

## RESOLUTION NO. 2009 - 24

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF EAST COCALICO, LANCASTER COUNTY, PENNSYLVANIA ESTABLISHING AN IMPACT FEE ADVISORY COMMITTEE AND AUTHORIZING THE PREPARATION AND PUBLIC ADVERTISEMENT OF THE TOWNSHIP'S NOTICE OF INTENTION TO ADOPT AN IMPACT FEE ORDINANCE PURSUANT TO ACT 209 OF 1990 AND FURTHER PROVIDING FOR THE APPLICATION OF A FEE FOR UP TO 18 MONTHS DURING THE ADOPTION OF THE PROGRAM.

**WHEREAS**, East Cocalico Township desires to provide appropriate levels of transportation services to their residents so as to adequately protect the health, safety and welfare; and

**WHEREAS**, East Cocalico Township has experienced growth in both residential and commercial development; and

**WHEREAS**, the Township expects that the residential and commercial growth will continue; and

**WHEREAS**, in order to continue to undertake appropriate transportation capital improvements, alternative funding sources need to be made available for that purpose; and

**WHEREAS**, Act 209 of 1990 and the Pennsylvania Municipalities Planning Code (MPC) as amended, empowers municipalities to provide for transportation capital improvements through the imposition of impact fees upon new development following the enactment of an appropriate impact fee ordinance adopted pursuant to the provisions of Act 209 of 1990 and the MPC; and

**WHEREAS**, East Cocalico Township desires to establish an Impact Fee Advisory Committee for the purpose of developing Transportation Impact Fee Ordinances under the terms of Section 504-A of Act 209 of 1990 and the MPC; and

**WHEREAS**, the Township pursuant to Section 505-A(c) intends that the provisions of the ordinance have retroactive application for a period not to exceed 18 months after the adoption of the resolution creating the impact fee advisory committee pursuant to section 504-A(b)(1), to preliminary or tentative applications for land development, subdivision or PRD, with the municipality on or after the first publication of the municipality's intention to adopt an impact fee ordinance provided that the fee imposed shall not exceed \$1,000 per anticipated peak hour trip.

**NOW, THEREFORE**, be resolved and enacted by the Board of Supervisors of the Township of East Cocalico, and it is hereby resolved and enacted by the authority of the same that :

**SECTION 1** The East Cocalico Township impact fee program shall cover the entire geographic area of East Cocalico Township.

**SECTION 2** The East Cocalico Township Impact Fee Advisory Committee is hereby created and shall consist of no fewer than 7 nor more than 15 members to be appointed by the Board of Supervisors during subsequent meeting(s) in compliance with Act 209 of 1990 and the MPC.

**SECTION 3** All members of the advisory committee shall be residents of East Cocalico Township or conduct business within the Township and are not employees or officials of the Township.

**SECTION 4** Not less than forty percent (40%) of the members shall be representatives of the real estate, commercial and residential development and building industries.

**SECTION 5** All of the members shall serve without compensation.

**SECTION 6** The Impact Fee Advisory Committee shall serve in an advisory capacity and shall have the duties assigned pursuant to the MPC:

**SECTION 7** The Board of Supervisors of East Cocalico Township shall have the right to replace any member of the Impact Fee Advisory Committee appointed by the municipality, upon notice for failure to complete tasks assigned, for failure to attend three (3) consecutive regularly scheduled meetings, or for conduct that damages the credibility of the committee specifically or East Cocalico Township in general.

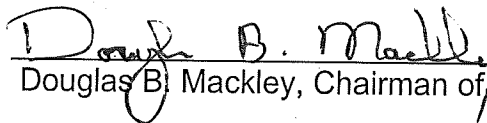
**SECTION 8** The impact fee advisory committee members shall serve for a period of two years from the adoption of this resolution or until replaced by the Board of Supervisors.

**SECTION 9** East Cocalico Township hereby establishes a fee of \$1,000 per PM peak hour vehicular trip generated by new development proposed, during the period pending adoption of the Impact Fee Ordinance, but not to exceed 18 months from the adoption of this resolution. Such fee shall become effective after the first publication of the Township's intention to adopt an impact fee ordinance.

**SECTION 10** The Township staff is hereby authorized to prepare and publicly advertise the Township's Notice of Intention to Adopt an Impact Fee Ordinance pursuant to section 505-A(c) of Act 209 of 1990 and the MPC.

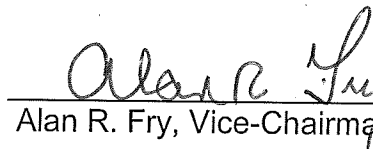
**RESOLVED AND ENACTED** this 15<sup>th</sup> day of October, 2009 by the Board of Supervisors of East Cocalico Township.

**EAST COCALICO TOWNSHIP**

  
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Douglas B. Mackley, Chairman of the Board

ATTEST:

  
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Alan R. Fry, Vice-Chairman of the Board

  
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Noelle B. Fortna, Secretary of the Board