

The Code of Ordinances of the Borough of Aspinwall

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CODE OF ORDINANCES
of the
BOROUGH OF ASPINWALL
Allegheny County, Pennsylvania

Published by Authority of the Borough

Adopted by *Ord. 995*, 12/10/2003

Revised and Supplemented through:
Supplement IV; June 1, 2011

KEYSTATE PUBLISHERS, INC.
300 West King Street
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The Borough of Aspinwall Code of Ordinances was adopted by the Borough of Aspinwall by *Ord. 995* and published by Keystate Publishers, Inc., on December 10, 2003. It has been subsequently revised and supplemented as follows:

Supplement I; June 9, 2004

Supplement II; January 11, 2006

Supplement III; April 8, 2009

Supplement IV; June 1, 2011

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OFFICIALS

of the

BOROUGH OF ASPINWALL

County of Allegheny

Pennsylvania

ELECTED OFFICIALS

BOROUGH COUNCIL

- | | | |
|---------------|---|--------------------|
| President | - | Joseph D. Noro |
| | - | Joseph M. Giuffre |
| | - | Kevin Gordan |
| | - | James Donahoe |
| | - | Joseph Gass |
| | - | Mark Ellermeyer |
| | - | Sharon Leech |
| Mayor | - | Ben F. Killian |
| Tax Collector | - | Georgene C. Veltri |

APPOINTED OFFICIALS

- | | | |
|---------------|---|---|
| Manager | - | April Winklmann |
| Secretary | - | April Winklmann |
| Treasurer | - | April Winklmann |
| Codes Officer | - | Edward M. Crates |
| Solicitor | - | Steve Korbel, Esquire
Babst, Calland, Clements & Zomnir,
P.C. |
| Engineer | - | Henry J. Martone & Associates |
| Police Chief | - | John Sabol |
| Fire Chief | - | Gene Marsico |

FOREWORD

History

This comprises the codification of the ordinances of the Borough of Aspinwall. The Borough of Aspinwall was incorporated as a Borough in 1893 from parts of O'Hara Township.

The Code of Ordinances of the Borough of Aspinwall was prepared by Keystone Publishers, Inc., and adopted by the Borough Council on December 10, 2003, by Ordinance Number 995.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough of Aspinwall contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Key to the disposition of each ordinance ever enacted by the Borough, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if known.

The Key to disposition indicates what action has been taken by the Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Key. The Key is a cross reference to the original ordinance books of the Borough of Aspinwall, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 995

AN ORDINANCE OF THE BOROUGH OF ASPINWALL, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING THE ASPINWALL BOROUGH CODE OF ORDINANCES; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, Section 1008(b) of the Borough Code, 53 P.S. §46008(b), authorizes the Borough of Aspinwall (the "Borough") to cause to be prepared a consolidation, codification or revision of the general body of Borough ordinances, and authorizes the Borough to adopt such consolidation, codification or revision as an ordinance of the Borough; and

WHEREAS, the Council of the Borough contracted with Keystate Publishers, Inc., for the preparation of a codification of the general body of Borough ordinances, to be known as the "Aspinwall Borough Code of Ordinances"; and

WHEREAS, the Council of the Borough desires to enact an ordinance adopting the codification of the general body of Borough ordinances, known as the "Aspinwall Borough Code of Ordinances."

NOW, THEREFORE, the Council of the Borough of Aspinwall hereby ordains and enacts as follows:

Section 1. Adoption. The "Code of Ordinances, Borough of Aspinwall," as prepared and published for the said Borough, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough of Aspinwall. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Borough of Aspinwall organized as follows:

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Chapter 1	Administration and Government
Chapter 2	Animals
Chapter 3	[Reserved]
Chapter 4	[Reserved]
Chapter 5	Code Enforcement
Chapter 6	Conduct
Chapter 7	Fire Prevention and Fire Protection
Chapter 8	Floodplains
Chapter 9	Grading and Excavating
Chapter 10	Health and Safety
Chapter 11	Housing
Chapter 12	[Reserved]
Chapter 13	Licenses, Permits and General Business Regulations
Chapter 14	[Reserved]

