

**TOWNSHIP OF LOWER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2009-16
(Duly Adopted April 16, 2009)**

A RESOLUTION OF LOWER MACUNGIE TOWNSHIP
CREATING AN IMPACT FEE ADVISORY COMMITTEE FOR
THE TOWNSHIP AND AUTHORIZING THE PREPARATION
AND PUBLIC ADVERTISEMENT OF THE TOWNSHIP'S
NOTICE OF INTENTION TO ADOPT AN IMPACT FEE
ORDINANCE PURSUANT TO SECTION 504-A OF THE
PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

WHEREAS, the Board of Commissioners desires to provide appropriate levels of service on the roadways and intersections within the Township to the traveling public so as to adequately protect their health, safety, and welfare; and

WHEREAS, the Township has and is expected to continue to experience rapid residential and commercial growth; and

WHEREAS, the Board of Commissioners estimates that the Township will not be able to undertake appropriate transportation capital improvement projects unless more funds are generated for the purpose; and

WHEREAS, Article V-A of the Pennsylvania Municipalities Planning Code empowers municipalities to provide for transportation capital improvements through the imposition of impact fees upon new development following the enactment of a appropriate impact fee ordinance adopted pursuant to the provisions of this Article; and

WHEREAS, pursuant to the provisions of Article V-A of the Pennsylvania Municipalities Planning Code, the Board of Commissioners initially announced its intention to adopt a Transportation Impact Fee Ordinance on February 23, 2008; and

WHEREAS, the prior to enacting such an Ordinance, Section 504-A of the Pennsylvania Municipalities Planning Code requires the Township to create an Impact Fee Advisory Committee; and

WHEREAS, the Board of Commissioners desire to create such an Impact Fee Advisory Committee, in the manner set forth in Section 504-A(b) of the Pennsylvania Municipalities Planning Code; and

NOW, THEREFORE, the Board of Commissioners does hereby **RESOLVE** as follows:

1. The imposition of a transportation impact fee appears to be a fair and prudent means for apportioning the cost of traffic improvements within the Township between existing taxpayers and those who benefit from new development.
2. The Lower Macungie Township Impact Fee Advisory Committee is hereby created and shall consist of seven members. All of the members of this Committee shall be residents of the Township or conduct business within the Township and are not employees of official of the Township. Not less than 40% of the members shall be representatives of the real estate, commercial, and/or residential development and building industries. All of the members shall serve without compensation.
3. The following areas have been indentified by the Board of Commissioners as those for which the Impact Fee Advisory Committee shall develop land use assumptions and conduct a roadway sufficiency analysis studies

Area 1 – That portion of the Township generally East of Route 100 and Macungie Borough.

Area 2 – That portion of the Township generally West of Route 100, excluding the area of the Township generally South of Mountain Road

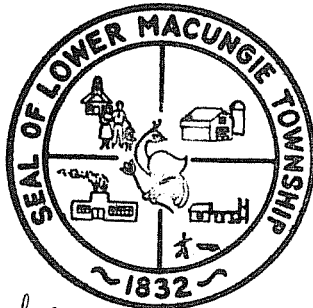
The Board of Commissioners further directs the Impact Fee Advisory Committee to exclude from each of these two Area any geographic regions or parcels of land that the Committee finds should not be included in the Land Use Assumptions Report and the Roadway Sufficiency Analysis Studies based upon the provisions of Article V-A of the Pennsylvania Municipalities Planning Code and the Transportation Impact Fees Handbook published by the Pennsylvania Department of Transportation.

4. The Impact Fee Advisory Committee shall serve in an advisory capacity and shall develop land use assumptions, conduct roadway sufficiency analysis studies, and make recommendations as to the development of road improvements, capital improvements , and impact fees within the geographic areas indentified above.
5. The Board of Commissioners shall have the right to replace any member of the Impact Fee Advisory Committee upon notice for failure to complete the tasks assigned, for failure to attend three consecutive regularly scheduled meetings, or for conduct that damages the credibility of the committee specifically or the Township in general.
6. The Board of Commissioners hereby authorizes the preparation and public advertisement of the Notice of Intention to Adopt an Impact Fee Ordinance. This Notice shall be published twice in a newspaper of general circulation in the Township, with the first publication to occur as soon as possible after the passage

of this Resolution, and the second to occur not less than one nor more that three weeks thereafter.

7. The Board of Commissioners shall assess an interim impact fee of \$1,000.00 per P.M. peak hour vehicular trip generated by new development proposed in the Township with the initial application made during the 18-month retroactive period prior to the adoption of the transportation impact fee ordinance.

DULY ADOPTED this 16th day of April, 2009, by the Board of Commissioners of Lower Macungie Township, in lawful session duly assembled.



Attest:

Renea Flexer
Renea Flexer, Township Secretary

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**

E. Keller Kline, III
E. Keller Kline, III, President