

**CALN TOWNSHIP**

**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020 - 02**

**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, SECTION 137-13 RELATING TO PROFESSIONAL CONSULTANT FEE REIMBURSEMENT AND AMENDING THE CALN TOWNSHIP ZONING ORDINANCE OF 2005, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 155 OF THE CALN CODE; SPECIFICALLY SECTION 155-168.A TO CHANGE THE NUMBER OF MEMBERS OF THE ZONING HEARING BOARD FROM 3 TO 5 AND SECTION 155-168.B(5) TO CHANGE THE NUMBER OF ALTERNATE MEMBERS THAT MAY BE APPOINTED TO SERVE ON THE ZONING HEARING BOARD.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Caln Township Board of Commissioners that the Caln Township Code shall be amended as follows:

**SECTION 1.** The Caln Township Subdivision and Land Development Ordinance of 1978, as amended, which is codified in Chapter 137 of the Caln Code, Section 137-13 titled, "Fees" shall be amended to read as follows:

**"§137-13. Fees.**

- A. The Board of Commissioners shall establish by resolution a schedule of fees to be paid by the applicant at the time of filing a subdivision and/or land development plan.
- B. The Board of Commission has adopted a policy titled, "Consultant Fee Reimbursement Policy and Procedures" ("Consultant Reimbursement Policy") which is on file at the Township and posted on the Township's website. While the Consultant Reimbursement Policy is generally consistent with this §137-13, the applicant should refer to the most recently updated Consultant Reimbursement Policy for the most current policies and procedures related to consultant fee reimbursement and payment obligations. The Consultant Reimbursement Policy also sets forth specific administrative and processing details related to the applicant's financial obligations.

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 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) At the time of approval of a subdivision and/or land development plan, the applicant shall pay to the Township an amount as set by resolution of the Board of Commissioners from time to time for professional consultants' fees related to inspection of public 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. Upon approval of the plan if there are no public improvements for which inspections will be required or upon completion and acceptance of dedication of public improvements by the Township, any monies remaining in 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.
- (3) Upon receipt of a bill for professional consultant's 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, and the Township shall mail a Payment Reimbursement Letter to the applicant requiring a payment reimbursement within 30 days of the date of the letter. If the applicant fails to return full payment within the required 30 days, the Township is authorized to withdraw the appropriate amount of funds from the associated escrow account. In such case, the Township will send a 15-day notice to the applicant advising of the need to fund the escrow account to the required amount. A similar notice will be sent if there are insufficient funds in the escrow account to pay the professional consultant's bill.
- (4) If the applicant fails to submit payment within the deadlines as set forth above and/or fails to fund escrows 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.

- (5) 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.
  - (6) Any interest earned on an escrow account shall be retained by the Township as an administrative fee unless otherwise prohibited by law.
- D. Township approvals/permits will not be issued and a final plan shall not be recorded unless all fees and costs owed to the Township are paid in full."

**SECTION 2.** The Caln Township Zoning Ordinance of 2005, as amended, which is codified in Chapter 155 of the Caln Code, Section 155-168.A shall be amended to read as follows:

"A. The Caln Township Board of Commissioners shall appoint five residents to serve as members of the Zoning Hearing Board in accordance with the provisions of the Caln Township Code and Pennsylvania Municipalities Planning Code."

**SECTION 3.** The Caln Township Zoning Ordinance of 2005, as amended, which is codified in Chapter 155 of the Caln Code, Section 155-168.B(5) shall be amended to read as follows:

"(5) The Board of Commissioners may appoint by resolution at least one but no more than three residents to serve as alternate members of the Zoning Hearing Board."

**SECTION 4. 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 5. Repealer.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon enactment as by law provided.

Ordinance #2020-02  
Amendment to Ch. 137 "Subdivision and Land Development Ordinance"- Consultant Fees  
and Ch. 155 "Zoning" – Zoning Hearing Board members

ENACTED AND ORDAINED this day of \_\_\_\_\_, 2020.

ATTEST:

**CALN TOWNSHIP  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Kristen Denne, Secretary

\_\_\_\_\_  
Paul Mullin, President

\_\_\_\_\_  
Jane Kennedy, Vice-President

\_\_\_\_\_  
Joshua B. Young, Member

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Lorraine M. Tindaro, Member

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Mark Evans, Member