

PENN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**RESOLUTION NO. 2011- 4****A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PENN, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING AN EXTENSION FEE AND A VERIFICATION FEE FOR THE EXTENSION OF DEVELOPMENT-RELATED TOWNSHIP APPROVALS, PURSUANT TO ACT 46 OF 2010**

WHEREAS, pursuant to Article XVI-I of the Act of April 9, 1929 (P.L. 343, No. 176), known as the Fiscal Code, added July 6, 2010 (P.L. 279, No. 46) (hereafter "Act 46"), an extension period applies to certain development-related approvals granted by the Township of Penn ("Township"), as more specifically identified in Act 46; and

WHEREAS, Act 46 applies to those certain approvals as were set to expire on or after January 1, 2009, but before July 2, 2013, whether they were approved before or after January 1, 2009; and

WHEREAS, Act 46 extends the validity of those certain approvals through July 1, 2013; and

WHEREAS, Section 1606-I(C) of Act 46 authorizes the Township to charge a fee to extend those approvals covered therein, with such fee not to exceed twenty-five percent (25%) of the original application fee or five thousand dollars (\$5,000); and

WHEREAS, Section 1605-I of Act 46 authorizes the Township to charge a fee for written verification of either the existence of a valid approval or the expiration date of an approval, when such verification is sought from the Township by the holder or recipient of an approval; and

WHEREAS, the verification fee under Section 1605-I(B) for a residential approval may not be more than one hundred dollars (\$100) and for a commercial approval may not be more than five hundred dollars (\$500); and

WHEREAS, the Township Board of Supervisors recognizes that the extension of these approvals may reduce the amount of revenue the Township receives from new or renewal application fees; and

WHEREAS, the Township Board of Supervisors recognizes that Act 46 imposes new administrative costs on the Township in receiving, assessing, and responding to verification requests; and

WHEREAS, the Township Board of Supervisors desires to establish a fee, in the amount of the lesser of twenty-five percent (25%) of the original application fee or five thousand dollars

(\$5,000), to extend approvals covered by Act 46 that were issued by the Township, or any of its agencies, departments, authorities, commissions, or boards; and

WHEREAS, the Township Board of Supervisors desires to establish a fee, in the amount of one hundred dollars (\$100) for a residential approval or five hundred dollars (\$500) for a commercial approval, to provide a written verification of the validity or expiration date of such approval, when such verification is requested by the recipient or holder of the approval.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Act 46, the Board of Supervisors of Penn Township hereby resolves as follows:

1. The Township shall charge a fee of the lesser of twenty-five percent (25%) of the original application fee or five thousand dollars (\$5,000), for the extension of an approval extended by Act 46; and
2. The Township shall charge a fee of one hundred dollars (\$100) to provide written verification of the existence or expiration date of a residential approval; and
3. The Township shall charge a fee of five hundred dollars (\$500) to provide written verification of the existence or expiration date of a commercial approval.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Penn Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

FURTHER RESOLVED, that this Resolution shall be effective immediately.

IN WITNESS WHEREOF, the Board of Supervisors of Penn Township has adopted this Resolution in lawful session this 20 day of February, 2011.

BOARD OF SUPERVISORS OF
PENN TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

Kyer P. G.
Chairman


S. Math
Member

Member

Attest: Denise M. Klopp
Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of Penn Township, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 28 day of February, 2011.


Secretary of Penn Township

Dated: February 28, 2011