NEWBERRY TOWNSHIP

RESOLUTION NO. 2026-28

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEWBERRY TOWNSHIP ESTABLISHING A ZONING HEARING BOARD APPLICATION AND HEARING FEE WAIVER FOR QUALIFYING NONPROFIT, VETERANS, AND COMMUNITY-SERVICE ORGANIZATIONS

WHEREAS, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended ("MPC"), authorizes the governing body of a municipality to establish reasonable fees for hearings before the Zoning Hearing Board; and

WHEREAS, the Board of Supervisors of Newberry Township has established fees for applications and hearings before the Newberry Township Zoning Hearing Board through the Township Fee Schedule; and

WHEREAS, the Board of Supervisors recognizes that certain nonprofit, veterans, charitable, religious, civic, emergency-service, and community-service organizations provide substantial benefits and services to the residents of Newberry Township and the surrounding community; and

WHEREAS, the Board of Supervisors desires to reduce the financial burden associated with seeking zoning relief for such organizations while continuing to require full compliance with all applicable zoning procedures, standards, and hearing requirements; and

WHEREAS, the Board of Supervisors finds that establishing a uniform fee-waiver policy for qualifying organizations is preferable to considering individual fee-waiver requests on a case-by-case basis;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Newberry Township, York County, Pennsylvania, as follows:

SECTION 1. QUALIFYING ORGANIZATIONS

For purposes of this Resolution, a "Qualifying Nonprofit Organization" shall include:

1. An organization recognized as exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
2. A veterans organization recognized under Section 501(c)(19) of the Internal Revenue Code;
3. A nonprofit volunteer fire company, fire department, ambulance service, or emergency-service organization; and
4. A substantially similar nonprofit civic, charitable, religious, veterans, or community-service organization, as determined by the Township Manager upon submission of satisfactory documentation of nonprofit status.

The fee waiver shall apply only when the qualifying organization is the applicant, property owner, or authorized occupant of the property and the requested zoning relief is directly related to the organization's nonprofit, civic, veterans, charitable, religious, emergency-service, or community-service activities.

The waiver shall not apply to an application filed primarily for a commercial, for-profit, residential-development, or other income-producing activity unrelated to the organization's qualifying nonprofit purpose.

SECTION 2. ZONING HEARING BOARD FEE WAIVER

A Qualifying Nonprofit Organization shall be entitled to a waiver of the standard Newberry Township Zoning Hearing Board application and hearing fee in an amount not to exceed Eight Hundred Fifty Dollars ($850.00) per application.

If the standard Zoning Hearing Board application and hearing fee established by the Township Fee Schedule is less than $850.00, the waiver shall be limited to the actual fee otherwise applicable.

If the standard fee exceeds $850.00, the applicant shall be responsible for payment of the amount exceeding $850.00 unless otherwise authorized by subsequent resolution of the Board of Supervisors.

No separate action by the Board of Supervisors shall be required for an applicant that satisfies the eligibility requirements of this Resolution.

SECTION 3. COSTS NOT INCLUDED IN WAIVER

The fee waiver established by this Resolution applies only to the Township-established Zoning Hearing Board application and hearing fee.

The applicant shall remain responsible for any costs that applicable law specifically requires to be borne by the applicant, including the applicant's required share of any stenographer appearance fee and any transcript costs requested or otherwise chargeable to the applicant under the Pennsylvania Municipalities Planning Code.

Nothing in this Resolution shall authorize the Township to impose upon an applicant costs that are prohibited from being included in a Zoning Hearing Board hearing fee under applicable law.

SECTION 4. ZONING REQUIREMENTS NOT WAIVED

Nothing contained in this Resolution shall waive, modify, reduce, or otherwise affect any substantive or procedural requirement of the Newberry Township Zoning Ordinance or the Pennsylvania Municipalities Planning Code.

A Qualifying Nonprofit Organization receiving a fee waiver shall remain subject to the same application requirements, public notice and property-posting requirements, hearing procedures, evidentiary standards, variance criteria, special-exception criteria, appeal procedures, and other applicable zoning requirements as any other applicant before the Newberry Township Zoning Hearing Board.

Approval of a fee waiver shall not constitute an endorsement of the application and shall have no bearing upon the consideration or decision of the Zoning Hearing Board.

SECTION 5. PROOF OF ELIGIBILITY

The Township Manager or designee may require an applicant requesting a fee waiver to provide reasonable documentation establishing eligibility, including, but not limited to, an IRS determination letter, articles of incorporation, organizational charter, nonprofit registration documentation, or other satisfactory evidence establishing the organization's qualifying nonprofit or community-service status.

SECTION 6. TOWNSHIP FEE SCHEDULE

The Newberry Township Fee Schedule is hereby amended to include the following provision:

Category	Zoning Hearing Board - Qualifying Nonprofit Organization
Application / Hearing Fee	Waived up to $850.00 per application

Applicant Responsibility	Applicant remains responsible for any costs specifically required to be borne by the applicant under applicable law.

SECTION 7. ADMINISTRATION

The Township Manager or designee is authorized to administer this Resolution and determine whether an applicant satisfies the eligibility requirements established herein.

Any applicant aggrieved by a determination regarding eligibility for the fee waiver may request review by the Board of Supervisors.

SECTION 8. CONFLICT

All prior resolutions or portions of resolutions inconsistent with this Resolution are hereby superseded to the extent of such inconsistency.

SECTION 9. APPLICABILITY

This Resolution shall apply to qualifying applications filed on or after the effective date of this Resolution.

The Board of Supervisors may also authorize application of this Resolution to a qualifying application that is pending on the effective date, provided that a final Zoning Hearing Board hearing has not yet occurred.

SECTION 10. EFFECTIVE DATE

This Resolution shall become effective immediately upon adoption.

RESOLVED this 27 day of October, 2026.

ATTEST:

Aaron Schwartz, Secretary

NEWBERRY TOWNSHIP
BOARD OF SUPERVISORS
By:
Mario Eckert, Chairman

NEWBERRY TOWNSHIP CORPORATE SEAL YORK COUNTY PENNSYLVANIA

CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of Newberry Township, York County, Pennsylvania, certify that the foregoing is a true and correct copy of a Resolution of the Board of Supervisors of Newberry Township duly adopted by a 5 to 0 affirmative vote at a public meeting held on the 27th day of October, 2026; that said Resolution has been recorded in the Resolution Book of the Township; and that said Resolution remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of Newberry Township on this 27th day of October, 2026.

Aaron Schwartz, Secretary