Chapter 15	Motor Vehicles and Traffic
Chapter 16	Parks and Recreation
Chapter 17	[Reserved]
Chapter 18	Sewers and Sewage Disposal
Chapter 19	[Reserved]
Chapter 20	Solid Waste
Chapter 21	Streets and Sidewalks
Chapter 22	Subdivision and Land Development
Chapter 23	Reserved
Chapter 24	Taxation; Special
Chapter 25	Trees
Chapter 26	Water
Chapter 27	Zoning

APPENDIX:

A	Annexation of Territory
B	Bond Issues and Loans
C	Franchises and Services
D	Governmental and Intergovernmental Affairs
E	Plan Approval
F	Public Property
G	Sewers
H	Streets and Sidewalks
I	Water
J	Zoning; Prior Ordinances

Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Borough of Aspinwall shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Borough of Aspinwall Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause and Interpretation. The provisions of the Borough of Aspinwall Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough of Aspinwall Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Unless otherwise stated herein, in the event of any conflict between any provisions or regulations of this Code, then the stricter regulation shall govern.

Section 4. Consolidation and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

Section	Subject	Ordinance No.
Chapter 15	Motor Vehicles and Traffic	621, 668, 806, 828, 845, 848, 850, 863, 865, 869 870, 882, 896, 903, 904, 905, 917, 918, 919, 920, 926, 934, 936, 937, 947, 951, 952, 954, 959, 961, 963, 978, 992, Res. 79-4B, Res. 89-2, Res. 95-01, Res. 95-02, Res. 95-04

B. Revisions

Chapter, Part	Subject	Ordinance No.
	None	

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

Section	Subject
§§1-115 – 1-121	Enforcement of Ordinances; Penalties
§§1-601 – 1-606	Attorney’s Fees
§§1-701 – 1-704	Financial Security
§1-801	Fees for Borough Services; Establishment
§§2-101 – 2-111	Dogs
§§2-201 – 2-206	Dog Nuisance Control
§§2-301 – 2-306	Cats
§§5-201 – 5-203	Property Maintenance Code
§§6-101 – 6-107	Curfew
§§6-301 - 6-304	Discharge of Firearms
§§6-401 - 6-408	Tampering with Public Property

A. New Enactments

Section	Subject
§§6-501 – 6-508	Prohibited Conduct
§§6-601 – 6-602	Fireworks
§§6-701 – 6-710	Public Meetings and Gatherings
§7-429	Authorized Duties and Activities of the Fire Department
§§9-101 – 9-119	Grading
§§10-101 – 10-113	Health Hazards and Nuisances
§§11-101 – 11-105	Registration of Occupants
§§13-201 – 13-208	Soliciting and Canvassing
§§13-401 – 13-415	Amusement Devices
§§13-501 – 13-513	Amusement Establishments
§§13-601 – 13-616	Junkyards
§§13-901 – 13-907	Inter-Municipal Liquor License Transfers
§§24-401 – 24-407	Property Tax Relief Program

B. Amendments

Section	Subject	Ordinance No.
§1-101	Administration; Definitions	806, §301
§1-202	Appointment; Term; Compensation; Removal; Qualifications	354, §602 ; 806
§1-203	Powers and Duties	354, §603; 806
§1-204	Bond Required	354, §604
§1-215	Appointment; Terms of Office; Qualifications for Solicitor, Treasurer	1, §801; 75, §801; 806
§1-219	Treasurer's Bond	1, §805; 806
§1-307	Operations of Police Department; Conduct of Officers and Employees	806, §3107
§1-308	Duties of Police During Fire Alarms	806, §3108
§1-431	Civil Service Commission Created; Appointments; Vacancies; Oath; Compensation	677, §1

