

Lower Providence Township  
Montgomery County, Pennsylvania

ORDINANCE NO. 581

AN ORDINANCE AMENDING CHAPTER 96 OF THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, REPEALING PROVISIONS REGARDING EXISTING SERVICE AREAS, ESTABLISHING NEW SERVICE AREAS AND ESTABLISHING TRANSPORTATION IMPACT FEES FOR EACH SERVICE AREA

**WHEREAS**, the BOARD OF SUPERVISORS OF LOWER PROVIDENCE TOWNSHIP by Ordinance 457 amended Lower Providence Township Code, Chapter 96, and adopted, the “Lower Providence Township Traffic Impact Fee Ordinance” pursuant to Act 209 of 1990, 53 P.S. §10501-A (as amended); and

**WHEREAS**, the Board of Supervisors of Lower Providence Township has created a Traffic Impact Fee Advisory Committee pursuant to that ordinance and the Pennsylvania Municipalities Planning Code to prepare a Land Use Assumption Report and a Transportation Impact Fee Study including a Roadway Sufficiency Analysis and Transportation Capital Improvement Plan; and

**WHEREAS**, in order to serve the future transportation needs of the Township, the Impact Fee Advisory Committee recommends that the Lower Providence Township Traffic Impact Fee Ordinance be amended to redesignate the service areas and to establish a new transportation impact fee; and

**WHEREAS**, by Resolution No. 09-77, the Board of Supervisors of Lower Providence Township did accept and adopt the Transportation Impact Fee Study dated May 2009.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** and it is hereby ENACTED and ORDAINED by the Board of Supervisors of Lower Providence Township as follows:

**Section 1.** Chapter 96, Section 96-7 of the Lower Providence Township Code shall be amended to read as follows:

The following documents, adopted by the Board of Supervisors of Lower Providence Township, are hereby incorporated by reference in this chapter:

- A. Land Use Assumption Report as adopted by the Board of Supervisors of Lower Providence Township by Resolution No. 08-104.
- B. Roadway Sufficiency Analysis as part of the Transportation Impact Fee Study dated May 2009 as adopted by the Board of Supervisors of Lower Providence Township by Resolution No. 09-77.
- C. Transportation Capital Improvement Plan as part of the Transportation Impact Fee Study dated May 2009 as adopted by the Board of Supervisors of Lower Providence Township by Resolution No. 09-77.
- D. Transportation Impact Fee Schedule as set forth on Table 16 of the Transportation Impact Fee Study dated May 2009 as adopted by the Board of Supervisors of Lower Providence Township by Resolution No. 09-77.
- E. Designation of Transportation Districts as set forth on the Transportation Service Area Map identified as Figure 1 of the Transportation Impact Fee Study dated May 2009 as adopted by the Board of Supervisors of Lower Providence Township by Resolution No. 09-77.

**Section 2.** Chapter 96, Section 96-11D(1), of the Lower Providence Township Code shall be amended to read as follows:

- (1) The amount of the per-peak-hour trip fee for the Transportation Service Area 1 and 2, until and unless revised or amended in accordance with the provisions hereof in the Act, are as follows:
  - (a) The amount of the per-peak-hour trip for the Transportation Service Area 1 shall be \$1,822.00.
  - (b) The amount of the per-peak-hour trip fee for the Transportation Service Area 2 shall be \$413.00.

**Section 3.** Chapter 96, Section 96-12A of the Lower Providence Township Code shall be deleted in its entirety and replaced with the following:

- A. Transportation Service Areas 1 and 2 are established as shown on Transportation Service Area Map identified herein per Section 96-7E of this chapter. The Transportation Service Area Map for Service Areas 1 and 2 shall be attached hereto as Exhibit "A" and incorporated herein by reference and shall replace the Transportation Service Area Map previously attached for service areas East and West.

**Section 4.** Chapter 96, Section 96-12C of the Lower Providence Township Code shall be amended to read as follows:

Fees collected from development in each of the Transportation Service Areas shall be used exclusively to fund transportation improvement projects scheduled for that area. Fees previously collected from service areas East and West pursuant to Ordinance No. 457 shall be used for projects as designated by Ordinance No. 457.

**Section 5. Repealer.** All ordinances, codes, sections or parts thereof in conflict herewith shall be repealed to the extent of such conflict.

**Section 6. Severability.** Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon its passage.

**ENACTED and ORDAINED** by the BOARD OF SUPERVISORS OF LOWER PROVIDENCE TOWNSHIP this 29<sup>th</sup> day of June, 2009.

LOWER PROVIDENCE TOWNSHIP

By:   
Marie Altieri, Vice Chairman

ATTEST: 

Joseph C. Dunbar, Secretary