

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 583

(Duly Adopted December 27, 2023)

AN ORDINANCE ESTABLISHING THE REAL ESTATE TAX RATE FOR THE FISCAL YEAR 2024 AT 4.58 MILLS (4.50 MILLS FOR GENERAL BOROUGH PURPOSES AND 0.08 MILLS FOR FIRE PURPOSES), WHICH IS AN INCREASE OF 0.75 MILLS OVER THE TAX RATE FOR FISCAL YEAR 2023; CONFIRMING A 2% DISCOUNT ON REAL ESTATE TAXES PAID WITHIN TWO MONTHS OF THE DATE OF THE TAX NOTICE AND A 10% PENALTY FOR FAILURE TO PAY SUCH TAXES WITHIN FOUR MONTHS AFTER THE DATE OF THE TAX NOTICE; CONFIRMING WITH NO CHANGE IN RATES FOR 2024 THE PER CAPITA TAX, EARNED INCOME TAX, LOCAL SERVICES TAX, REALTY TRANSFER TAX, WATER RENTALS AND FEES, SANITARY SEWER RENTALS AND FEES AND THE FEES FOR COLLECTING MUNICIPAL WASTE AND RECYCLABLE MATERIALS; REVISING FEES CHARGED FOR RETURNED CHECKS, ZONING HEARINGS. ZONING PERMITS, SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS, RESIDENTIAL RENTAL PROPERTY REGISTRATIONS, RENEWALS, AND REINSPECTIONS, CURBING AND SIDEWALK PERMITS, INSPECTIONS, AND CONSTRUCTION, WATER CONNECTION AND DISCONNECTION, WATER AND SEWER TAPPING FEES, AND WATER METER READINGS; AND REGULATING ALARM DEVICES IN NON-RESIDENTIAL STRUCTURES.

BE IT ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 81 of the Codified Ordinances (relating to Real Property Tax) is amended by adding the following new § 81-125:

§ 81-126 2024.

A tax is hereby levied on all assessed property within the Borough of Alburdis subject to taxation for fiscal year 2024, as follows:

(a) For general borough purposes: the sum of 4.50 mills on each dollar of assessed valuation.

(b) For the purposes of making appropriations to fire companies serving the Borough; for the purchase of fire engines, fire apparatus, and fire hose for the use of the Borough; for assisting any fire company serving the Borough in the purchase, renewal, or repair of any of its fire engines, fire apparatus, or fire hose; for the training of fire personnel; and/or for payments to fire training schools and centers: the sum of 0.08 mills on each dollar of assessed valuation.

(c) The total tax levy on assessed property is equal to 4.58 mills on each dollar of assessed valuation.

SECTION 2. Article II of Chapter 81 of the Codified Ordinances (relating to Real Property Tax—Discounts & Penalties) is ratified and confirmed without change for the year 2024.

SECTION 3. The rates of taxes under Chapters 80 (relating to Earned Income Tax), 83 (relating to Per Capita Tax), 84 (relating to Local Services Tax), and 85 (relating to Realty Transfer Tax) of the Codified Ordinances are ratified and confirmed without change for the year 2024.

SECTION 4. Except as otherwise provided in this Ordinance, the rentals, charges, and/or fees established under Codified Ordinances Chapter 64, Article VI (relating to

Water Rentals, Charges, and Fees), Chapter 65, Article V (relating to Sanitary Sewer—Sewer Rental & System Usage Fees), and Chapter 67, Article VII (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Fees) are ratified and confirmed without change for the year 2024.

SECTION 5. Codified Ordinances § 7-401(f) (relating to Departments—Administration—Miscellaneous Fees—Returned Checks) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 7-401 Miscellaneous Fees.

* * *

(f) **Returned Checks.** The fee for a returned check shall be ~~Twenty Dollars (\$20.00)~~ Thirty Dollars (\$30.00).

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SECTION 6. Codified Ordinances § 21-2002 (relating to Zoning—Administration, Fees, Permits, and Penalties—Fees, Charges, and Expenses) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-2002 Fees, Charges, and Expenses

(a) Zoning Hearing Board or Conditional Use Proceedings.

(1) **Base Fees.** The base fee for a proceeding before the Zoning Hearing Board (whether an appeal, request for a variance, interpretation, special exception, etc.) or a conditional use proceeding before Council shall be ~~Two Hundred Dollars (\$200.00)~~. ==

(A) Four Hundred Twenty-five Dollars (\$425.00) in the case of a residential application; and

(B) Eight Hundred Seventy-five Dollars (\$875.00) in the case of all other applications.

The base fee shall be nonrefundable, even if the applicant withdraws the application.

(2) Additional Fees. In addition to the base fees set forth in paragraph (1), the Borough shall recover from the applicant==

(A) all costs incurred by the Borough for advertising hearings in connection with the application;

(B) all costs incurred by the Borough to provide notices to any persons in connection with the application;

(C) fifty percent (50%) of the appearance fee for a stenographer. In addition, the cost of the original transcript shall be paid by the Zoning Hearing Board or Council if the transcript is ordered by the Zoning Hearing Board or Council, or shall be paid by the person appealing from the decision of the Zoning Hearing Board or Council if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof; and

(D) all properly-chargeable engineering and legal costs incurred by the Borough in connection with the proceeding, which does not include the legal expenses of the Zoning Hearing Board or Council, expenses for engineering, architectural, or other technical consultants, or expert witness costs.