B. Amendments Section	Subject	Ordinance No.
§1-501	Police Pension Plan	Res. 89-7, Art. I-XI
§1-520	Non-Uniformed Employees Pension Plan	Res. 89-7, Art. I-XII
§5-104	BOCA Building Code Chapter 1 - Administration	953, §5904; 987, §1
§6-801	Graffiti Abatement	979, §8812
§7-204	Procedure	964, §7013
§7-401	Establishment of Fire Department; Establishment	742, §1901
§7-402	Appointment and Qualifications; Chief, Assistant Chief	742, §1902; 846, §1902; 962, §1902.02
§7-404	Establishment of Fire Department; Powers of Chief During Alarms	742, §1903
§7-408	Ordering of Supplies; Procedure for Payment	742, §1908; 846, §1908; 962, §1908
§7-409	Membership of the Fire Department	742, §1909; 846, §1909; 962, §1909
§7-411	Election of Company Officers; Duties and Powers	742, §1911; 846, §1911; 962, §1911
§7-412	Qualifications for Captain	742, §1912; 846, §1912; 962, §1912
§7-413	Qualifications for First Lieutenant	742, §1913; 846, §1913; 962, §1913
§7-414	Qualifications for Second Lieutenant	742, §1914; 846, §1914; 962, §1914
§7-425	Establishment of Fire Department; Dismissal of Department Members for Failure of Duties	742, §1925

B. Amendments Section	Subject	Ordinance No.
§7-431	Recognition of Firemen’s Relief Association	412, §2720
§8-102	Applicability	727, §7402
§8-202	Issuance of Building Permit	727, §7404; 730, §2.01; 806; 818, §1; 911, §1
§8-203	Application Procedures	727, §7405; 965, §7405
§8-204	Review by County Conservation District	727, §7406
§8-205	Review of Application by Others	727, §7407
§8-206	Changes	727, §7408
§8-207	Placards	727, §7409
§8-208	Start of Construction	727, §7410; 911, §2
§8-209	Inspection and Revocation	727, §7411
§8-210	Floodplains; Administration; Fees	727, §7412
§8-212	Appeals	727, §7414; 851, §4
§8-304	Disputes	727, §7518; 851, §5
§8-401	Floodplains; Technical Provisions; General	727, §7419; 730, §4.00
§8-403	Design and Construction Standards	727, §7421; 806
§8-405	Floodplains; Technical Provisions; Development Which May Endanger Human Life	727, §7423; 776, §4.04; 806; 911, §7
§8-501	Floodplains; Activities Requiring Special Permits; Identification of Activities Requiring Special Permit	727, §7424; 776, §2.12; 818, §5; 911, §5
§8-502	Floodplains; Activities Requiring Special Permits; Application Requirements	727, §7425; 776, §2.12

B. Amendments Section	Subject	Ordinance No.
§8-503	Floodplains; Activities Requiring Special Permits; Application Requirements	727, §7426; 776, §2.12
§8-504	Floodplains; Activities Requiring Special Permits; Technical Requirements for Development Requiring a Special Permit	727, §7427; 776, §2.12
§8-802	Specific Definitions	727, §7433; 730, §7.01; 818, §6; 851, §7; 911, §6; 912, §7433
§13-101	Definitions	857, §4501
§13-104	Licenses, Permits and General Business Regulations; Alarms; Fees	857, §4504
§13-105	Repeated False Alarms	857, §4505
§13-106	Collection of Fees; Notification	857, §4506
§13-801	Purpose and Findings	950, §1
§13-802	Definitions	950, §2
§13-803	License Required	950, §3
§13-804	Issuance of License	950, §4
§13-805	Fees	950, §5
§13-806	Inspection	950, §6
§13-808	Suspension	950, §8
§13-809	Revocations and Appeals of Denials; Suspensions or Revocations	950, §9
§13-810	Transfer of License	950, §10
§13-811	Regulations Pertaining to Exhibition of Adult Explicit Films, Videos or Live Entertainment in Viewing Rooms	950, §11
§13-814	Additional Regulations Concerning Public Nudity	950, 14
§13-815	Regulations for Tattoos Parlors and Body Piercing Establishments	950

