

West Marlborough Township Resolution Number #13-2009

A RESOLUTION ESTABLISHING THE AMOUNT AND PROVIDING FOR THE TIME AND METHOD OF PAYMENT OF FEES TO WEST MARLBOROUGH TOWNSHIP FOR ADMINISTRATION OF THE TOWNSHIP'S ZONING ORDINANCE AND FOR ZONING RELATED HEARINGS BEFORE THE ZONING HEARING BOARD AND BOARD OF SUPERVISORS

Whereas, West Marlborough Township incurs expenses when a zoning application is filed that requires a hearing before the Board of Supervisors or the Zoning Hearing Board; and

Whereas, West Marlborough Township incurs expenses when the Board of Supervisors or Zoning Hearing Board conducts a public hearing on behalf of an applicant; and

Whereas, the Municipalities Planning Code and the Township's Zoning Ordinance allows the governing body to prescribe reasonable fees with respect to the administration of a zoning ordinance and with respect to hearings before the Zoning Hearing Board and Supervisors;

NOW, THEREFORE, BE IT RESOLVED, AND ENACTED BY THE SUPERVISORS OF WEST MARLBOROUGH TOWNSHIP that the applicant shall pay the following fees to the Township at the time the application is submitted to the Township, which fee shall be considered a material part of the application.

Section 1: Application Fees for Hearings before the Zoning Hearing Board

1. Variance and Special Exception Applications
 - a. \$500 for Applications involving single residential uses.
 - b. \$2,500 for Applications involving all non-residential and multi-residential uses.
2. Challenge to the Validity of an Ordinance
 - a. \$1,500 for a request to challenge the validity of an ordinance.
3. Appeals from a Zoning Officer's Determination or Enforcement Notice
 - a. \$500 for an appeal from a zoning officer's determination or enforcement notice involving a single residential use.

- b. \$2,500 for an appeal from a zoning officer's determination or enforcement notice involving all non-residential and multi-residential uses.
- 4. Additional Hearings
 - a. \$350 for each additional hearing requested by Applicant.

Section 2: Application Fees for Hearings before the Board of Supervisors

- 1. Conditional Use Applications
 - a. \$2,500 for all conditional use applications.
- 2. Curative Amendments and Challenge to the Validity of an Ordinance
 - a. \$2,500 for a curative amendment.
- 3. Petitions to Amend the Zoning Ordinance or Zoning Map
 - a. \$2,500 for petitions requesting a zoning text amendment.
 - b. \$3,000 for petitions requesting a zoning map amendment.
- 4. Additional Hearings / Postponements
 - a. \$350 for each additional hearing requested by Applicant.
 - b. \$350 for a postponed hearing that requires the Township to place another advertisement.

Section 4: Administrative Costs in Excess of Application Fee

An Applicant will be billed the actual costs for administrative costs, advertising and ½ of court reporter fees when such costs exceed the application fees set forth above.

Section 3: Requirement to Submit Fee with Application

An Applicant's failure to submit the required fee with the application shall render the application incomplete in which case the Township may refuse to accept the application as complete until it is accompanied by the required fee.

Section 4: Questions as to Application of Fee

Should there be any question as to which fee applies to a particular application, the Township's Zoning Officer shall review the application and make a determination as

to which fee is most appropriate.

Section 5: Refunds

An Applicant that withdraws an application prior to the Township incurring any costs will be entitled to a refund of seventy-five percent (75%) of the fee. No fee shall be refunded once the Township advertises the hearing even if an Applicant withdraws an application prior to the commencement of the first hearing.

Section 6: Enforcement

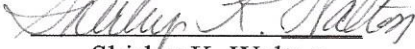
West Marlborough Township may enforce the provisions of this Resolution by appropriate actions in law or equity as permitted by the Municipalities Planning Code and the Township's Zoning Ordinance.

Section 7: Repealer

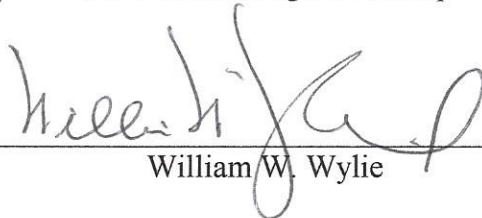
All other Resolutions inconsistent with this Resolution are hereby repealed and of no force and effect.

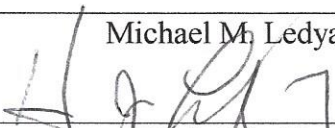
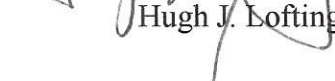
Adopted 11/2/09

Board of Supervisors

Attest 
Shirley K. Walton

West Marlborough Township


William W. Wylie


Michael M. Ledyard

Hugh J. Lofting