

**BIRMINGHAM TOWNSHIP
CHESTER COUNTY
RESOLUTION #2023-0103A
AMENDED BY RESOLUTION #2023-0710**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF BIRMINGHAM TOWNSHIP TO ESTABLISH A SCHEDULE OF FEES FOR ADMINISTRATION, REVIEW AND INSPECTIONS PERFORMED BY TOWNSHIP STAFF OR CONSULTANTS RELATING TO BUILDING PERMITS, ZONING PERMITS, SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS, ZONING APPLICATIONS, ZONING PERMITS, STORMWATER MANAGEMENT/GRADING PERMITS, AND OTHER MISCELLANEOUS PERMITS AND REVIEWS PERFORMED PURSUANT TO THE BIRMINGHAM TOWNSHIP CODE OR APPLICABLE BY LAW.

WHEREAS, the Township is authorized by various laws, including but not limited to the Second Class Township Code, the Pennsylvania Uniform Construction Code and the Pennsylvania Municipalities Planning Code to prescribe reasonable fees for the administration of the various Township Ordinances and Codes, including but not limited to the Building Code, Zoning Ordinance, Subdivision and Land Development Ordinance and Stormwater Management Ordinance (collectively the “Codes”) and

WHEREAS, THE Board of Supervisors wishes to incorporate in one Resolution all fee for permits and applications under the Codes, as well as to provide for the reimbursement to the Township for expenses incurred in the administration of said Codes;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Birmingham Township hereby adopts the Fee Schedule that is attached hereto as Exhibit “A” and incorporated herein by reference.

The Fee Schedule adopted herein shall be effective immediately.

RESOLVED AND ADOPTED ON THE 3RD DAY OF JANUARY 2023.

Scott C. Boorse, Chairman

Michael T. Shiring, Vice-Chairman

J. Daniel Hill, Supervisor

ATTEST:

Quina Nelling, Secretary

EXHIBIT “A”

ZONING PERMITS

Zoning Permit Application Fee: \$150.00

Zoning Permit Application Fees are due and payable at the time of submission of the initial permit application. In addition to the initial permit application fee, in certain circumstances, due to the complexity of the application, the applicant may also be held responsible for the hourly rate of the Zoning Officer for time incurred following the initial hour spent reviewing the application. Additional costs incurred are required to be paid by the applicant whether or not the permit is issued. No permit will be issued until all required payments are made by the applicant.

BUILDING PERMIT FEES

Section 703 of Act 13 of 2004, which amended Act 45 of 1999, the Uniform Construction Code Act (UCC), requires that municipalities administering and enforcing the UCC shall assess a fee of \$5.00 on each construction, building, demolition, plumbing, electrical or mechanical permit issued under the authority of the Act. The fee shall be in addition to any other fee imposed for the permit.

Note: “Addition” shall mean increase in floor space

“Alteration” shall mean no increase in floor space

“Finishes” shall mean appliances (minus stoves), cabinets, countertops, flooring (includes carpeting), interior paint, light fixtures, tile, wallpaper, window dressings

Minor Residential: (decks, electrical, fences above five feet, fire alarm system, mechanical, patios, plumbing, porches, roofs, underground fuel storage tanks over 550 gallons) – \$150. minimum or 1 ½% of total construction costs (whichever is greater). A zoning permit fee of \$150. and/or a land disturbance permit fee of \$150. may also be applicable.

Major Residential: (addition, alteration, demolition, new construction, swimming pool) – \$500. minimum or 1 ½ % of total construction costs (excluding finishes) with a \$25,000. maximum fee and the execution of a Consultant Fee Reimbursement Agreement for the responsibility for professional review and/or inspection fees over the maximum.

Commercial Construction; Demolition; Fire Alarm; Security & Sprinkler Systems – \$500. or 1 ½% of total construction costs, whichever is greater, provided that the maximum fee shall be \$30,000.00 for a project cost up to \$5 million and a maximum fee of \$75,000.00 for a project cost over \$5 million. A Consultant Fee Reimbursement Agreement is required to be executed for the responsibility for professional review and/or inspection fees over the maximum.

The Township Building Inspector has the right to review and evaluate the total construction costs of the project to ensure the costs submitted are in line with the current International Code Council estimates for Birmingham Township's geographic region.

Working without a Permit: Fee imposed is twice the normal permit fee for all required permits.

Inspections: \$150. fee for a failed inspection or for an inspection that is scheduled but cancelled or where work is not ready for scheduled inspection.

Meetings with the Building inspector or Zoning officer will be charged at their hourly rates as adopted by the Board.

Uniform Construction Code Fee - \$5.00/permit
(building/mechanical/electrical/plumbing)

USE AND OCCUPANCY PERMITS

Use and Occupancy Permit Application Fee: \$150.00 when not part of a building permit application

The above permit application fee is due and payable at the time of submission of the initial permit application.

