

TOWNSHIP OF CAERNARVON
Lancaster County, Pennsylvania

RESOLUTION 2022010304

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CAERNARVON LANCASTER COUNTY, PENNSYLVANIA TO AMEND FEES FOR COMPLIANCE WITH STORMWATER MANAGEMENT ORDINANCE REQUIREMENTS WITHIN THE JURISDICTION OF THE TOWNSHIP.

BACKGROUND

WHEREAS, Caernarvon Township has been delegated by the Pennsylvania Department of Environmental Protection as the local authority in administering, permitting, processing, overseeing and managing the Township's Stormwater Management Ordinance all in accordance with the Conestoga Creek Stormwater Management Plan (ACT 167). Therefore, as Caernarvon Township responds to the responsibility and terms of this State mandate they have evaluated the prior terms of fees associated with the administration of this ACT.

WHEREAS, the Township desires to create, clarify, renew and/ or revise its schedule of fees paid by Developers/Sub dividers in connection with the review of Stormwater Management Plans by the Caernarvon Township Professional Staff; and MOREOVER in an effort to equitably assign the costs associated with this work to the "users" of this system (residents requiring stormwater management permits) they duly resolve the following: THEREFORE, in consideration of these terms it is hereby resolved by the Board of Supervisors of the Township of Caernarvon in Lancaster County Pennsylvania to establish the below fee schedule as follows:

SECTION 1 APPLICATION PERMITS & FEES. All fees associated with the design, receipt, review, processing and issuance of stormwater management permits as required by this Ordinance shall be the responsibility of the applicant. Any and all costs and fees incurred by the Township associated with processing and review of the permit documents shall be made payable to Caernarvon Township by the applicant at the then current fee rate schedule. These fees have been established to allow Caernarvon Township to reimburse the Township consultants for their services rendered in addition to recovery of administrative costs incurred by the Township. Additionally, Please take note that ALL Stormwater Management Plans, Reports & supporting documents, must be completed by the applicant or his/her agent for review and approval by the Township consultants. The fees set forth herein, do not cover any design work or construction costs for a Stormwater Management plan, report or supporting documents they are considered other costs in addition to these fees and are the responsibility of the applicant or his/her agent.

- A. **STORMWATER EXEMPTIONS (UNDER 1,000 SQUARE FT. OF IMPERVIOUS/EARTH DISTURBANCE)** for application for a single residential accessory structure/improvements as applicable and determined By Township Engineer as a qualifying exemption. **PERMIT APPLICATION FEE \$ 60.00**
1. The permit qualification is subject to review/determination by the Township Engineer. If NOT qualified permit will NOT BE ALLOWED.
 2. Application submitted to Township and reviewed by Township Engineer. A determination will be made whether project is eligible for exemption or not (not automatic).
 3. Impervious area for site improvements tracked by zoning officer and will be cumulatively considered for future projects.
- B. **SMALL STORMWATER PROJECTS (1,000 SQUARE FT. TO 5,000 SQUARE FT. OF EARTH DISTURBANCE)** for application for a single residential accessory structure/improvements as applicable and determined By Township Engineer as a qualifying small project. **PERMIT APPLICATION FEE \$ 175.00**
1. The permit qualification is subject to review/determination by the Township Engineer. If NOT qualified permit will NOT BE ALLOWED.
 2. Application submitted to Township and reviewed by Township Engineer. A determination will be made what improvements are required for compliance.
 3. Any and all stormwater improvements are required for compliance. No inspections are included with permit (self-compliance). However, any non-compliance properties are subject to enforcement actions (fines & penalties).
 4. Impervious area for site improvements tracked by zoning officer and will be cumulatively considered for future projects.
- C. **SINGLE LOT RESIDENTIAL STORMWATER PLANS** an application for the construction of a single residential structure and associated improvements on an existing lot as applicable and determined By Township Engineer as a qualifying project. **INITIAL PERMIT APPLICATION FEE \$ 3,200.00**
1. The permit qualification is subject to review/determination by the Township Engineer. If NOT qualified permit will NOT BE ALLOWED.
 2. Applicant is Responsible for engaging the services of an Engineer/Surveyor to prepare a stormwater plan meeting the requirements of the Caernarvon Township Stormwater Management Ordinance (Separate Costs Bourne by applicant).
 3. Application submitted to Township and reviewed by Township Engineer. A determination will be made whether the submitted plans and documents comply with the Caernarvon Township Ordinance requirements. An initial review letter of the plan and documents will be prepared by the Township Engineer identifying any items of non-compliance.

4. Applicant shall provide financial security for any and all improvements required for plan compliance. The financial security shall be posted with the Township until said improvements are satisfactorily installed and inspected by the Township.
5. The above fee shall include the following items as may be necessary in reviewing the application. These are generally inclusive items as may be appropriate. Due to the nature of the Fixed Fee no refunds will be made for any items not required for a particular application.
 - i. Determination made as to what is required for compliance and what if any items are non-compliant.
 - ii. Review any Waiver Requests and Recommendations to the Board.
 - iii. Review the Escrow amount and recommendations to the Board.
 - iv. One (1) meeting with the applicant and engineer completed after first review as needed.
 - v. One (1) Initial Plan & Document Review and One (1) second compliance Plan & Document review.
 - vi. Site Inspections of Improvements during Construction (three (3) site visits included).
 - vii. Applicant's engineer shall certify compliance of plan and report upon submittal and also upon final compliance submittal to address any Township Engineer review comments.