B. Amendments Section	Subject	Ordinance No.
§13-816	Prohibition Against Children in an Adult Oriented Business	950, §15
§13-817	Hours of Operation	950, §16
§16-201	Permit For Alcoholic Beverages	Res. 80-9,
§18-201	Connection to Sanitary Sewers	806, §10802
§18-203	Permit and Fees for Sewer Connections	806, §10804
§18-403	Billing Procedure and Collection of Monies	796, §10814
§20-102	Solid Waste; Solid Waste Regulations; Definitions	883, §11402
§20-103	Prohibited Activities	883, §11403
§20-105	Standards and Regulations for Collection	883, 3/11/1992, §11405
§21-103	Streets and Sidewalks; Street Openings and Pavement Cuts; Applications and Permits	906, §3
§21-104	Street Opening Regulations	906, §4
§21-302	Definitions	974, §11721
§21-303	Streets and Sidewalks; Driveway and Street Access Regulations; Street Access Permits Required; Application Review	974, §11722
§21-407	Prohibited Uses of Sidewalk	806, §11733
§22-105	Interpretation and Definitions	871, §118-105
§22-201	Approval Required	871, §118-201
§22-301	Pre-Application Conference	871, §118-301
§22-302	Preliminary Plan Application Procedures	871, §118-302
§22-303	Subdivision and Land Development; Approval Procedure; Preliminary Applicant Content	871, §118-303
§22-304	Final Plan Application Procedure	871, §118-305

B. Amendments Section	Subject	Ordinance No.
§22-305	Subdivision and Land Development; Approval Procedure; Final Application Content	871, §118-306
§22-306	Approval Resolution	871, §118-307
§22-307	Performance Security	871, §118-308
§22-308	Development Agreement	871, §118-309
§22-310	Recording of Final Plat	871, §118-311
§22-311	Filing of Copies	871, §118-312
§22-406	Maintenance Security	871, §118-406
§22-501	Subdivision and Land Development; Required Improvements; Survey Monuments, Bench Marks and Lot Pins	897, §118-501
§24-102	Definitions	811, §12312
§24-105	Excluded Transactions	811, §12315
§24-107	Acquired Company	811, §12317
§24-203	Collection Through Employers	670, §12326
§24-209	Applicability	670, §12332
§24-210	Authority for Imposition	670, §12333
§24-301	Definitions	636, §12301
§24-302	Scope	636, §12302
§24-304	Collection at Source	636, §12304
§24-310	Authority for Imposition	636, §12310
§26-122	Water; Water System; Water Rate; Billing, Collection Procedures; Construction Use of Water	806, §13609
§26-124	Water; Water System; Water Rate; Billing, Collection Procedures; Testing Meter Accuracy; Adjusting Account	806, §13611
§26-127	Water; Water System; Water Rate; Billing, Collection Procedures; Failure to Pay Bill Constitutes Grounds for Turnoff	806, §13614

B. Amendments Section	Subject	Ordinance No.
§26-128	Water; Water System; Water Rate; Billing, Collection Procedures; Conditions for Resuming Service	806, §13615
§26-146	Water; Water System; Water System Rules; Equipment, Operation, Maintenance; Charges for Ferrules and Corporation Cocks	806, §13627
§26-211	Definitions	930, §1
§27-202	Definitions	775, §140-202; as amended by 806; and by 854, §1; and by 872; and by 908, §140-202; and by 938, §§1,2; and by 988, §1
§27-303	AR-1 Single Family Residential Districts	775, §140-303
§27-304	AR-2 Residential Districts	775, §140-304
§27-306	AR-4 Multifamily Residential Districts	775, §140-306
§27-307	AR-S Special Residential District	775, §140-307
§27-402	General Provisions and Exceptions	775, §140-402; as amended by 806; and by 985, §1
§27-408	Signs	775, §140-408; as amended by 985, §2; and by 988, §8
§27-409	Off-Street Parking Requirements	775, §140-409
§27-412	No-Impact Home-Based Business	775, §140-412
§27-415	Commercial Trading Hour Restrictions	775, 6/15/1983,?
§27-416	Outdoor Mechanical Vending Devices	775, §140-415
§27-502	Application Procedure	775, §140-602; 939, §4

B. Amendments		Ordinance No.
Section	Subject	
§27-504	Special Standards and Criteria	775, §140-604
§27-702	Required Zoning Permits	775, §140-802; as amended by 851, §2; and by 887, §140-802
§27-704	Zoning; Administration and Enforcement; The Planning Commission	775, §140-804; 851, §2
§27-705	Zoning Hearing Board	775, §140-805; as amended by 851, §2
§27-707	Amendments to the Zoning Ordinance or Map	775, §140-807; as amended by 806; and by 851, §2
§27-708	Landowner Curative Amendments	775, §140-808; as amended by 851, §2
§27-709	Municipal Curative Amendments	775
§27-710	Enforcement Remedies	775, §140-809; as amended by 806; and by 851, §2