LAND DISTURBANCE/GRADING PERMITS

Land Disturbance/Grading Permit Application Fee = \$150.00

The above permit application fee is due and payable at time of submission of the initial permit application. In addition to the initial permit application fee, the applicant shall also be responsible to reimburse the Township for any Township consultants' fees incurred in review of the permit application and

related stormwater management review. A Consultant Fee Reimbursement Contract must be executed and escrow funds established in the minimum amount of \$3,500. The minimum escrow fee for a new single family dwelling or commercial construction shall be established in the amount of \$8,000. The Township Engineer can determine a higher amount be escrowed for such reviews and related inspections.

PLAN REVIEW FEES FOR CONSTRUCTION PERMITS

The fee for specialized plan review of building plans, or for the technical reviews performed by third party agencies on behalf of the Township (including, but not limited to, structural engineers and architects) shall be the cost charged to the Township plus related shipping and handling costs.

The estimated cost of the review must be deposited with the Township at the time plans are submitted for review.

Fees for specialized plan review are not refundable in the event the plans are not approved or permits are not issued. Where funds were deposited in excess of the amount necessary to perform the review, the balance shall be returned. Should the amount deposited be less than the cost of the review, the balance due shall be billed to the applicant. No plan approval or permits shall be issued until all fees are paid.

Fees charged for third party plan reviews are in addition to any permit fees or Township review fees required by any Ordinance, approved regulation or resolution of the Board of Supervisors of the Township of Birmingham.

SUBDIVISION/LAND DEVELOPMENT AND MOBILE HOME PARK APPLICATIONS

Tentative Sketch Plan: No charge if submitted for informal discussion only. If tentative sketch plan is to be final plan, then the fee will be the same as below.

Subdivision/Land Development Plan:

Preliminary Plan:

1. Residential: Fee = \$300 plus \$25.00 per lot
2. Non-residential: Fee = \$500 plus \$25.00 per every 1,000 sq. ft. of the floor area. If both residential and non-residential, the total fee shall be calculated on non-residential.

Final Plan: \$300 fee where the Preliminary Plan fee has been paid. No fee if Preliminary/Final are filed simultaneously.

Plan Revision: \$300 fee for any plan revision after plan approval has been obtained.

Mobile Home Park Application: Fee = \$300 plus \$25 per home site

Recording: It is the responsibility of the applicant to pay all costs associated with recording the Plan in the office of the Chester County Recorder of Deeds. The Township Solicitor's Office will record all documents on behalf of the Township.

Applicant shall pay all charges assessed by the Chester County Health Department and Chester County Planning Commission for review and acceptance of the Plan.

Applicant must reimburse the Township for all expenses incurred in review of the Preliminary and Final Plans by the Township Engineer, and/or other professional consultants, plus the cost of continuing inspections during construction. Applicant shall, also, pay all fees and charges by the various local, County, State and Federal Agencies involved such as, but not limited to, the Chester County Health Department, the Chester County Conservation District, the Pennsylvania Department of Environmental Protection and the Army Corps of Engineers. Applicant shall, also, reimburse the Township for the total cost of any tests or materials required.

Land Development Approval: All fees disbursed by the Township incident to a plan review as outlined in Chapter 103 of the Birmingham Township Code, titled "Subdivision and Land Development", specifically Section 103-53, must be paid by the Applicant as a condition of final land development approval.

SUBDIVISION/LAND DEVELOPMENT ESCROW FUNDS

Sketch plan which is distributed to the Township Engineer, Solicitor, or other Township Consultants: \$1,000.00

Preliminary plan for a minor subdivision \$1,000.00

Preliminary plan for all other plans besides a minor subdivision: = \$5,000.00

Final plan for a minor subdivision: = \$1,000.00

Final plan for all other plans besides a minor subdivision: = \$5,000.00

APPLICATIONS AND APPEALS

Such applications and appeals shall be accompanied by a non-refundable fee and a minimum deposit to defray the costs of public notices, court stenographers, engineering, expert witnesses and other expenses incurred by the Township. (If actual costs are less than the above specified minimum deposit, the balance will be refunded. If actual costs exceed the minimum deposit, the excess will be the obligation of the Applicant.) The fees and deposits for the various types of applications and appeals are as follows:

- A. Curative amendment applications:
 - Non-refundable fee: \$2,500.00
 - Minimum deposit on costs: \$1,500.00
- B. Planned Residential Development Applications:
 - Non-refundable fee: \$2,500.00
 - Minimum deposit on costs: \$1,500.00
- C. Zoning Hearing Board Applications or Appeals:
 - Non-refundable fee: \$500.00
 - Minimum deposit on costs: \$1,000.00
- D. Conditional Use Applications:
 - Non-refundable fee: \$2,500.00
 - Minimum deposit on costs: \$1,500.00
- E. Uniform Construction Code Appeals Board:
 - Non-refundable fee: \$500.00
- F. All other Applications and Appeals:
 - Non-refundable fee: \$2,500.00
 - Minimum deposit on costs: \$1,500.00

If the Applicant fails to appear without giving notice in sufficient time to effect cancellation of the hearing and to advise the Court Reporter not to appear, the fees already paid shall be forfeited.

