

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE #2023-06

AN ORDINANCE OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1978, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 137 OF THE CALN CODE, SPECIFICALLY TO AMEND THE ADMINISTRATION OF FEES RELATED TO SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS AS OUTLINED IN SECTION 137-13, TITLED "FEES" AND SECTION 137-47, TITLED "WATER SUPPLY", SPECIFICALLY SUBPARAGRAPH E. "HYDRANTS" TO REQUIRE THE INSTALLATION OF FIRE HYDRANTS PRIOR TO CONSTRUCTION.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Caln Township Board of Commissioners that the Caln Township Subdivision and Land Development Ordinance of 1978, as amended, which is codified in Chapter 137 of the Caln Code shall be amended as follows:

SECTION 1. Section 137-13, titled "Fees" is amended as follows:

A. Section 137-13.A is amended and shall read as follows:

"§137-13.A. The Board of Commissioners shall establish by resolution a schedule of fees to be paid by the applicant at the time of filing and prior to the release of subdivision/land development plans ("Fee Schedule")."

B. Section 137-13.C is amended and shall read as follows:

"§137-13.C. Administration of fees.

(1) Upon filing of a subdivision and/or land development plan, the applicant shall pay, together with the filing fee, an amount as established in the Fee Schedule, set by resolution of the Board of Commissioners from time to time for professional consultants' fees related to plan review, which monies shall be placed into an escrow account (the "Plan Review Escrow"). The term "professional consultants" shall include any persons who provide expert or professional advice, including but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

(2) Prior to the release of an approved subdivision and/or land development plan for recording, the applicant shall pay to the Township an amount as established in the Fee Schedule set by resolution of the Board of Commissioners from time to time for professional consultants' fees related to inspection of improvements, which monies shall be placed into an escrow account (the "Inspection Fee Escrow"). Any money remaining in the applicant's Plan Review Escrow may be carried over into the Inspection Fee Escrow.

(3) Upon approval of the plan, if there are no improvements for which inspections will be required, any monies remaining in the Plan Review Escrow shall be returned to the applicant. Upon completion of all improvements, and acceptance of dedication of any public improvements by the Township, any balance remaining in the Inspection Fee Escrow shall be returned to the applicant. No earth disturbance or improvements shall take place upon the subject property until an Inspection Fee Escrow is established.

(4) Upon receipt of a bill for professional consultants' fees for which either the Plan Review Escrow or the Inspection Fee Escrow has been established, the Township shall internally process, approve and authorize payment of such bill from either the Plan Review Escrow or the Inspection Fee Escrow, as appropriate. The Plan Review Escrow or the Inspection Fee Escrow shall be replenished by the Applicant when the balance thereof is less than fifty (50%) of the original escrow deposit amount.

(5) If the applicant fails to submit payment within the deadlines as set forth above and/or fails to fund the Plan Review Escrow and/or the Inspection Fee Escrow to required amounts, professional plan review shall cease, and the processing of all applications and/or issuance of approvals/permits shall also cease until financial obligations are met.

(6) If there is a dispute by the applicant with regard to a professional consultant's invoice, such dispute shall be processed as provided in the Municipalities Planning Code."

SECTION 2. Section 137-47, titled "Water Supply" is amended to add a new subparagraph E.(3) to read as follows:

"§137-47.E(3) All fire hydrants required by an approved subdivision or land development plan shall be installed and operational prior to the construction of any buildings or structures approved by the subdivision or land development plan."

SECTION 3. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the

Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 4. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 5. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED this 14th day of December, 2023.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Don Vymazal,
Township Secretary

Paul Mullin, President

Jane Kennedy, Vice-President

Joshua B. Young, Commissioner

Lorraine M. Tindaro, Commissioner

Mark Evans, Commissioner