

RESOLUTION NO. 2015-4

**RESOLUTION ESTABLISHING FEES FOR AN APPEAL TO THE
JOINT BOARD OF APPEALS.**

WHEREAS, on June 3, 2004, Towamensing Township enacted Ordinance No. 2004-1, entitled, "AN ORDINANCE OF THE TOWNSHIP OF TOWAMENSING, CARBON COUNTY, PENNSYLVANIA, ELECTING TO ADMINISTER AND ENFORCE THE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999, AS AMENDED FROM TIME TO TIME, AND ITS REGULATIONS"; and

WHEREAS, on September 2, 2004, Towamensing Township enacted Ordinance No. 2004-3, entitled "AN ORDINANCE CREATING A JOINT BOARD OF APPEALS PURSUANT TO THE UNIFORM CONSTRUCTION CODE BY AND AMONG VARIOUS MUNICIPALITIES LOCATED IN CARBON COUNTY, PENNSYLVANIA" ("ORDINANCE"); and

WHEREAS, on September 2, 2004, Towamensing Township entered into an agreement entitled, "INTERMUNICIPAL AGREEMENT ESTABLISHING A JOINT BOARD OF APPEALS PURSUANT TO THE UNIFORM CONSTRUCTION CODE" ("INTERMUNICIPAL AGREEMENT"); and

WHEREAS, Article III, Section 2(b) of the Ordinance and Section 4(b) of the Intermunicipal Agreement both provide that Towamensing Township shall adopt or amend its fee resolution to provide for substantially equivalent fees to be imposed for appeals to the Joint Board of Appeals.

NOW THEREFORE, be it resolved as follows:

A. That the filing fee to request a hearing before the Joint Board of Appeals shall be \$3,000.00, which filing fee shall accompany the application for appeal. These fees shall be used to


pay all costs and expenses related to or arising from the hearing, including, but not limited to, compensation for the secretary and members of the Joint Board of Appeals, notice and advertising costs, stenographer's appearance fee, legal expenses of the Joint Board of Appeals, expenses for engineering, architectural or other technical consultants or expert witness costs, and necessary administrative overhead connected with the hearing.

B. Within sixty (60) days after the Towamensing Township secretary receives a bill of costs from the Joint Board of Appeals, Towamensing Township shall refund to the Applicant the amount by which the filing fee exceeds the total bill of costs, without interest.

C. In the event the total of the bill of costs exceeds the filing fee, the Towamensing Township secretary shall send a bill to the Applicant for the difference. In the event the bill is not paid within thirty (30) days from the mailing date, interest shall accrue on such unpaid amount at the rate of one (1%) percent per month, or part of a month, that any balance remains unpaid.

RESOLVED this 2nd day of April, 2015.

TOWAMENSING TOWNSHIP
BOARD OF SUPERVISORS



Larry Kleintop
[Signature]
Thomas F. Newman

ATTEST:

Brenda L. Drew
Secretary