

BOROUGH OF PALMYRA

Lebanon County, Pennsylvania

RESOLUTION NO. 2020-24

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF PALMYRA, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING FEES FOR THE SUBMISSION AND REVIEW OF SUBDIVISION AND LAND DEVELOPMENT PLANS, STORMWATER MANAGEMENT PLANS AND FOR THE INSPECTION OF IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AS PART OF SUCH PLANS; REESTABLISHING VARIOUS FEES FOR MISCELLANEOUS BOROUGH PERMITS, INSPECTION FEES, LICENSING FEES, AND OTHER SERVICES.

WHEREAS, the Borough of Palmyra has various ordinances that provide for costs, licensing, and permit fees to municipal services, subdivisions, zoning applications, and the like; and

WHEREAS, the Borough of Palmyra desires to place many of said fees into a single Resolution to facilitate the distribution and understanding of such and to alter the same so that such may more closely approximate the actual costs of processing requests for such services

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, as follows:

Section 1. PUBLIC RECORD REQUEST

Photocopying (per page)	\$.25 per side of 8.5"x11" page
Faxing Public Record	\$.50 per page (including cover page)
Postage or Express mail	\$ Actual Cost
Formatted Computer Discs and/or thumb drives (unless provided by the requestor)	\$5.00 each
3 rd Party Copies	\$ Actual Cost
True & Correct Copy Certification	\$5.00 per document
Certification Record does not exist	\$5.00 per document
Deposit to Secure Return of Records	\$10.00

Section 2. BOROUGH PUBLICATIONS

Comprehensive Plan	\$50.00 (plus postage if mailed)
Zoning Ordinance	\$30.00 (plus postage if mailed)
Subdivision & Land Development Ordinance	\$30.00 (plus postage if mailed)
Stormwater Management Ordinance	\$15.00 (plus postage if mailed)
Zoning Map (11" X 17") color	\$ 5.00 (plus postage if mailed)

Section 3. PERMITS

Sidewalk / Curb Inspection Permit	\$15.00 each for new or repair/replacement
Street Excavation Permit	PennDOT Fee Schedule Highway Occupancy
Street Closing Permit	\$150.00 Refundable Barricade deposit
Driveway Permit	\$25.00 No charge for resurfacing

Solicitation Permit	\$10.00/day/person, or \$25.00/year for distributing advertising material
	\$25.00/day/person or
	\$50.00/year/person – other solicitation
Uniform Construction Code Permit	Set by Third Party Agency
Zoning Permit	\$50 for \$0 - \$3,000 project value
	\$3.00 for every additional \$1,000 in value over \$3,000
	- If construction/activity commences prior to a permit being issued, the permit fees may be doubled.
Zoning Permit Expedite Fee	\$50.00
Certification of Zoning District	\$15.00

Section 4. ZONING APPLICATION FEES

Zoning Hearing Board Application or Appeal	\$500.00
Conditional Use Application	\$500.00
Zoning Map, or Curative Amendment Application	\$Actual Costs
UCC Appeals Board Application	\$500.00

Section 5. STORMWATER MANAGEMENT APPEALS

Stormwater Management Appeal Application	\$250.00
SWMGMT Appeal Application (with professional representation)	\$500.00

Section 6. PROPERTY MAINTENANCE APPEALS

Property Maintenance Code Appeal	\$250.00
Property Maintenance Code Appeal (with legal representation)	\$500.00

Section 7. MEMORIAL PARK RENTAL

Pavilion and Restrooms	\$75.00/residents, \$150.00/non-residents
Pavilion, Restrooms and Kitchen	\$100.00/residents, \$200.00/non-residents
Pavilion/Restrooms, Kitchen and Band Shell	\$150.00/residents, \$300.00/non-residents

Section 8. REFUSE/RECYCLING

Recycling Container	\$13.00 each
Yard Waste Container	\$13.00 each
Refuse Container	\$17.00 each
Large Item Tag	\$10.00 each
Extra Capacity Bag Tag	\$3.00 each
Single Bag Program – Extra bags	\$7.00 each

Section 9. WASTE WATER TREATMENT

New Sewer Connection Tapping Fee	\$1,000
Sewer Connection Inspection Fee	Set by Third Party Agency

Section 10. PUBLIC WORKS SERVICES

Labor Rate	\$35.00 / hour + Expenses
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Equipment Rates

Set By the Current FEMA Rate Chart

Section 11. POLICE SERVICES

Parking Tickets	\$25.00
Handicap Parking Violations	\$50.00
Accident Report	\$15.00
Criminal History	\$10.00
Dog Pickup Fee	\$50.00
False Alarm Fee	\$50.00/3 rd , 4 th , & 5 th \$150.00/6 th & Over
Bicycle License	\$1.00

