LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 264-09-26

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF LOWER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA TO ESTABLISH CRITERIA FOR THE COLLECTION OF TRANSPORTATION (TRAFFIC) IMPACT FEES IN ACCORDANCE WITH ACT 209 OF 1990, PROVIDING FOR PURPOSE, FINDINGS AND CONCLUSIONS, DEFINITIONS, ENACTMENT AND IMPOSITION OF TRANSPORTATION IMPACT FEES, RETROACTIVE APPLICATION, USES, INCORPORATION AND ADOPTION OF LAND USE ASSUMPTIONS REPORT, ROADWAY SUFFICIENCY ANALYSIS, AMENDED LAND USE ASSUMPTIONS REPORT, AND TRANSPORTATION CAPITAL IMPROVEMENTS PLAN, AND TRANSPORTATION SERVICE AREA MAP, SPECIAL TRANSPORTATION STUDIES, UNIFORM APPLICABILITY OF TRANSPORTATION IMPACT FEES, IMPOSITION AND PAYMENT OF TRANSPORTATION IMPACT FEES AS CONDITION TO ISSUANCE OF BUILDING PERMIT, METHOD OF CALCULATION OF TRANSPORTATION IMPACT FEES, ESTABLISHMENT OF TRANSPORTATION SERVICE AREA, CALCULATION OF PER PEAK HOUR TRIP FEE FOR THE TRANSPORTATION SERVICE AREA, NON-BINDING TRANSPORTATION IMPACT FEE ESTIMATES, ADMINISTRATION OF TRANSPORTATION IMPACT FEES, COLLECTION, ESTABLISHMENT OF THE FUND, ESTABLISHMENT AND MAINTENANCE OF ACCOUNTS, MAINTENANCE OF RECORDS, TIME, METHOD, AND PROCEDURE FOR PAYMENT, CREDIT, ADDITIONAL AND SUPPLEMENTAL REQUIREMENTS, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Act 209 of 1990 (53 P.S. §10501-A et. seq.), together with all amendments thereto (collectively "Act 209"), authorizes qualifying municipalities to establish an impact fee for transportation capital improvements (the "Transportation Impact Fee") and establishes a procedure for the adoption of a Transportation Impact Fee; and

WHEREAS, pursuant to Act 209, Lower Nazareth Township ("Township") by the affirmative vote of its Board of Supervisors (the "Board") authorized the creation, imposition and collection of impact fees to fund transportation capital improvements; and

WHEREAS, Lower Nazareth Township has experienced considerable growth in development in recent years causing congestion on its roads;

WHEREAS, land use assumptions indicate that such development will continue and will place ever-increasing demands on the Township to provide transportation improvements which cannot be supported solely by the Township's general funds;

WHEREAS, in accordance with the requirements of Act 209, the Board created a Traffic Impact Fee Advisory Committee (the "Committee") for the purposes of developing a land use assumptions report, preparing a roadway sufficiency analysis study and making recommendations to the Board as to the development of roadway improvements, capital improvements and impact fees; and

WHEREAS, the Committee caused Carroll Engineering to prepare a Land Use Assumptions Report dated July 10, 2026, (the "LUAR"). The LUAR was approved by the Committee and approved by the Board of Supervisors.

WHEREAS, the Committee caused Carroll Engineering to prepare a Roadway Sufficiency Analysis dated January 29, 2026, (the "Roadway Sufficiency Analysis"). The Roadway Sufficiency Analysis was approved by the Committee and the Board of Supervisors;

WHEREAS, the Committee has caused Carroll Engineering to prepare a Transportation Capital Improvements Plan dated August 4, 2026, the ("Capital Improvements Plan," collectively with the Roadway Sufficiency Analysis, the "Analysis and Plan"). The Transportation Capital Improvements Plan was approved by the Committee and the Board of Supervisors.