(3) Escrow. The applicant shall deposit the sum of ~~Four Hundred Dollars (\$400.00)~~ Two Thousand Five Hundred Dollars (\$2,500.00) with the Borough at the time the application is filed as security for the payment of additional fees under paragraph (2), and shall replenish any sums drawn against the escrow upon demand.

(b) Zoning Permits. The fee for a zoning permit under § 21-2003 (relating to Zoning Permits Required) shall be ~~Fifty~~ Seventy-five Dollars (~~\$50.00~~ \$75.00). This fee is in addition to the fees for all other permits

which may be required in connection with the activity or use which is the subject of the zoning permit, including but not limited to building permits and other permits under Chapter 30 (relating to Uniform Construction Code).

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SECTION 7. Codified Ordinances § 22-1106 (relating to Subdivision and Land Development—Administration—Fees) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 22-1106 Fees

* * *

(b) **Additional Fees.** In addition to the base fees, the Borough shall recover from the applicant—

(1) all costs incurred by the Borough for advertising meetings in connection with the application;

(2) all costs incurred by the Borough to provide notices to any persons in connection with the application;

(3) all properly-chargeable engineering and legal costs incurred by the Borough in connection with the review of the application, including reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough, at the then-current rates approved by Council for comparable services to the Borough which are not reimbursed or otherwise imposed on applicants. Fees charged to the Borough relating to any appeal of a decision on an application shall not be considered review fees and shall not be charged to an applicant. Procedures for billing and disputing review fees and resolving such disputes are set forth in sections 503(1) and 510(g) of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. §§ 10503(1), 10510(g).

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(d) Schedule:

	Base Fee			Escrow		
	Minimum +	Additional amount	But no more than	Minimum +	Amount per lot	But no more than
Minor Subdivision	\$50.00 <u>\$100.00</u>	\$5.00 <u>\$10.00</u> per lot	\$100.00 <u>\$200.00</u>	\$200.00	\$10.00 <u>\$20.00</u>	\$500.00 <u>\$750.00</u>
Major Subdivision/ Sketch Plan	\$100.00 <u>\$200.00</u>			\$2000.00	\$25.00 <u>\$50.00</u>	\$3000.00 <u>\$4,000.00</u>
Major Subdivision/ Preliminary and/or Final Plan	\$50.00 <u>\$100.00</u>	\$5.00 <u>\$10.00</u> per lot	\$100.00 <u>\$200.00</u>	Escrow is submitted at time of sketch plan. If no sketch plan is submitted, the escrow is as set forth above for the sketch plan.		
Re-subdivision	\$50.00 <u>\$100.00</u>	\$5.00 <u>\$10.00</u> per acre or fraction	\$100.00 <u>\$200.00</u>	\$0		
Incomplete subdivision	\$200.00 <u>\$400.00</u>			\$0		
Site plan	\$250.00 <u>\$500.00</u>			\$500.00		
Incomplete site plan	\$200.00 <u>\$400.00</u>			\$0		

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SECTION 8. Codified Ordinances § 36-401 (relating to Residential Rental Properties—Miscellaneous—Fees) is hereby amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining:

§ 36-401 Fees.

Each Landlord shall pay the following fees in connection with the administration of this Chapter:

(a) **Initial Registration.** The fee for the initial registration of a Residential Rental Unit under this Chapter shall be ~~Sixty~~ One Hundred Fifty Dollars (~~\$60.00~~ \$150.00), *provided* that if the exception for new construction in § 36-203(d) applies, the fee for the initial registration shall be Ten Dollars (\$10.00).

(b) **Annual Renewal.** The fee for the renewal of a registration for a new calendar year shall be ~~Sixty~~ One Hundred Fifty Dollars (~~\$60.00~~ \$150.00), if paid when due and One Hundred Seventy-five Dollars (\$175.00) if more than thirty (30) calendar days late. However, there shall be no fee for the renewal of a registration for calendar year 2018 if the initial registration of the Residential Rental Unit occurred during 2017.

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(d) **Reinspections.** The fee for any reinspection under § 36-204(d) shall be ~~Fifty~~ One Hundred Forty Dollars (~~\$50.00~~ \$140.00).

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SECTION 9. Codified Ordinances § 56-103 (relating to Curbs, Sidewalks, and Walkways—In General; Administration—Fees), concerning fees related to the installation of curbing and/or sidewalks, is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 56-103 Fees.

A fee shall be paid to the Borough for a permit under this Article in the total amount of —

(a) Five Fifty Dollars (~~5.00~~ \$50.00) for each building lot in front of which curbing or sidewalks are to be installed, ~~plus the costs of the Borough Engineer to set the line and grade and to inspect the work (both before and after pouring concrete), at the standard hourly rate charged by the Borough Engineer to the Borough; plus~~

(b) Five Dollars (\$5.00) per lineal foot; plus

(c) One Hundred Fifty Dollars (\$150.00) for each inspection.

