

ORDINANCE NO. 98 - 2

AN ORDINANCE OF PENN TOWNSHIP, SNYDER COUNTY, AMENDING ORDINANCE NO. 85-3, AS AMENDED, PROVIDING FOR THE ESTABLISHMENT OF SUBDIVISION REVIEW FEES, COSTS AND EXPENSES BY RESOLUTION, AND PROVIDING PROVISIONS FOR COST AND EXPENSE DISPUTE RESOLUTION.

BE IT ORDAINED AND ENACTED by Penn Township, Snyder County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION ONE: Article II, Section 2.03 and its subsections, of Township Ordinance No. 85-3 is hereby amended to read as follows:

"§2.03 Fee Schedule

2.031 The fees for filing and review of subdivision plans pursuant to the provisions of this ordinance shall be as established from time to time by Resolution of the Board of Supervisors.

2.032 In cases where additional costs and professional fees may be reasonably and necessarily incurred by the Township in order to facilitate proper review of a plan, the applicant shall be notified of, billed and shall pay such additional costs and fees. In the event that the applicant shall dispute the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to Applicant's request over disputed fees. In the event that the parties cannot agree on the amount of review fees which are reasonable and necessary, then the parties shall follow the following procedure for dispute resolution (as set forth in Section 510(g) of the Municipalities Planning Code):

2.0321 If, within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

2.0322 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 50 days of the billing date. The applicant shall be

required to pay the entire amount determined in the decision immediately.

2.0323 In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the 17th Judicial District (or of at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.

2.0324 The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required by the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half the fee of the appointed professional engineer."

SECTION TWO: Effective Date

This ordinance shall become effective five days after adoption.

ORDAINED AND ENACTED this 7th day of April, 1998.

PENN TOWNSHIP BOARD OF SUPERVISORS

Attest:

Joyce M. Ulrich

Joyce M. Ulrich, Secretary

Ray W. Klingler
Ray W. Klingler, Chairman

George R. Sampsell
George R. Sampsell, Vice-Chairman

Jon Payne
Jon Payne, Supervisor