

**MAXATAWNY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2022-09**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MAXATAWNY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, REPEALING, REVISING RESTATING, ESTABLISHING AND AMENDING FEES TO BE CHARGED IN CONNECTION WITH HEARINGS BEFORE THE TOWNSHIP OF MAXATAWNY ZONING HEARING BOARD AND BEFORE THE BOARD OF SUPERVISORS CONCERNING APPEALS FROM THE DETERMINATION OF THE ZONING OFFICER; APPLICATIONS FOR VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USES AND CHALLENGES TO THE VALIDITY OF THE ZONING ORDINANCE AND THE ADMINISTRATIVE FEE FOR USE OF THE TOWNSHIP BUILDING AND PREPARATION FOR ZONING HEARINGS**

**WHEREAS**, zoning in the Township of Maxatawny is governed by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et. seq.; and

**WHEREAS**, Section 908(1.1) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908(1.1) ("MPC"), authorizes a governing body to prescribe reasonable fees with respect to zoning hearings including necessary administrative overhead connected with the hearing; and

**WHEREAS**, pursuant to the MPC the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, may impose fees for hearings before the Zoning Hearing Board and fees for proceedings before the Board relating to conditional uses and amendments, including curative amendments, to the Zoning Ordinance of the Township of Maxatawny, including the Zoning Map (the "Zoning Ordinance"); and

**WHEREAS**, pursuant to the MPC, the Township adopted Resolution 2004-8, , which repealed, restated, amended and established a fee schedule for appeals and applications regarding the Zoning Ordinance for the Township of Maxatawny, the Zoning Hearing Board and Board of Supervisors (the "Fee Schedule"); and

**WHEREAS**, upon consideration of the costs involved in hearings and processing zoning applications, appeals and petitions, the Board of Supervisors of the Township of Maxatawny desires to repeal, restate, establish and amend the fees for said zoning hearings set forth in the Fee Schedule; and

**WHEREAS**, the Board of Supervisors further desires to amend the Fee Schedule for reasonable administrative overhead fee for the costs of opening and operating the building and preparation for zoning procedures before the Zoning Hearing and Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, that the Fee Schedule is hereby repealed, restated, established and amended as follows:

All Zoning Applications or Appeals to the Township Zoning Hearing Board or Board of Supervisors including challenges to the validity of the Zoning Ordinance:

	Type of Application or Appeal	Application Fee
A.	Appeal of Zoning Officer Determination or Enforcement Notice, Variance or Special Exception for Residential Use in a Residential Zone or Non-Residential Zone	\$700.00
B.	Appeal of Zoning Officer Determination or Enforcement Notice, Variance or Special Exception for a Non-Residential Use in a Residential Zone or Non-Residential Zone	\$1500.00
C.	Application for a Curative Amendment	\$1500.00
D.	Application for Validity Challenge	\$1500.00
E.	Application for Conditional Use	\$2000.00
	1. Residential Additional Fee	\$50 per each lot or dwelling unit
	2. Non Residential Additional Fee	\$50.00 per acre
F.	Requests for Rezoning (Parcel Rezoning or Text Amendment)	\$1500.00
G.	Administrative Fee	\$250.00

**FURTHER RESOLVED**, the administrative fee for utilization of the Township Building for zoning hearings shall be included in the fee for a zoning hearing as established herein, and as may be amended, by Resolution of the Maxatawny Township Board of Supervisors.

**FURTHER RESOLVED**, that an appeal or application shall not be accepted until the fee as established herein, including the administrative fee, and as may be amended from time to time by the Board of Supervisors for the Township of Maxatawny is paid in full.

**FURTHER RESOLVED**, that should the fee for a zoning hearing as established herein and as may be amended by a Resolution of the Board of Supervisors of the Township of Maxatawny be insufficient to pay the expenses for performance of the hearing which are permitted by the Municipalities Planning Code to be charged to an applicant for a zoning hearing to the Maxatawny Township Zoning Hearing Board or Board of Supervisors, the applicant for the zoning hearing shall be responsible for payment of said expenses incurred by the Township in excess of the application fee.

**FURTHER RESOLVED**, Applicants for rezoning, parcel or text amendment, shall be responsible for the entire costs incurred by the Township in excess of the \$1000.00 application fee including but not limited to costs for preparation of the required documentation, advertisement, legal and engineering review and performance of any required hearings and payment of said costs does not guarantee approval or enactment of the proposed rezoning.

**FURTHER RESOLVED**, the Township's invoice for costs incurred for zoning proceedings shall be payable within thirty (30) days of receipt or upon the issuance of any permit authorized by the decision of the Zoning Hearing Board or Board of Supervisors, whichever date is earlier.

**FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**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 Board of Supervisors of the Township of Maxatawny 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 or policies inconsistent with this Resolution are hereby superseded.

**IN WITNESS WHEREOF**, the Board of Supervisors of the Township of Maxatawny has adopted this Resolution in lawful session this 13<sup>th</sup> day of July 2022.

BOARD OF SUPERVISORS OF  
MAXATAWNY TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA

By: Heath Messner  
Chairman

William C. Paul  
Vice Chairman

John dePuy  
Member

Attest: Judyn R Wehr  
Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 13<sup>th</sup> day of July, 2022.

Jesslyn R. Wehr  
Secretary of Maxatawny Township

Dated: 7/13, 2022