C. Repeals		
Ordinance No.	Subject	
44, 1/14/1899	Peace and Good Order	
Res. 5/5/1913	Littering	
181, 1/9/1909	Curfew	
376, 11/8/1926	Amusements and Exhibitions	
591, 1/13/1961	Mechanical Amusement Device Tax	
602, 4/10/1962	Dances and Dance Halls	
632, 6/8/1966	Weeds or Similar Vegetation	
649, 9/10/1968	Littering	

C. Repeals Ordinance No.	Subject
681, 2/9/1972	Nuisances
692, 3/14/1973	Bicycles
704, 6/11/1975	Swimming Pools
735, 6/4/1980	Consumption of Alcoholic Beverage after Legal Closing Hours
743, 11/5/1980	Charitable Solicitation and Literature Distribution
772, 1/12/1983	Amusement Device Licenses
773, 1/12/1983	Amusement Arcade Licensing
785, 4/11/1984,	Trading Hours in Commercial Districts
Res. 84-5, 4/11/1984	Trading Hours in Commercial Districts
787, 7/11/1984, §6301	Curfew
788, 7/11/1984,	Obscenity and Pornography
795, 1/9/1985	Amusement Device Licenses
806, 6/11/1986, §1-651	Mandatory Retirement Age for Regular and Police Employees
806, 6/11/1986, §4604	Consumption of Alcoholic Beverage after Legal Closing Hours
806, 6/11/1986, §§4901, 4909, 4912, 4913	Mechanical Amusement Device Tax
806, 6/11/1986, §§4915, 4918, 4920	Amusement Arcade Licensing
806, 6/11/1986, §5602	Bicycles
806, 6/11/1986, §§6302, 6304, 6305	Curfew
806, 6/11/1986, §6502, §6506, §6510, §6511, §6516	Dances and Dance Halls
806, 6/11/1986, §§7801-7805	Junk Vehicles and Materials

C. Repeals	
Ordinance No.	Subject
806, 6/11/1986, §§8201-8207	Amusements and Exhibitions
806, 6/11/1986, §§8401, 8402	Littering
806, 6/11/1986, §§8801, 8804, 8806, 8807, 8808, 8809, 8810, 8812	Nuisances
806, 6/11/1986, §§10201-10221	Property Maintenance and Dangerous, Unsafe Buildings
806, 6/11/1986, §§12101, 12102, 12103, 12105, 12111	Swimming Pools
806, 6/11/1986, §§12601, 12604	Trading Hours in Commercial Districts
806, 6/11/1986, §12901	Weeds or Similar Vegetation
895, 6/8/1994	Reimbursement for Hazardous Materials Emergency Services
948, 3/10/1999	Mechanical Amusement Device Tax
986, 6/12/2002	Property Maintenance and Dangerous, Unsafe Buildings

Section 6. Land Use Amendments. The Borough of Aspinwall Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

- A. New Provisions. The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Section	Subject
	None

- B. Revised Provisions. The following provisions of the Code are revised, the text of which indicates deletions by strike-through and additions by underline, and are summarized as follows:

Section	Subject	Ordinance No.
§22-105	Interpretation and Definitions	871, §118-105
§22-201	Approval Required	871, §118-201
§22-301	Pre-Application Conference	871, §118-301
§22-302	Preliminary Plan Application Procedures	871, §118-302
§22-303	Subdivision and Land Development; Approval Procedure; Preliminary Applicant Content	871, §118-303
§22-304	Final Plan Application Procedure	871, §118-305
§22-305	Subdivision and Land Development; Approval Procedure; Final Application Content	871, §118-306
§22-306	Approval Resolution	871, §118-307
§22-307	Performance Security	871, §118-308
§22-308	Development Agreement	871, §118-309
§22-310	Recording of Final Plat	871, §118-311
§22-311	Filing of Copies	871, §118-312
§22-406	Maintenance Security	871, §118-406
§22-501	Subdivision and Land Development; Required Improvements; Survey Monuments, Bench Marks and Lot Pins	897, §118-501
§27-202	Definitions	775, §140-202; as amended by 806; and by 854, §1; and by 872; and by 908, §140-202; and by 938, §§1,2; and by 988, §1
§27-303	AR-1 Single Family Residential Districts	775, §140-303
§27-304	AR-2 Residential Districts	775, §140-304

