.

Section 3. 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 4. 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 fees as follows: If a fee in lieu of dedication is proposed by the developer, said fee shall be the fair market value of the land required to be dedicated under Subsection (D) above. The developer shall provide the Board of Supervisors with all information necessary to determine that fair market value of the land, including but not limited to an unredacted copy of the agreement of sale if the developer is an equitable owner and has purchased the land within the past (2) years, or an appraisal of the property conducted by a licensed appraiser acceptable to the Township. Fair market value shall be computed by dividing the total price for the tract by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated.

Section 5. 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 pay the fee in lieu of dedication in full amount of the fee in lieu of dedication before the Township will execute the Final Plan to enable its recording.

Section 6. 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 7. 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 Manager-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 Manager-Engineer and other Township employees is attached hereto as Exhibit "A", the present fee schedule of the Township Solicitor is attached hereto as Exhibit "B", and the present fee schedule of the Township's engineering consultants is attached as Exhibit "C", all 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 consultants. The filing of a plan or application under the West Cocalico 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 8. Reimbursement for Inspection of Improvements when such Inspection is Performed by the Township Manager-Engineer or other Professional Consultant. Developers shall reimburse the Township for all unreasonable and necessary charges incurred by the Township's professional consultants or the Township Manager-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 Manager-Engineer and other Township employees is attached hereto as Exhibit "A" and incorporated herein and the fee scheduled of the Township's engineering consultants is attached as Exhibit "C". Such schedules shall be revised from time to time to reflect changes in the rates paid to Township employees or charged to the Township by the Township's engineering consultants.

Section 9. 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. Then the inspection is performed by township personnel, the fee shall be set forth in Exhibit "A". 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 at the current IRS

mileage rate which the Township may pay to its personnel if such personnel use personal vehicles to travel to and from a development site.

Section 10. 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 8, 9, or 10 above, the developer shall notify the Township Secretary that such fees are disputed as unreasonable or unnecessary within such time period as may be established in the Pennsylvania Municipalities Planning Code ("MPC"), in which case the Township shall not delay or disapprove a subdivision or land development due to the developer's dispute of the fees. Disputes shall be resolved in accordance with the procedure set forth in Article V of the MPC.

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 "A" 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. Zoning Application Fees. The following application and appeal fees shall be imposed in connection with the administration of the West Cocalico Township Zoning Ordinance:

Zoning Hearing Board Application or Appeal (residential)	\$650.00 plus cost of legal advertisements
Amendment to the Zoning Ordinance or Zoning Map or curative amendment application	\$1,000.00 plus cost of legal advertisements

Section 13. Zoning Permit Fees. The following fees shall be imposed in connection with the administration of the West Cocalico Township Zoning Ordinance:

New construction and additions of four hundred (400) square feet or greater of living space: Twenty-five cents (\$0.25) per square foot. This schedule applies to all porches, patios, and decks, but does not apply to unfinished basements or attics. Exterior dimensions shall be utilized in determining square footage. New Ag buildings are calculated at Fifteen cents (0.15) per square foot. No permit fee for agricultural construction shall exceed \$3,000.00.

NOTE: The Zoning Officer will determine the proper fees based upon the above criteria and the plans provided with the permit application.

Demolitions, renovations and structures less than four hundred (400) square feet shall be calculated upon the cost of the improvements using the scale below:

<u>Cost of Improvement</u>	<u>Fee</u>
\$ 1 - \$ 999	\$ 50.00
\$1,000 - \$1,999	\$ 55.00
\$2,000 - \$2,999	\$ 60.00
\$3,000 - \$3,999	\$ 65.00
\$4,000 - \$4,999	\$ 70.00
\$5,000 - \$5,999	\$ 75.00
\$6,000 - \$6,999	\$ 80.00
\$7,000 - \$7,999	\$ 85.00
\$8,000 - \$8,999	\$ 90.00
\$9,000 - \$9,999	\$ 95.00
\$10,000 and over....	\$100.00 – plus \$5.00 for each \$1,000.00 or part thereof of construction cost.