Notes of testimony shall be transcribed in all proceedings before a Board and a copy lodged with the Township. Any Applicant desiring a copy of the notes of the testimony shall pay the Court Reporter for such copy.

There shall be a charge of \$200.00 for each postponement requested by the Applicant in which the Board and its Solicitor must appear with the Court Reporter or which is necessitated by the failure of the Applicant to appear at the announced hearing. There will also be an additional charge of \$200.00 for each hearing beyond the initial hearing on the application.

All fees and deposits must accompany the application.

FIRE PREVENTION & BLASTING

There shall be a fee of \$150.00 for each examination, permit and inspection, including those inspections cancelled or not ready.

AUTOMATIC SECURITY SYSTEMS

Installer's permit = \$50.00

Owner's permit = \$25.00

False Alarm

1. \$0.00 First occurrence in a calendar year
2. \$50.00 Second occurrence in a calendar year
3. \$100.00 Third occurrence in a calendar year
4. \$250.00 Each additional occurrence in a calendar year

OTHER CHARGES AND FINES

- A. Highway Occupancy Permit fee – PennDOT HOP Schedule
- B. Solicitation License - \$50.00/person; valid for 30 days
- C. License fee for off-site signs and posters - \$50.00
- D. Accident or incident reports - \$15.00
- E. Copying of Township records – the cost for the copying of Township records pursuant to the “Right to Know Law” Act 2100 of 2002, as amended shall be as follows: Postage – the actual cost of mailing; Photocopy - \$.25/page
- F. Return check charge per incident - \$40.00
- G. Helicopter permit fee - \$500.00
- H. Animal boarding/response charges from the Brandywine Valley SPCA will be passed on to the owner of the animal, when the owner can be identified.

COLLECTION CHARGES

If any person shall fail to pay the fees, charges, costs and/or judgment that the Township has against such person for fees prescribed in this Resolution within the time period described above, the Township shall refuse to accept any additional applications for zoning, sign and land disturbance permits, building permits, plumbing permits, electrical permits, mechanical permits, subdivision and land development applications or any other applications submitted to the Township requiring the issuance of a permit or approval of such permits, including certificates of occupancy, until such time as all

delinquent fees, expenses, charges, costs and/or judgments are paid in full or satisfied.

BIRMINGHAM TOWNSHIP

CHESTER COUNTY

RESOLUTION NO. 2023-0710

A RESOLUTION OF THE BOARD OF SUPERVISORS OF BIRMINGHAM TOWNSHIP AMENDING THE FEE RESOLUTION ADOPTED AS RESOLUTION #2023-0103A TO REDUCE THE MINIMUM FEE FOR CERTAIN COMMERCIAL PROJECTS.

WHEREAS, the Township is authorized by various laws, including but not limited to the Second Class Township Code, the Pennsylvania Uniform Construction Code and the Pennsylvania Municipalities Planning Code to prescribe reasonable fees for the administration of the various Township Ordinances and Codes, including but not limited to the Building Code, Zoning Ordinance, Subdivision and Land Development Ordinance and Stormwater Management Ordinance (collectively the "Codes") and

WHEREAS, on January 3, 2023, the Board of Supervisors adopted Resolution #2023-0103A, establishing a schedule of fees for administration, review and inspections performed by the Township staff or consultants relating to building permits, zoning permits, subdivision and land development applications, zoning applications, zoning permits, stormwater management/grading permits, and other miscellaneous permits and reviews, and

WHEREAS, the Board of Supervisors wishes to amend the fee for Commercial Construction established by Resolution #2023-0103A by reducing the minimum fee;

NOW THEREFORE, it is hereby **RESOLVED AND ADOPTED** by the Board of Supervisors of Birmingham Township, that the following fee shall be amended:

Commercial Construction; Demolition; Fire Alarm; Security & Sprinkler Systems – \$500.00 or 1 ½% of total construction costs, whichever is greater provided that the maximum fee shall be \$30,000.00 for a project cost up to \$5 million and a maximum fee of \$75,000.0 for a project cost over \$5 million. A Consultant Fee Reimbursement Agreement is required to be executed for the responsibility for professional review and/or inspection fees over the maximum.

ADOPTED and RESOLVED this 10th day of July, 2023.

ATTEST:

**BOARD OF SUPERVISORS
BIRMINGHAM TOWNSHIP**


Quina Nelling, Secretary

BY: 
Scott C. Boorse, Chairman


Michael T. Shiring, Vice-Chairman


J. Daniel Hill, Supervisor