WHEREAS, the amount of the Transportation Impact Fee to be imposed shall be determined by the cost of additional transportation improvements needed to meet the minimum safety and capacity standards established by the Analysis and Plan for those public facilities as identified by the Analysis and Plan; and

WHEREAS, the Board hereby finds and declares that a Transportation Impact Fee imposed upon residential and non-residential development, in order to assist in the financing of specified transportation capital improvements in the designated service area as identified in the Analysis and Plan, the demand for which is attributable to new development and new subdivision, is in the best interests of the Township and its residents, is equitable and does not impose an unfair burden on such development.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Commonwealth of Pennsylvania as follows:

SECTION 1. Title.

This Ordinance shall be known as the Lower Nazareth Township Transportation Impact Fee Ordinance.

SECTION 2. Authority.

This ordinance is enacted pursuant to the authority of Act 209 of 1990, Article V-A of the Pennsylvania Municipalities Planning Code and the Pennsylvania Second Class Township Code 53 P.S. §65101 et. seq.

SECTION 3. Purpose.

The purpose of this Ordinance is to establish a transportation impact fee to ensure that the transportation system is available and adequate to support new growth and development so that the cost of needed capital improvements be applied to new developments in a manner that will allocate equitably the cost of those improvements among property owners such that the Transportation system of the Township is available and adequate to support new growth and development. To advance this objective, there is hereby created a transportation impact fee payable to Lower Nazareth Township at the time of building permit(s) issuance.

SECTION 4. Findings and Conclusions.

The Board, pursuant to Act 209, hereby finds and declares:

1. The conditions and standards for the determination and imposition of a Transportation Impact Fee set forth herein are those set forth in Act 209 and consist of:

    a. The recitals set forth above;

    b. The analysis, advice and recommendations of the Committee;

    c. The Land Use Assumptions Report as prepared by Carroll Engineering, recommended by the Committee and approved by the Board on July 8, 2026;

    d. An amended Land Use Assumptions Report as prepared by Carroll Engineering was approved by the Board on July 22, 2026;

    e. The Roadway Sufficiency Analysis as prepared by Carroll Engineering, recommended by the Committee and approved by the Board of Supervisors on July 8, 2026;

    f. The Transportation Capital Improvements Plan as prepared by Carroll Engineering, recommended by the Committee and approved by the Board of Supervisors on August 12, 2026;

    g. Such other conditions and standards as the Board may by resolution from time to time identify as being relevant, material and necessary to the imposition of a Transportation Impact Fee and consistent with the provisions of Act 209 and any amendments thereto.

2. The amount of the per-peak-hour-trip transportation impact fees shall be set forth in Section 14, "Calculation of Per-Peak-Hour-Trip Fee for the Transportation Service Area" of this Ordinance.

3. The time, method, and procedure for payment of "Transportation Impact Fees shall be as set forth in in Section 16, "Administration of Transportation Impact Fees" of this Ordinance.

4. The procedure for credits against Transportation Impact Fees shall be as set forth in Section 18, "Credit" of this Ordinance.

SECTION 5. Definitions.

The terms and definitions as set forth in 53 P.S. §10502-A, "Definitions" of Act 209 are hereby adopted, referenced and incorporated as if more fully set forth herein.

SECTION 6. Retroactive Application.

For a period not to exceed 18-months after the adoption of the resolution creating an impact fee advisory committee pursuant to Municipalities Planning Code Section 504-A(b)(1), as it pertains to preliminary or tentative applications for land development, subdivision or PRD with the municipality on or after the first publication of the municipality's intention to adopt an impact fee ordinance; provided, however, that the impact fee imposed on building permits for construction of new development approved pursuant to such applications filed during the period of pendency shall be $1,000 per anticipated peak hour trip as calculated in accordance with the generally accepted traffic engineering standards as set forth under the provisions of subsection (a)(1) or the subsequently adopted fee established by the ordinance, whichever is less.

SECTION 7. Enactment and Imposition of Transportation Impact Fees.

There is hereby enacted a Transportation Impact Fee to be imposed upon new subdivision and new development, as defined in the Act, for the purpose of funding off-site public transportation improvements as authorized by Act 209 and as described in the Roadway Sufficiency Analysis approved by the Board and the Capital Improvements Plan approved by the Board. The Transportation Impact Fees shall apply to all subdivisions or new developments (as such term is defined under 53 P.S. §10502-A) within the transportation service area as hereinafter defined and identified (the §10502-A) within the transportation service area as hereinafter defined and identified (the "Transportation Service Area") and shall be due and payable to the Township at the time of the issuance of building permit(s), such payment being a condition precedent to the issuance and validity of such building permit(s).