The person applying for a permit shall deposit the amount of such fees, as estimated by the Borough Manager, with the Borough Manager before the permit is issued, and any additional amount determined thereafter shall be paid promptly upon demand.

SECTION 10. Codified Ordinances § 56-105 (relating to Curbs, Sidewalks, and Walkways—In General; Administration—Inspection Prior to Pouring Concrete) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 56-105 ~~Inspection Prior to Pouring Concrete~~ Inspections.

After the excavation has been made and the forms have been set for the pouring of any curbing or sidewalk, the Borough Engineer or his designee shall be notified so that he may inspect the work before any concrete is poured, and no concrete shall be poured until such inspection has been made and approval is given to proceed with the pouring. Another inspection shall be made upon the completion of the work to determine if the work was performed properly. If, upon any inspection, approval to proceed is not given or the work performed does not conform to the requirements of this Chapter, the deficiencies shall be corrected promptly and another inspection shall be made thereafter. Any curbing or sidewalk installed contrary to the provisions of this section or of any other provision of this Chapter is hereby declared to be a nuisance *per se* and shall, notwithstanding any civil enforcement proceeding being brought under § 56-106, be removed within fifteen (15) days of written notice to do so given by the Borough to the property owner.

SECTION 11. Codified Ordinances § 56-203 (relating to Curbs, Sidewalks, and Walkways—Required Installation—Curb Construction Fee) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 56-203 Curb and Sidewalk Construction Fee.

The fee charged by the Borough for constructing any curbing through Borough forces shall be ~~One Dollar Twenty-five Cents (\$1.25) per lineal foot for the first eighty (80) feet, and Twenty-five Cents (\$0.25) per lineal foot for each additional foot.~~ Notwithstanding the foregoing, if If the Borough engages any contractors to construct curbing or sidewalk, the charge imposed by the Borough shall be the cost incurred by the Borough for the installation of the curbing or sidewalk (including Borough oversight costs), as reasonably apportioned and determined by the Borough.

SECTION 12. Codified Ordinances § 64-606 (relating to Water—Rentals, Charges, and Fees—Tapping Fee) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 64-606 Tapping Fee.

The fee for a permit to tap into a water main shall be ~~Three Hundred~~ Five Hundred Dollars (~~\$300.00~~ \$500.00), to be collected at the time of the issuance of the water service permit.

SECTION 13. Codified Ordinances § 64-608 (relating to Water—Rentals, Charges, and Fees—Miscellaneous Fees) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 64-608 Miscellaneous Fees.

(a) **Connection Fee.** The owner(s) of any improved property who desires to connect the property to the Borough's water system shall pay a fee to the Borough of ~~Fifteen~~ Fifty Dollars (~~\$15.00~~ \$50.00) for turning water service on at the curb.

(b) **Disconnection Fee.** The owner(s) of any improved property voluntarily or involuntarily disconnected from the Borough's water system shall pay a fee to the Borough of ~~Fifteen~~ Fifty Dollars (~~\$15.00~~ \$50.00) for turning water service off at the curb.

(c) **Settlement Meter Readings.** The fee for an additional reading of the water meter at a time other than those regularly performed by the Borough (*e.g.*, for purposes of settlement on the sale of a property) shall be ~~Ten~~ Fifty Dollars (~~\$10.00~~ \$50.00).

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SECTION 14. Codified Ordinances § 65-401 (relating to Sanitary Sewer—Capital Construction Fees—Tapping Fee) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 65-401 Tapping Fee.

The fee for a permit to tap into a sewer main shall be ~~Three Hundred~~ Five Hundred Dollars (~~\$300.00~~ \$500.00) to the Borough, plus the then-current tapping fee imposed by the County Authority for connections to the Sewer System which flow into the Interceptor System (whether imposed by the County Authority directly against the Person tapping into the sewer main, or indirectly against the Borough and passed through by the Borough to the Person tapping into the sewer main).

SECTION 15. Chapter 97 of the Codified Ordinances (relating to Business and Nonprofit Activities) is hereby amended by adding the following new Article II after the end of existing Article I:

Article II — Alarm Devices

§ 97-201 False Alarms.

A person who owns, uses, or possesses an alarm device or automatic dialing device in a non-residential structure may not cause or permit more than one false alarm in a consecutive six-month period.

§ 97-202 Violations and Penalties.

Any person who owns, uses or possesses an alarm device or automatic dialing device in a non-residential structure and causes or permits a second or subsequent false alarm in any consecutive six-month period shall be subject to prosecution before a magisterial district judge in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, shall be sentenced to pay a criminal fine of Three Hundred Dollars (\$300.00) for each violation, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings, or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Albur-
tis, this 27th day of December, 2023, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Ronald J. DeIaco, President

Attest:

Stephen Nemeth, Borough Manager

AND NOW, this 27th day of December, 2023, the above Ordinance is hereby AP-
PROVED.

Kathleen Palmer, Mayor