

ARTICLE NINE ADMINISTRATION, FEES, AND ENFORCEMENT

Section 900. General Administration.

All provisions of this ordinance shall be administered by the Springfield Township Board of Commissioners and/or their officially designated representatives. All matters relating to this Article shall be submitted to Springfield Township Planning and Zoning Officer who will process the matter in accordance with current Springfield Township policies, procedures, and guidelines established by the Springfield Township Board of Commissioners.

**Commented [SCD1]:** We just need to make sure that the Township will have such procedures in place.

Section 901. Records.

Springfield Township shall keep a public record of its review letters findings, formal recommendations, and actions relating to plans filed for review, in accordance with the policies, procedures, and guidelines established by the Springfield Township Board of Commissioners.

**Commented [SCD2]:** We do not want to require the Township to keep things that it currently does not, because this could create issues if an applicant requests to see a file. This provision cannot limit an otherwise valid Right to Know Request, but it can expand it (which we want to avoid). Perhaps there is a way to narrow-down correspondence (I worry about informal emails, etc., that typically do not make it into the file).

Section 902. Fees and Costs.

- A. No application for preliminary or final plan approval shall be filed and processed, and the period for review pursuant to the Pennsylvania Municipalities Planning Code, 53 PS. 10101, *et seq.* ("MPC"), shall not begin, until the fees and/or escrow deposit, as set forth below, shall have been paid.
- B. The Springfield Township Board of Commissioners shall adopt and amend by resolution a schedule of fees, payable by the applicant to Springfield Township for the filing of preliminary and final plans.
- C. The Springfield Township Board of Commissioners shall adopt and amend by resolution a schedule of escrow deposits to be paid by the applicant to Springfield Township at the time of the filing of an application, sufficient to pay all municipal expenditures anticipated in the course of its review and disposition of plans.
  - 1. Costs incurred by Springfield Township in excess of the escrowed amount shall be paid by the applicant, and, if applicant's plan is approved, such payment shall be required prior to the signing and recording of the approved plan.
  - 2. If costs incurred by Springfield Township are less than the escrowed amount, the difference shall be refunded to the applicant following disposition of the plans.
  - 3. The Township, in its sole discretion, may require the applicant to enter into a Professional Services Agreement to evidence the rights, responsibilities and obligations of the applicant and the Township related to such escrow deposit. If required, a Professional Services Agreement executed by the applicant shall be submitted to the Township (along with the escrow deposit) concurrently with the initial plan submission. An applicant's plan submission shall not be deemed complete until such Professional Services Agreement and deposit escrow are submitted to the Township.
- D. Springfield Township expenditures subject to escrow as in Section 902 (C), above, include but are not limited to the following:

**Commented [SCD3]:** Sketch plan?  
(We recommend that the Township reserve the right to recommend a sketch plan (i.e. non-mandatory) on projects deemed to potentially have material impact on the Township).

**Commented [SCD4]:** Sketch?

1. Engineering and other technical services performed by engineers, traffic engineers, landscape architects, geologists, planners, and other professionals during the plan review.
  2. Construction inspection and the testing of materials.
  3. Services of the Springfield Township Solicitor in securing the proper construction of public improvements and the actions of the Developer, its employees and agents during the construction process as well as reviewing and/or preparing resolutions, deeds, easements, and any other documents necessitated by the Developer's proposal or the township's requirements, including but not limited to the plan reviews, plan approval and recording of final plans.
  4. Actual costs of recording.
  5. An administrative charge of fifteen (15%) percent of the total costs described in the previous four subsections.
- E. Escrow accounts created to reimburse Springfield Township for fees incurred during the necessary inspection and review of the construction of improvements approved in a final plan shall be established as part of the developers agreement required pursuant to Section 709 of this Chapter.
- F. Disputes. In the event that the applicant disputes the amount of any review fee, such dispute shall be handled in accordance with the dispute fee dispute resolution procedures contained in Article V of the MPC. The dispute of any fee shall not terminate or toll the ability of the Township to charge, or relieve the duty of the applicant to pay, any previous and/or subsequent review fees.

Section 903. ~~Waiver of Requirements~~

Commented [SCD5]: This is very similar to Section 95-106. Section 95-106 should be eliminated to avoid duplicity.

Upon review and recommendation by the Springfield Township Planning Commission, the Springfield Township Board of Commissioners may grant a modification of the requirements of one or more provisions of this ordinance, if, in the sole discretion of the Board of Commissioners, the literal enforcement of such provision(s) would exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification(s) will not be contrary to the public interest and that the purpose and intent of this ordinance is observed. All requests for modification(s) shall:

- A. Be in writing and part of an application for subdivision and/or land development;
- B. State the grounds and facts of unreasonableness or hardship on which the request is based or the public benefit of an alternative design standard;
- C. List the provision(s) of the Ordinance involved; and
- D. State the minimum modification necessary.

Commented [HA6]: I am ok with removing this, either here or in article I due to the redundancy mentioned by the solicitor

Section 904. Enforcement.

- A. Preventative Remedies.

1. In order to enforce the requirements of this Chapter, in addition to other remedies, Springfield Township may institute and maintain appropriate actions by law or in equity to restrain, to correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building.
  2. Springfield Township may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Ordinance. As an additional condition for the issuance of any permit or approval, Springfield Township may require compliance with the conditions that would have been applicable to the property at which time the applicant acquired it.
- B. Any person, partnership, or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Springfield Township, pay a judgment of not more than \$500 per offense plus all court costs, including the reasonable attorney fees incurred by Springfield Township as a result thereof.
  - C. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice or any court of competent jurisdiction.
  - D. If the defendant neither pays nor timely appeals the judgment, Springfield Township may enforce the judgment pursuant to the applicable rules of civil procedure.
  - E. Each day that an offense continues shall constitute a separate violation. However, in the event that a district justice or any court of competent jurisdiction determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, then there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the court and thereafter each day that such violation continues shall constitute a separate violation.
  - F. All fines collected for such violations shall be paid to Springfield Township.

ARTICLE TEN AMENDMENTS, VALIDITY, AND REPEALER

Section 1000. Amendment Procedure.

The Springfield Township Board of Commissioners may, from time to time, amend, supplement, change, modify, or repeal this ordinance in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq. ("MPC"). In the event that the Springfield Township Board of Commissioners desires to consider an amendment to this Chapter, it shall fix the time and place of a public hearing on such amendment and cause public notice thereof to be provided as required by the MPC.

Section 1001. Referral to Planning Commission.

All proposed amendments before adoption shall be referred to the Springfield Township Planning Commission and Montgomery County Planning Commission no less than thirty (30) days prior to a public hearing thereon, for recommendation and report, which shall be advisory.

Section 1002. Validity.

Should any section of this Ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof.

Section 1003. Repealer.

All Ordinances and parts of Ordinances inconsistent herewith are repealed upon the legally effective date of this Ordinance.

**Commented [SCD1]:** We typically discourage restating the MPC requirements because it causes problems if the MPC happens to be amended, but the amendment of this section is delayed (it also saves the Township from needing to amend its SAIDO every time there is an MPC amendment).