SECTION 8. Uses.

Transportation Impact Fees collected pursuant to this Ordinance may be expended for those costs incurred for improvements identified in the Analysis and Plan which are attributable to subdivision or new development, including the acquisition of land and rights-of-way, engineering, legal and planning costs and all other costs which are directly related to road improvements within the Transportation Service Area, including debt service, and further including such proportionate amount of the preparation of the Roadway Sufficiency Analysis as is permitted pursuant to Act 209.

SECTION 9. Incorporation and Adoption of Supporting Documentation.

The following documents, approved by the Board of Supervisors, are hereby incorporated by reference in full in the ordinance, as if attached hereto:

1. The Land Use Assumptions Report as approved by Resolution No. LNT-22-2026.

2. The Roadway Sufficiency Analysis as approved by Resolution No. LNT-23-2026.

3. An Amended Land Use Assumptions Report was approved by Resolution No. LNT-24-26.

4. The Transportation Capital Improvements Plan as approved by Resolution No. LNT-27-26.

5. Transportation Service Area Map as prepared by Carroll Engineering, attached as Exhibit A to the Transportation Capital Improvements Plan, and incorporated by reference in full herein, as if attached hereto.

SECTION 10. Special Transportation Studies.

Where intended to assist in the determination of the appropriate amount of the Transportation Impact Fee, the Township may require an Applicant to prepare a special transportation study (the "Special Transportation Studies") to determine the traffic generation and circulation patterns in new non-residential developments or subdivisions; provided however, that studies may not be required when the proposed development will not require a deviation from the Land Use Assumptions resulting in increased density, intensity or trip generation. The special transportation study shall be prepared by a qualified traffic or transportation engineer in accord with generally accepted transportation planning and engineering standards and shall be submitted prior to the imposition of a Transportation Impact Fee and shall be considered in determination of same. The Applicant shall be responsible for all costs associated with the Special Transportation Studies.

Where a new non-residential development is proposed which deviates from the land use assumptions resulting in increased density, intensity, or trip generation, the developer shall be required to prepare a special transportation study in order to assist the Township in determining traffic generation or circulation and to serve as the basis for the determination of the amount of transportation impact fee for such development or subdivision. Such transportation studies shall conform with the requirements of the Township's Subdivision and Land Development Ordinance. Any such studies shall be submitted prior to the imposition of the impact fee and shall be considered in the determination of the fee.

SECTION 11. Uniform Applicability of Transportation Impact Fees.

This Ordinance shall be uniformly applicable to all subdivisions and new developments that occur within the Transportation Service Area.

SECTION 12. Imposition and Payment of Transportation Impact Fee as Condition to Issuance of Building Permit.

No building permit shall be issued for a subdivision or new development within the Transportation Service Area, until such time as the Applicant thereof has paid to the Township the Transportation Impact Fee imposed by and calculated pursuant to this Ordinance.

SECTION 13. Method of Calculation of Transportation Impact Fees.

1. The Transportation Impact Fee shall be based upon the total costs of road improvements or portions thereof included in the Analysis and Plan within a given Transportation Service Area that are attributable and necessitated by subdivision and/or new development within the Transportation Service Area, as calculated in accordance with the Act and herewith, divided by the number of anticipated peak hour trips generated by all subdivision and/or new development consistent with a) the Land Use Assumptions, as approved and b) calculated in accordance with the Trip Generation Manual published by the Institute of Transportation Engineers, 10th or subsequent editions, as amended, which is hereby approved by the Township, to equal the per-trip cost for transportation improvements within the Transportation Service Area.

2. The Transportation Impact Fee for a specific subdivision or new development within the Transportation Service Area for road improvements shall be determined as of the date of preliminary subdivision or new development approval by multiplying the per trip cost established for the Transportation Service Area by the estimated number of peak-hour trips to be generated by the subdivision or new development using the Trip Generation Manual published by the Institute of Transportation Engineers, 10th or subsequent edition, as amended.