BUILDING CODE APPEALS: \$650.00

*BUILDING PERMIT FEES: To be determined by the Building Code Official following the plan review and the determination of required inspections.

DRIVEWAY PERMITS: \$65.00 – a driveway permit is required for any proposed driveway intersecting an existing or proposed Township road.

HIGHWAY OCCUPANCY PERMITS: \$125.00

HOME OCCUPATION PERMITS: \$50.00

NO IMPACT HOME BASED BUSINESS PERMIT: \$50.00

RURAL OCCUPATION PERMIT: \$50.00

*EXPEDITED FEES ARE DOUBLE THE COST - For those who start construction before the permit is paid for and picked up.

SHORT TERM RENTAL FEES: \$600 start-up fee (initial), \$300 annually thereafter, \$1,000 if start-up is done without permit and approvals.

Section 14. 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	\$35.00
Storm Water Management Ordinance	\$35.00

Zoning Maps \$8.00

Section 15. Other Township Fees. The following fees shall be imposed for the following Township services and records and use of Township facilities:

Photocopying per Page (either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page) \$0.25

Certification of any document as a true and correct copy of a Township record \$5.00

Postage or express mail charges to respond to request for public record by forwarding records to requester Actual cost incurred by Township

Reproduction of record by third party when Township does not have necessary equipment Actual cost incurred by Township

Deposit to secure return of record if requester removes record for reproduction by third party when Township does not have necessary equipment \$10.00

Street Opening Permits PennDOT Fee Schedule Highway Occupancy

Driveway Permits \$65.00

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 (1 ½%) per month or fraction thereof beginning one month after the fee becomes due and payable until paid. This is annual percentage rate of eighteen percent (18%).

Section 16. If the applicant/developer should challenge any portion of any fee imposed hereunder, the applicant/developer shall nonetheless make timely payment of the unchallenged portion of the fee. If payment of the unchallenged portion of the fee is not received within thirty (30) days of the date of the invoice, the uncontested fee shall be deemed delinquent and shall be subject to the penalties and interest set forth in Section 17 above.

Section 17. 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 18. No part of a fee established by this Resolution is refundable.

Section 19. The Board of Supervisors reserves the right to revise the fees in this Resolution at any time by resolution.

Section 20. 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 resolution are hereby ratified and confirmed.

Section 21. Severability. In the event any provision, section, 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 22. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 5th day of August, 2020, by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST COCALICO
Lancaster County, Pennsylvania

Attest: William L. Sauder
(Assistant) Secretary

By: Leon Z. Eby
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

EXHIBIT A

West Cocalico Township Employee 2021 Fee Schedule

Township Manager-Engineer	\$75.00/hr.
Zoning Officer	\$50.00/hr.
Roadmaster	\$50.00/hr.
Equipment Operator	\$40.00/hr.
Administrative Services	\$40.00/hr.
Laborer	\$30.00/hr.

Equipment

Grader	\$125.00/hr.
Loader	\$100.00/hr.
Backhoe (Add \$15.00/hr. for any attachment)	\$ 75.00/hr.
Skid Loader (Add \$15.00/hr. for any attachment)	\$ 70.00/hr.
Ag. Tractor with Mower	\$ 60.00/hr.
Single Axle Dump Truck	\$ 75.00/hr.
Single Axle Dump Trunk with Plow	\$100.00/hr.
Tandem Dump Truck	\$ 85.00/hr.
Tandem Dump Truck with Plow	\$110.00/hr.
Pick-up Truck	\$ 45.00/hr.
Pick-up Truck with Plow	\$ 60.00/hr.
Truck and Trailer	\$ 75.00/hr.
Chipper	\$ 75.00/hr.
Mower (minimum 3 hours)	\$ 55.00/hr.
Small Tools – Tampers, Saws, Jack Hammers, etc.	\$15/hr. + labor
Steel Plates	\$25.00/day

*Prices for equipment includes operator. No equipment without operator.

EXHIBIT B

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

2021 Fee Schedule

William C. Crosswell	\$180.00/hr.
All Other Shareholders	\$175.00/hr.
Associates	\$170.00/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.