Section	Subject	Ordinance No.
§27-306	AR-4 Multifamily Residential Districts	775, §140-306
§27-307	AR-S Special Residential District	775, §140-307
§27-310	AI-1 Limited Industrial Districts	775, §140-310
§27-402	General Provisions and Exceptions	775, §140-402; as amended by 806; and by 985, §1
§27-408	Signs	775, §140-408; as amended by 985, §2; and by 988, §8
§27-409	Off-Street Parking Requirements	775, §140-409
§27-412	No-Impact Home-Based Business	775, §140-412
§27-415	Commercial Trading Hour Restrictions	775, 6/15/1983,?
§27-416	Outdoor Mechanical Vending Devices	775, §140-415
§27-502	Application Procedure	775, §140-602; 939, §4
§27-504	Special Standards and Criteria	775, §140-604
§27-702	Required Zoning Permits	775, §140-802; as amended by 851, §2; and by 887, §140-802
§27-704	Zoning; Administration and Enforcement; The Planning Commission	775, §140-804; 851, §2
§27-705	Zoning Hearing Board	775, §140-805; as amended by 851, §2
§27-707	Amendments to the Zoning Ordinance or Map	775, §140-807; as amended by 806; and by 851, §2
§27-708	Landowner Curative Amendments	775, §140-808; as amended by 851, §2

Section	Subject	Ordinance No.
§27-709	Municipal Curative Amendments	775
§27-710	Enforcement Remedies	775, §140-809; as amended by 806; and by 851, §2

- C. Repealed Provisions. The following provisions of the Code are repealed, the text of which indicates deletions by strike-through, and are as follows:

Ordinance No.	Subject
806, §§309-311	Administration and Government

Section 7. Procedural Changes. The following minor procedural changes have been made to existing Borough of Aspinwall ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 8. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

- A. **Amendment or Revision** - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended [revised] to read as follows..."
- B. **Additions** - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended by the addition of the following..."
- C. **Repeal** - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby repealed in its entirety."

Section 9. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Borough of Aspinwall Code of Ordinances and shall be available for public inspection.

Section 10. Penalties. It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Borough of Aspinwall. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of

payment of said fine and costs, shall be subject to imprisonment for a term not to exceed 30 days.

Section 11. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough Council that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ORDAINED and ENACTED this 10th day of December, 2003, by the Council of the Borough of Aspinwall in lawful session duly assembled.

ATTEST:

BOROUGH OF ASPINWALL

/s/ Edward J. Warchol
Edward J. Warchol
Borough Manager/Secretary

By: /s/ Joseph D. Noro
Joseph D. Noro
President, Borough Council

EXAMINED and APPROVED this 10th day of December, 2003.

/s/ Ben F. Killian
Ben F. Killian, Mayor

GENERAL FEE SCHEDULE

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SUBJECT**FEEES**

1. **ADULT ORIENTED BUSINESSES:** The following fees are established pursuant to the Adult Oriented Business Regulations, Part 8 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Licenses, Permits and General Business Regulations, as amended.
 - A. **License Fees:**
 - (1) Adult Oriented Business License:
 - (a) Application and Investigation Fee \$500.00
 - (b) Annual License Fee \$250.00
 - (2) Adult Oriented Business Employee License:
 - (a) Application and Investigation Fee \$500.00
 - (b) Annual License Fee \$250.00
 - B. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
 - C. **Deposit:** Applicant shall comply with the requirements of §25 hereof.
2. **ALARMS:** The following fees are established pursuant to the Alarm Regulations, Part 1 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Licenses, Permits and General Business Regulations, as amended.
 - A. **Alarm Permit Fee:**
 - (1) Residential Facility \$20.00
 - (2) Non-residential Facility \$50.00
 - B. **False Alarm Fees:**
 - (1) First and Second Alarm each year No Charge
 - (2) Third to Fifth Alarm each year \$75.00 per alarm
 - (3) All Additional Alarms each year \$150.00 per alarm
 - C. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
 - D. **Deposit:** Applicant shall comply with the requirements of §25 hereof.
3. **AMUSEMENT DEVICES:** The following fees are established pursuant to the Amusement Device Regulations, Part 4 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Licenses, Permits and General Business Regulations, as amended.

