

# Franklin Township Subdivision and Land Development Ordinance

## ARTICLE VI FEES

### 600. Preliminary Plan.

At the time of filing, the Preliminary Plan shall be accompanied by a check, payable to the Township, in an amount equal to the fee required for consideration of Preliminary Plans set forth in the fee schedule currently in force in the Township.

### 601. Final Plan.

At the time of filing, the Final Plan shall be accompanied by a check, payable to the Township, in the amount equal to the fee schedule currently in force in the Township.

### 602. Fees for Review and Implementation of Plan.

- A. The Township may charge review fees, including reasonable and necessary charges by the Township's professional consultants for report to the Township. The need for such professionals, and the selection thereof, shall be determined solely by the Board of Supervisors.
- B. Review fees shall be based upon a schedule established by Resolution of the Board. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the Township when fees are not reimbursed or otherwise imposed on applicants. Fees charged to the Township relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an Applicant.
  1. The Township shall submit to the Applicant an itemized bill showing the work performed in connection with the inspection of improvements performed identifying the person performing the services and the time and date spent for each task. In the event the Applicant disputes the amount any such review fees, the Applicant shall, no later than forty-five (45) days after the date of transmittal of the bill to the Applicant, notify the Township and the Township's professional consultant that such fees are disputed, and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the Applicant's dispute over fees. Failure of the Applicant to dispute a bill within forty-five (45) days shall be a waiver of the Applicant's right to arbitration of that bill under this section.
  2. If, the professional consultant and the Applicant cannot agree on the amount of review fees which are reasonable and necessary, then the Applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the Applicant, to request the appointment of another professional consultant to serve as arbitrator. The Applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant, of the same profession or discipline as the professional consultant whose fees are being disputed, to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary.

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3. The arbitrator so appointed shall hear such evidence and review such documentation, as the arbitrator in his or her sole opinion deems necessary and render a decision no later than fifty (50) days of the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.
  4. In the event that the Township's professional consultant and the Applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the York County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
  5. The fee of the arbitrator shall be paid by the Applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than five thousand dollars (\$ 5,000), the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the Applicant or the professional consultant. The Township and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.
  6. Subsequent to a decision on an application, the Township shall submit to the Applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.
- C. The Township may require that the developer pay a deposit to cover the cost of engineering and legal review of the plan. If following approval of the plan and satisfaction of any agreements, any portion of such deposit which is unused shall be returned to the developer. If the amount of the deposit is insufficient to cover the cost of such engineering and legal review, the developer may be required to submit additional funds or to reimburse the Township the additional costs for review of the plan.
- D. Material Tests.  
The landowner or developer shall pay to the use of the Township and upon invoice rendered by the Township, the cost of performing all material tests determined by the Board of Supervisors to be necessary or desirable in connection with the inspection or approval of all subdivision and/or land development plans or improvements.
- E. Inspection Fees.  
The developer or applicant may be required, as part of the land development agreement, to submit to the Township an amount as estimated by the Township Engineer, a fee to be placed in an escrow account to cover the cost of inspection of construction to certify that subdivisions and land developments are constructed in accordance with the approved plans.

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This shall include any necessary inspection services to process reduction in improvement bonds or surety.

F. Other Fees.

The landowner or developer shall pay the Township for all fees incurred by the Township in the preparation and review of the Subdivision and/or Land Development Agreements, Improvement and Maintenance Bonds, Escrow Agreements, and other instruments deemed necessary or desirable by the Board of Supervisors in connection with subdivisions or land developments.