3. If the subdivision or new development contains a mix of uses, the Applicant must separately calculate the Transportation Impact Fee due for each type of use.

4. The Board may authorize or require the preparation of a special transportation study in order to determine the traffic generation or circulation for a new non-residential development to assist in the determination of the amount of the transportation impact fee for such subdivision or new development.

SECTION 14. Establishment of Transportation Service Area.

1. Transportation Service Area is established as shown on the map, entitled "Transportation Service Area," as included in the Analysis and Plan and as further attached hereto as Exhibit "A" and incorporated fully herein by reference.

2. Additional Transportation Service Areas may be designated by the Board of Supervisors from time to time consistent with the procedures set forth herein and Act 209 and when designated in consideration of the following additional factors:

   a. The Nazareth Area Multi-Municipal Comprehensive Plan

   b. Any standards for adequate public facilities incorporated in the Capital Improvements Program;

   c. The projected build-out and timing of development areas; and

   d. Such other factors as the Board of Supervisors may deem relevant.

3. Transportation Impact Fees collected from development and subdivision in the Transportation Service Area shall be used exclusively to fund transportation improvements projects scheduled for that Transportation Service Area.

SECTION 15. Calculation of Per-Peak-Hour-Trip Fee for the Transportation Service Area.

The amount of the fee for the transportation service area shall be $1,950.31 per weekday afternoon new peak hour trip, unless revised or amended in accordance with the provisions hereof and the Act, calculated in accordance with the Act as follows:

1. Total costs of road improvements in Transportation Service Area included in the approved Analysis and Plan attributable to and necessitated by new development and subdivision within the Transportation Service Area, including 50% of the estimated costs of improvements to highways, roads and streets qualifying as a state highway or portion of the rural highway system as provided under the State Highway Law.

2. Total costs attributable to Transportation Service Area.

SECTION 16. Non-Binding Transportation Impact Fee Estimates.

Prior to making an application for a building permit, an Applicant may request a non-binding impact fee estimate from the Township. Unless the Applicant specifies a lesser use or development, any such estimate shall be based upon the maximum development potential of the site pursuant to existing zoning regulations.

SECTION 17. Administration of Transportation Impact Fees.

1. **Collection**. Transportation Impact Fees due pursuant to this Ordinance shall be collected by the Township in the manner or manners prescribed herein prior to the issuance of a building permit.

2. **Establishment of the Fund**. Upon the receipt of any Transportation Impact Fees, the Township shall be responsible for the separate and proper accounting of such fees. All such fees shall be deposited into interest-bearing accounts in a bank authorized to receive deposits of the Township's funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.

    a. Notwithstanding any other provision of this Ordinance, and in compliance with Act 209, the Township may expend Transportation Impact Fees paid by an Applicant for projects not contained in the Analysis and Plan, or may provide credit against Transportation Impact Fees for the value of any construction not contained in the Analysis and Plan, which are performed at the Applicant's expense if all of the following criteria are met:

        i. The Applicant has provided written consent to use its collected Transportation Impact Fees or the provision of such credit against its Transportation Impact Fees for specific, alternative transportation projects which are not included in the Analysis and Plan;

        ii. The alternative transportation projects, whether highway or multimodal, have as their purpose the reduction of traffic congestion or the removal of vehicle trips from the roadway network; and

        iii. The Township amends its Analysis and Plan to provide replacement of the collected Transportation Impact Fees transferred to alternative transportation projects from sources other than impact fees or developer contributions within three (3) years of completion of the alternative projects to which the transferred Transportation Impact Fees were applied or for which credit was provided.

3. **Establishment and Maintenance of Accounts**.

    The Township shall establish appropriate trust fund accounts and shall maintain records whereby Transportation Impact Fees collected can be segregated for each Transportation Service Area.

4. **Maintenance of Records**.

    The Township shall be responsible for the separate and proper accounting of any Transportation Impact Fees received pursuant to this Ordinance. The Township shall

maintain and keep adequate financial records for each account which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the Analysis and Plan for the Transportation Service Area.