6. EXTRA COSTS AND FEES INCURRED. If it is determined that the stormwater plan and accompanying documents have NOT adequately addressed the Township Ordinance requirements and/or requires additional submittals and subsequent reviews, then any Additional Reviews, meetings, inspections and time required associated with the processing of the permit will be charged at the current hourly rate as established by the Board. The determination of non-compliance and additional submittals and reviews shall be made by the Township or its designee.

D. MULTIPLE LOT RESIDENTIAL AND/OR COMMERCIAL/INDUSTRIAL STORMWATER PLANS an application for the construction of multiple residential subdivision lots, commercial & industrial land development and associated improvements as applicable and determined By Township Engineer as a qualifying project. PERMIT APPLICATION FEE HOURLY FEE BASIS (ESCROW PER SCHEDULE BELOW AND AS NEEDED).

1. These type projects that do not qualify for classification of any other categories above will be processed on an hourly fee basis. The applicant shall, upon submission of the application for plan review, be required to tender, in accordance with the following schedule, certain monies to be placed in an escrow fund to be applied to satisfy professional and consultants' fees and/ or other costs incurred by the Township in reviewing said plans:

For Residential Subdivisions (a)

# of Lots/Units	Escrow Amount
1-2	\$2,000.00 + \$100.00 per lot
3-10	\$2,500.00 + \$100.00 per lot
11-20	\$3,000.00 + \$100.00 per lot
21-50	\$4,000.00 + \$100.00 per lot
51 or more	\$5,000.00 + \$100.00 per lot

OR For Land Developments (b)

# of ACRES	Escrow Amount
Less Than 2.01	\$2,000.00 + \$200.00 per acre.
2.01 - 5.00	\$2,500.00 + \$200.00 per acre.
5.01 - 10.00	\$3,000.00 + \$200.00 per acre
10.01 - 25.00	\$4,000.00 + \$200.00 per acre.
More than 25	\$5,000.00 + \$100.00 per acre.

In the event that the balance of the escrow account, required in (a) or (b) above, drops below 25% of the total amount of the required review fees established by the Township Supervisors herein above, or as subsequently amended, then upon written notice to the Applicant, Applicant shall within ten (10) days of such notice remit such additional amount required to pay in full all outstanding balance owed in connection with the review of the plan and to restore the balance to the original amount required by the then applicable fee resolution. Failure to pay any outstanding balance and/ or failure to restore the balance of the review fee to the original amount established by the Township may result in the rejection of Subdivision and Land Development Plan/Storm water Plan in accordance with the Pennsylvania Municipalities Code.

- E. CONSULTANT FEES REQUIRED FOR ABOVE PERMITS: The Board of Supervisors hereby directs that review fees for consultants (including but not limited to engineers, architects, and attorneys) engaged by the Township to review, comment upon or address such applications and plans shall be chargeable to and payable by the applicant, in addition to the aforesaid application fees at such rates that are reasonable and in accordance with the ordinary and customary charges by the consultants to the Township.
- The applicant remains liable for all fees and expenses incurred by the Township in connection with the review of the stormwater plan, application and supporting documents and all else necessary and incidental thereto.
 - Any and all fees and expenses due to the Township shall be payable to the Township by the applicant before the release of Final Plans or approvals and or issuance of building permits as the case may be.
 - The Applicant/Developer remains liable for all fees and expenses incurred by the Township in connection with the review of Applicants Subdivision and

Land Development /Storm water Plan. The Township shall refund or credit any unused portion of the review fees paid by the Applicant/Developer/Subdivider if the Applicant withdraws the Subdivision and Land Development/Storm water Plan during the review process or if the Plan is rejected

- F. **NONCOMPLIANCE:** Property owners found to be in non compliance with the Township's Stormwater Management Ordinance shall be required to pay all additional legal, engineering or consultant fees to bring said property into compliance with the stormwater management Ordinance.

SECTION 2 - ADMINISTRATION & PAYMENT OF FEES. The initial application fee shall be tendered by the applicant to the Township upon the initial application/plan submission. Invoices for the professional service fees shall commence upon the receipt of the initial fee and completed application. Regular Invoices shall be sent for payment as review of the application is completed. All Invoices shall be made payable to Caernarvon Township.

SECTION 3 -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 remainder of the Resolution shall be and shall remain in full force and effect.

EFFECTIVE DATE: This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 3rd day of January, 2022 by the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania in lawful session duly assembled.

Township of Caernarvon

Lancaster County, Pennsylvania

Attest: Kathryn M Norris By: Robert B. Lauffer
Kathryn M Norris Robert B. Lauffer
Secretary Chairman, Board of Supervisors

(TOWNSHIP SEAL)

