

ARTICLE IV

GENERAL PROCEDURE AND JURISDICTION

SECTION 400 PLAT APPROVING AUTHORITY

All plats shall be subject to approval, modification or rejection by the Board of Township Supervisors; in the event such a plat is disapproved, the reasons therefore shall be set forth in writing and given to the applicant, in accordance with the provisions of Section 508 (53 P.S. 10508) of the "Pennsylvania Municipalities Planning Code", as amended. Prior to action by the Board of Township Supervisors, all plats shall be referred to the Township Planning Commission for its review and recommendations.

SECTION 401 SUBMITTAL OF PLATS

The applicant shall submit preliminary and final copies of plats along with any supporting documentation to the Township Secretary, together with the minimum Township fees required in Section 405 of this Article. Upon receipt of any application and a determination that said application is complete, the Township Secretary shall distribute the required number of copies to the Township agencies concerned as provided for in Articles VI and VII of this Ordinance. Applications will not be considered complete and plats will not be reviewed until such time as all zoning approvals (conditional use, special exception, text or map amendments, variances) and all modifications of requirements have been obtained from the necessary Township agencies. All plats shall be acted upon by the Township Supervisors no later than 90 days following the date of the first Planning Commission meeting at which the application is considered. The applicant shall forward a copy of the application to the Adams County Office of Planning and Development (ACOPD) and the Adams County Conservation District for review and report together with the required County review and report fees. The Township Secretary shall provide the applicant with the required ACOPD Municipal Request for Review form. The Township shall not approve any application until the ACOPD report is received or until the expiration of thirty (30) days from the date the application was received by the ACOPD. The Township shall also require approval by the Adams County Conservation District prior to the approval of any application involving earthmoving activity. All plats when first submitted shall be considered preliminary plats except as provided in Section 404 hereafter. It is recommended that applicants provide a sketch plan to the Township Planning Commission for discussion purposes in accordance with Article V of this Ordinance prior to filing a formal plat with the Township. A sketch plan shall not be considered a formal application to the Township and shall not be subject to any time limitations or Township action such as those accorded a Preliminary or Final Plat. If the applicant makes substantial revisions, as determined by the Township Board of Supervisors upon recommendation of the Township Planning Commission, in any plat after it has been approved in preliminary form; such revised plat shall be treated as a preliminary plat when submitted.

SECTION 402

REVIEW OF PLATS

Plats shall be reviewed by the Township Planning Commission at its first regular meeting following the date of submittal, providing that such plats are submitted as part of a complete application (as defined in Sections 401, 600 and 700 of This Ordinance) to the Township Secretary at least twenty-one (21) days prior to but not including the day of the meeting. Meetings of the Planning Commission at which plats are reviewed shall be open to the public. Applicants may be given reasonable notice of the time and place at which their plats are to be reviewed.

SECTION 403

APPROVAL OF PLATS; HEARING

All plats shall be acted upon by the Township Supervisors no later than 90 days following the date of the first Planning Commission meeting at which the application is considered. Approval of preliminary plats by the Board of Township Supervisors shall be considered approval of the arrangement and dimensions of streets, lots, and other features shown on the plats and may be conditioned upon specific changes to be incorporated in the final plats. The Board's approval of the final plats shall be given only after the requirements and conditions indicated on or in connection with the preliminary plats have been met; and said approval shall constitute final Township approval for the purpose of recording the plats in the Office of the Recorder of Deeds of Adams County, Pennsylvania. Before acting on any plat, the Board of Township Supervisors may arrange for a public hearing thereon after giving such notice as it may deem necessary and desirable in each case.

SECTION 404

PRELIMINARY/FINAL PLAT

When an entire tract of land is divided into not more than two lots (including the residue) with the required frontage on a public street of sufficient width and no public improvements proposed or when a subdivision involves divisions of land for adjoining lot addition purposes only, the Planning Commission may recommend and the Supervisors may approve, upon written application of the applicant, that approval be granted on the basis of the plat submitted and identified as Preliminary/Final. Land development plans shall be reviewed for such consideration on an individual basis and shall only be considered in instances where no public improvements are required and when the proposed development is deemed negligible by the Township Board of Supervisors upon recommendation by the Township Planning Commission. Said plats shall be prepared and reviewed in accordance with all of the Preliminary and Final Plat requirements of Articles VI and VII of this Ordinance.

SECTION 405

FEES

1. Filing fees shall be paid by the applicant to the Township Secretary at the time of filing of any application. Such fees shall be as established most recently by the Board of Supervisors by resolution.

2. Subject to the provisions of this Section 405, concerning the applicant's payment of review and report fees, no final approval of any application will be granted by the Township unless and until the applicant reimburses the Township for the cost and expense of the following professional services incurred by the Township, or any agency, Commission or Board thereof, in connection with the review and approval of any plat or application, or the inspection of public improvements.
 - A. Engineering Services

 - B. Legal Services

 - C. Stenographer's Fees

 - D. Sewage Enforcement Officer's Fees

All of the fees for which the Township seeks reimbursement shall be certified by the Township Secretary to the applicant at the time when the Township is in a position to finally approve any application or plat. Such review fees may include reasonable and necessary charges by the Township's professional consultants, engineer or attorney, for review and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township's professional consultants, engineer or attorney for similar service in the community, but in no event shall such review fees exceed the rate or cost charged by the Township's professional consultants, engineer or attorney to the Township when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such review fees, the applicant shall, within fourteen (14) days of the billing date, notify the Township Secretary that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Township and applicant shall jointly, by mutual agreement, appoint another professional engineer licensed as such by the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately. In the event that the Township and

applicant can not agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Adams County shall appoint such engineer, who, in that case shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years, The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by One Thousand (\$1,000.00) Dollars or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

3. All of the above fees, requirements, and arrangements shall be subject to revision, modification and amendment, from time to time, by the Hamiltonban Township Board of Supervisors, by Fee Resolution, duly adopted by a majority vote of the said Board of Supervisors at a public meeting duly convened in accordance with law.