

ORDINANCE NO. 2018-01

AN ORDINANCE OF BETHEL TOWNSHIP BERKS COUNTY PA AMENDING BETHEL TOWNSHIP ORDINANCE 2009-02 KNOWN AS THE "BETHEL TOWNSHIP IMPACT FEE ORDINANCE"

WHEREAS on May 12, 2009 Bethel Township Berks County Pa. (the Township) enacted Ordinance 2009-02 entitled "Bethel Township Impact Fee Ordinance" (the Impact Fee Ordinance); and,

WHEREAS at the time of the enactment of the Impact Fee Ordinance the Trip Generation Manual published by the Institute of Transportation Engineers (TGM) was the Eighth Edition; and,

WHEREAS all of the planning including but not limited to the Roadway sufficiency Analysis and the Transportation Capital Improvement Plan were prepared in part based on the data and information in the Eighth Edition of the TGM; and,

WHEREAS subsequent editions of the TGM have made changes to certain classifications of uses which, if applied to the Township Impact fee analysis could result in completely inadequate funding for capital improvements; and

WHEREAS the Township has started the process of review and revision of the Impact Fee Ordinance but the process will likely take 18 months or more and existing language in the current ordinance could create analyses of proposed development which would not accurately or completely cover the cost of related capital improvements; and,

WHEREAS it is in the best interest of Township Taxpayers to amend the Impact Fee Ordinance to base all decision in the same TGM that was used at the time the ordinance was enacted until comprehensive amendments can be implemented;

NOW THEREFORE, the Board of Supervisors of Bethel Township Berks County Pa, in lawful session duly convened hereby ENACTS AND ORDAINS as follows:

Section 1. Amendments

The Bethel Township Impact Fee Ordinance Number 2009-02 is hereby amended as follows:

- a) Section 10.a. "Calculation of Impact Fee" is amended by deleting the existing language and replacing it with the following: "a. The Impact Fee is based upon the total costs of road improvements included in the Transportation Capital Improvement Plan within each Transportation Service Area attributable to and necessitated by new land development and/or subdivision within the Transportation Service Area divided by the number of anticipated peak hour trips generated by all New land development and subdivisions consistent with the land use assumptions and calculated in accordance with the Trip Generation Manual as published by the Institute of Transportation Engineers, Eighth Edition. The Impact Fee for each Transportation Service Area, as so calculated, shall be set forth in the Transportation Impact Fee Schedule promulgated from time to time by the Township."
- b) Section 15.a. entitled "Intensive Development Fees" is hereby amended by deleting the word "current" in line three and replacing it with the word "eighth" so that the Eighth Edition of the TGM, which is the edition upon which the ordinance was based will be used regarding the all relevant calculations.

Section 2. Severability.

The provisions of this Ordinance are severable. Should any section, paragraph, sentence, clause or provision, or part thereof be declared by any Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the balance of this Ordinance which shall otherwise remain valid and in force and effect.

Section 3. Ratification and Repeal

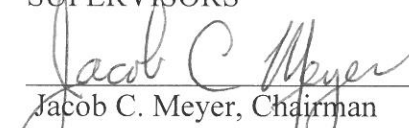
This ordinance is intended as an amendment to Township Ordinance 2009-02 and the terms of this ordinance and Ordinance 2009-02 shall be read and construed together, but all ordinances or parts of ordinances that conflict with the terms and provisions of this Ordinance are hereby repealed to the extent but only to the extent of a direct conflict herewith, and except as expressly modified herein, Bethel Township Ordinance 2009-02 is otherwise ratified and confirmed.

Section 4. Effective Date.

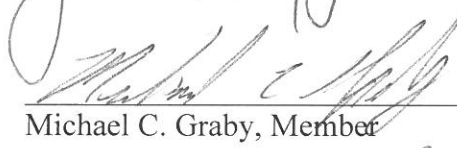
This Ordinance shall take effect immediately upon enactment by the Township Board of Supervisors.

ORDAINED AND ENACTED by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, this 19 day of March, 2018.

BETHEL TOWNSHIP BOARD OF
SUPERVISORS



Jacob C. Meyer, Chairman



Michael C. Graby, Member



Lee V. Groff, Member

ATTEST:



Jayne K. Seifrit, Secretary