SECTION 18. Time, Method, and Procedure for Payment.

The Transportation Impact Fee for a specific subdivision or new development shall be paid prior to the issuance of the building permit for the development. The Transportation Impact Fee shall be paid to the Township and shall be administered by the Township in accordance with the provisions of this Ordinance.

SECTION 19. Credit.

Any Applicant who shall perform off-site improvements, at its own expense and with the consent and agreement of the Board of Supervisors, shall be eligible for a credit from a Transportation Impact Fee otherwise due in the amount for the actual cost of such off-site improvements as approved by the Township Engineer. Such credit shall not exceed the amount of the Transportation Impact Fee that would have been charged if a credit was not due. The Board of Supervisors, at its sole discretion, may direct the Township to provide the Applicant:

1. A credit against the Transportation Impact Fee otherwise due in the amount of the fair market value of any land dedicated by the Applicant to the Township for future-right-of-way, realignment, or widening of any existing roadways. The fair market value of the land dedicated by the Applicant shall be determined as of the date of the submission of the subdivision or new development application to the Township.

2. A credit against the Transportation Impact Fee otherwise due for the value of construction of road improvements contained in the Analysis and Plan which are performed at the Applicant's expense. The amount of such credit for any transportation capital improvement constructed shall be the amount allocated in the Analysis and Plan, including contingency factors, for such work.

3. Any Applicant who shall perform, at their own expense, and with the consent and agreement of the Board of Supervisors, off-site improvements, as herein defined, shall be eligible for a credit from the Transportation Impact Fee otherwise due in the amount of the actual cost of such off-site improvements as approved by the Township Engineer, only if all of the following criteria are met:

    a. The Applicant shall enter into an agreement (the "Improvement Agreement") with the Township prior to the issuance of a building permit. The Improvement Agreement shall establish the estimated cost of the off-site improvements, a requirement that the off-site improvements be completed to Township and Pennsylvania Department of Transportation standards and

design criteria and other such terms and conditions as deemed necessary by the Board of Supervisors;

b. The Township shall review the Improvements Agreement, verify costs and time schedules, determine if the improvement is contained in the Analysis and Plan, and determine the amount of the applicable credit for such improvement to be applied against the otherwise due Transportation Impact Fee; and

c. Applicant shall be required to supply financial security sufficient, in the judgement of the Township, to cover the cost of any such improvement installed by the Applicant for which the credit is sought.

4. In no instance shall any credit authorized by the Board of Supervisors pursuant to this Ordinance exceed the amount of the Transportation Impact Fee actually due.

SECTION 20. Additional and Supplemental Requirement.

The Transportation Impact Fee is additional and supplemental to, and not in substitution of, any other requirements by the Township on the subdivision or development of land or the issuance of building permits. Northing herein contained shall be deemed to alter or affect the Township's existing ordinances and regulations regarding on-site improvements. In no event shall a property owner be obligation to pay for Transportation Capital Improvements in an amount in excess of the amount calculated pursuant to this Ordinance, provided however, that a property owner may be required to pay pursuant to Township ordinances, regulations or policies, for other public facilities in addition to the Transportation Impact Fee as provided herein.

SECTION 21. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 22. Revisions.

The Lower Nazareth Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION 23. Severability.

In the event that any section, sentence, clause, phrase or work of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 24. Effective Date.

This amendment shall become effective five (5) days after date of adoption.

SECTION 25. Failure to Enforce Not a Waiver.

The failure of Lower Nazareth Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ENACTED AND ORDAINED this 9 day of September, 2026, by the Board of Supervisors of Lower Nazareth Township at a duly advertised meeting where a quorum was present.

LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Amy Templeton, Chairperson

Tammi Dravecz, Secretary/Treasurer

Exhibit "A"
Transportation Service Area Map

TRANSPORTATION SERVICE AREA MAP

LOWER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, PA

Carroll Engineering Corporation

Phone: (215)-343-5700 | Website: www.carrollengineering.com

Project Number: 247067 | June 30, 2026

0 1,000 2,000 Feet

1 in = 1,000 ft

N W E S

Exhibit "A"

