

WHITPAIN TOWNSHIP

ORDINANCE NO. 429

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION] AMENDING CHAPTER 129 [SUBDIVISION AND LAND DEVELOPMENT] TO UPDATE THE TRAFFIC IMPACT FEE

CERTIFICATION

I, ERIC TRAUB, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 429.



Eric Traub, Township Manager
January 5, 2026

ENACTED: January 5, 2026

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WHEREAS, the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 et seq. (“MPC”), authorizes municipalities to adopt, amend, and administer impact fee ordinances to fund transportation capital improvements necessary to accommodate new development; and

WHEREAS, Section 504-A(e)(4)(v) permits periodic, but no more than annual, updates and recalculations of the capital improvements plan and related impact fee charges by applying the Construction Cost Index (CCI) as published in the *American City/County Magazine* or the *Engineering News Record*; and

WHEREAS, the Township of Whitpain last updated its impact fee charges on May 17, 2016; and

WHEREAS, the Township of Whitpain recognizes that the CCI, as published in the *American City/County Magazine* has recognized a forty-percent (40%) increase in the CCI since May 2016 to August 2025; and

WHEREAS, the Township of Whitpain’s Impact Fee Advisory Committee (IFAC) so recognizes the need to periodically adjust fees to keep pace with changes in use and material costs;

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township’s Code is amended as follows:

SECTION 1. **Amending Chapter 129-6.**

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 108 [Subdivision and Land Development] is hereby restated and amended to delete

the struck-through language (example) and add the underlined language (example) as follows:

§ 129-6(K). Traffic Impact Fees.

K. Calculation of Impact Fees.

1. The impact fee for transportation capital improvements shall initially be based upon the total costs of the street improvements included in the adopted Transportation Capital Improvements Plan within a given transportation service area attributable to and necessitated by new development within the service area as defined, divided by the number of anticipated peak-hour trips generated by all new development consistent with the adopted land use assumptions and calculated in accordance with the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers which is hereby adopted by the Township, to equal a per-trip cost for transportation improvements within the service area.

The impact fee may be updated periodically, although no more than annually, by the Impact Fee Advisory Committee (IFAC) to reflect changes in use, character, and costs over time. In so doing, the IFAC may consult, adjust, and rely upon the Construction Cost Index (CCI) as reported and published in the most recent edition of either the *American City/County Magazine* or the *Engineering News Record*; in accordance with Section 504-A(e)(4)(v) of the Pennsylvania Municipalities Planning Code.

2. Effective from the date of this ordinance, the impact fee per "new" weekday afternoon peak hour trips shall be set at \$4,324.60.
3. The specific impact fee for a specific new development or subdivision within the service area for street improvements shall be determined as of the date of preliminary land development or subdivision approval by multiplying the per-trip cost established for the service area as determined in the transportation Capital Improvement Plan by the estimated number of trips to be generated by the new development or subdivision using generally accepted traffic engineering standards.
4. The Board of Supervisors may authorize or require the preparation of a special transportation study in order to determine traffic generation or circulation for a new nonresidential development to assist in the determination of the amount of the transportation fee for such development or subdivision.

SECTION 2. Repeal and Ratification.

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. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 5th day of January 2026, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**



Scott M. Badami, Chair

[Seal]

Attested by:



Robert Brunner, Secretary