Amusement Tax

Amusement Tax Device	\$50.00
Music Machine	\$25.00
Copies	\$00.25

Section 12. CODE ENFORCEMENT FEES:

Ticket – Tall Weeds & Grass	\$100.00
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Section 13. RESIDENTIAL RENTAL LICENSE

License Fee	\$50/unit/year
Inspection Fee / Reinspection Fee	\$45/hour (minimum 1 hour)
Appeals Filing Fee	\$0 if no legal Counsel present \$300 if legal Counsel present
Duplicate License Fee	\$20.00

Section 14. 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 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: preliminary, final, revised and lot add-on plan filing fee:

Basic Fee:

Residential	\$400.00
Non-Residential	\$600.00

Additional Fee:

Residential	\$30.00 per lot or unit of occupancy
Non-Residential	\$30.00 per acre

(b) Sketch Plan	\$400.00
(c) Lot add-on plan	\$400.00
(d) Waiver request (per waiver)	\$75.00

(e)	Minor storm water management plan (500-5,000sq' new impervious)	\$250.00
(f)	Major storm water management plan (> 5,000sq' new impervious)	\$500.00
(g)	Storm water management plan exemption request	\$500.00
(h)	Pre-application meeting with Borough staff (if the applicant desires that the Borough 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)	\$ Actual Cost

The filing fee shall be used to reimburse the Borough 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 15. Posting of Escrow for Reimbursement of Borough Expenses in Processing Subdivision and Land Development, Public Street and Storm Water Management Applications.

Each applicant shall deposit with the Borough 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 Borough 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 Borough may incur in the connection with the processing of the application and development of the property. The Borough shall be 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 Borough. 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 Borough 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 Borough shall bill applicant/developer for the actual or anticipated additional costs. In the event the Escrow Fund is in excess of the Borough's costs, the Borough 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:

(a)	Minor Residential Subdivision or Land Development Plan (1.5 Lots or Units of Occupancy)	\$2,000.00
(b)	Major Residential Subdivision or Land Development Plan (6-20 Lots or Units of Occupancy)	\$5,000.00
(c)	Major Residential Subdivision or Land Development Plan (21 or more Lots or Units of Occupancy)	\$7,500.00
(d)	Non-Residential Subdivision or Land	\$5,000.00

(e)	Sketch Plan	\$1,000.00
(f)	Lot add-on plan	\$1,000.00
(g)	Waiver request (per waiver)	\$75.00
(h)	Minor stormwater management plan	\$0
(i)	Major stormwater management plan (not part of land plan)	\$1,000.00
(j)	Stormwater management plan exemption request	\$0
(k)	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	\$Actual Cost

Section 16. Fees and Escrow Payable With Application. All filing fees and any required escrow deposit must be submitted to the Borough with plan applications. Plan applications shall not be accepted without fees and required escrow deposits, and neither the Palmyra Borough Planning Commission nor the Palmyra Borough Council 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 Lebanon 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 Borough of Palmyra.

Section 17. 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 Lebanon and any recording fees shall be paid by the applicant.

Section 18. 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 Borough Council, 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 One-Thousand Five-Hundred (\$1,500.00) Dollars per individual residential lot or individual dwelling unit shall be considered per se an acceptable fee in lieu of dedication in accordance with Section 318-40 of the Borough Subdivision and Land Development 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 Five-Hundred (\$1,500.00) Dollars per individual residential lot or dwelling unit is acceptable shall so notify the Borough 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 Borough 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 Section 318-40 of the Borough Subdivision and Land Development Ordinance, the developer shall provide the Borough 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 Borough disagree with the developer's estimated population per dwelling unit, the developer shall also present the Borough with census data and other empirical information concerning household sizes within Palmyra Borough and within Lebanon County to enable the Borough 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 318-40 of Borough Subdivision and Land Development Ordinance based upon the estimated population of the proposed development established by the Borough 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 Borough prior to fifty percent occupancy of the development project.

C. After the Borough and developer have agreed upon the amount of land which developer is required to dedicate to the Borough, if the developer desires to pay a fee in lieu of dedication and does not desire to pay the fee established by Section 16 of this Resolution, the developer shall provide the Borough 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 Borough 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 Borough 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 Borough, 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 Borough 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 Borough, the fair market value shall be determined in accordance with Paragraph C. The developer shall provide the Borough with a copy of the deed and any realty transfer tax statement of value filed with the Recorder of Deeds of Lebanon 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 Borough 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 Borough 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 Borough 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 Borough.

The Borough Council 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 19. 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 Borough 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 Borough 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 Borough Council 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 Borough Council 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 20. Reimbursement of Costs for Acceptance of Dedication of Park and Recreation Land. If developer shall dedicate park and recreational land to the Borough, developer shall, at developer's sole cost and expense, provide the Borough with a legal description of the land, a plot plan of the land, and a title search. The Borough 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 Borough. Developer's financial security shall not be finally released until developer has transferred all park and recreation land to the Borough. Developer shall pay all recording costs and other incidental costs associated with the transfer and shall, if requested by the Borough, pay any costs necessary to construct and install a sign identifying the land as park and recreation land open to the general public.

Section 21. Reimbursement for Plan and Document Review Expenses. Applicants shall reimburse the Borough for all reasonable and necessary charges incurred by the Borough's professional consultants, including but not limited to the Borough Engineer and the Borough Solicitor, for the review and any report or reports to the Borough 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 Borough Engineer, Borough Solicitor or other professional consultant for the services performed. The present fee schedule of the Borough Engineer is attached as Exhibit "A" and the present fee schedule of the Borough Solicitor is attached as Exhibit "B". Such schedules shall be revised from time to time to reflect the changes in the rates charged to the Borough by the Borough Engineer, Borough Solicitor, or such other professional consultant. The filing of a plan or application under the Palmyra Borough Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and/or Road Ordinance shall constitute an implied agreement by the applicant to pay such expenses.

Section 22. Reimbursement for Inspection of Improvements when such Inspection is Performed by the Borough Engineer or other Professional Consultant. Developers shall reimburse the Borough for all reasonable and necessary charges incurred by the Borough's professional consultants or the Borough Engineer for inspection of the improvements required to be constructed under the Subdivision and Land Development Ordinance or the Storm Water Management Ordinance or the Borough Road Ordinance and any report or reports to the Borough thereon. Such inspection fees shall be the actual fees charged by the Borough Engineer or other professional consultant for the services performed. The present fee schedule of the Borough 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 Borough by the Borough Engineer.

Section 23. Reimbursement for Inspection of Improvements when such Inspection is Performed by Borough Personnel. In some circumstances, inspection of improvements may be performed by personnel employed by the Borough. If the inspection is performed by Borough personnel, developers shall reimburse the Borough for all reasonable and necessary charges incurred by the Borough 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 Borough thereon. When the inspection is performed by Borough personnel, the fee shall be forty (\$30.00) Dollars per hour. A minimum charge of forty (\$30.00) Dollars per 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 Borough of utilizing its personnel to perform such inspections. The developer shall also reimburse the Borough for all mileage reimbursement which the Borough may pay to its personnel if such personnel use personal vehicles to travel to and from a development site.

Section 24. 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, within ten (10) days of the billing date, notify the Borough Secretary that such fees are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land

development application or 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 twenty (20) days of the date of billing, the Borough and the developer cannot agree on the amount or the expenses which are reasonable and necessary, then the Borough and the developer shall jointly, by mutual agreement, appoint another professional engineer to review such charges and expenses and make a determination as to the amount thereof which is reasonable and necessary.

2. 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 fifty (50) days of the billing date. The developer shall pay the entire amount determined in the decision immediately.

3. The fee of the professional engineer for determining the reasonable and necessary expenses shall be paid by the developer if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required is less than the original bill by One Thousand (\$1,000.00) Dollars or more, the Borough shall pay the fee of the professional engineer. In all other situations the Borough and the developer shall each pay one-half (1/2) the fee of the professional engineer.

4. If the Borough and the developer cannot agree upon the professional engineer to be appointed, the engineer shall be selected in the manner provided in Article V of the Pennsylvania Municipalities Planning Code.

Section 25. Additional Expenses. All expenses incurred by the Borough 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. A charge of Thirty (\$30.00) Dollars per hour, per person for Borough personnel shall be billed for the costs of installing traffic control signs or performing other services for the development. 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 Borough for all mileage reimbursement which the Borough may pay to its personnel if such personnel use personal vehicles to travel to and from a development site. If the Borough is required to provide snow removal service on a street not accepted by the Borough, the developer shall be charged the reasonable and customary commercial rate for such service plus the actual cost of all materials used.

Section 26. Other Borough Fees

DULY ADOPTED this 14th day of May, 2020 by Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF PALMYRA
Lebanon County, Pennsylvania

Attest: _____

Robert E. Bond
(Assistant) Secretary

By: _____

Beth Shearer
(Vice) President
Borough Council