SUBJECT	FEEES
A. Annual License Fees:	
(1) Amusement Device	\$350.00 per device
(2) Jukebox	\$200.00 per device
B. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
C. Deposit: Applicant shall comply with the requirements of §25 hereof.	
4. AMUSEMENT ESTABLISHMENTS: The following fees are established pursuant to the Amusement Establishment Regulations, Part 4 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Licenses, Permits and General Business Regulations, as amended.	
A. License Fees:	
(1) Application and Investigation Fee	\$500.00
(2) Annual License Fee	\$250.00
B. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
C. Deposit: Applicant shall comply with the requirements of §25 hereof.	
5. BOARD OF APPEALS (CONSTRUCTION CODE AND PROPERTY MAINTENANCE CODE): The following fees are established for appeals, applications and/or petitions pursuant to the Borough Construction Code and Property Maintenance Code, Parts 1 and 2, respectively, of Chapter 5 of the Aspinwall Borough Code of Ordinances, Code Enforcement, as amended.	
Application Fee:	\$200.00
Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
Deposit: Applicant shall comply with the requirements of §25 hereof by submitting a deposit to the Borough in the amount of \$350.00 per application. This deposit shall be administered in accordance with the requirements of §25 hereof.	
6. CONSTRUCTION CODE: The following fees are established for applications, requests and permits pursuant to the Borough Construction Code, Part 1 of Chapter 5 of the Aspinwall Borough Code of Ordinances, Code Enforcement, as amended.	
A. Building Permit Application Fee: Application fees for all building permits are based upon the total estimated cost of the proposed construction, as approved by the Borough Zoning Officer/Building Code Official, in accordance with the following fee schedule:	

SUBJECT**FEEES**Estimated Cost of ConstructionPermit Fee

\$0.00 to \$999.00	\$30.00
\$1,000.00 to \$2,999.00	\$40.00
\$3,000.00 to \$7,499.00	\$50.00
\$7,500.00 to \$9,999.00	\$60.00
\$10,000.00 to \$14,999.00	\$70.00
\$15,000.00 to \$19,999.00	\$80.00
\$20,000.00 to \$29,999.00	\$90.00
\$30,000.00 to \$39,999.00	\$120.00
\$40,000.00 to \$59,999.00	\$140.00
\$60,000.00 and over	\$3.50 for each \$1,000.00, or fraction thereof, in estimated construction cost

B. Demolition Permit:

(1) Permit Application Fee:

(a) Residential	\$50.00
(b) Non-residential	\$100.00

(2) **Performance Security:** Applicant shall comply with the deposit requirements of §25 hereof by submitting financial security to the Borough in the amount of \$2,000 or 120% of the total cost to complete the demolition project, whichever is greater. This financial security shall guarantee the performance of the subject demolition. This financial security shall comply with and be posted in accordance with the requirements of Part 7 of Chapter 1 of the Aspinwall Borough Code of Ordinances. Where the amount of the required financial security is based upon the cost to complete the demolition project, said amount shall be based upon an estimate submitted by the applicant and prepared and certified by a professional engineer licensed as such in the Commonwealth of Pennsylvania, subject to approval by the Borough Engineer and/or Code Official/Building Inspector. The Borough shall release such performance security to the applicant upon certification by the Borough Zoning Officer/Building Code Official that all demolition work has been completed.

C. **Modification/Waiver Request:** \$150.00 per request

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- D. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
- E. **Deposit:** Applicant shall comply with the requirements of §25 hereof.
- 7. **GRADING:** The following fees are established pursuant to Chapter 9 of the Aspinwall Borough Code of Ordinances, Grading and Excavation, as amended.
 - A. **Application Fees:**
 - (1) Less than 500 cubic yards \$25.00
 - (2) 500 or more cubic yards \$35.00 plus \$35.00 for each 1,000 cubic yards or fraction thereof
 - B. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
 - C. **Deposit:** Applicant shall comply with the requirements of §25 hereof.
- 8. **INTERMUNICIPAL LIQUOR LICENSE TRANSFER:** The following fees are established pursuant to the Intermunicipal Liquor License Transfer Regulations, Part 9 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Licenses, Permits and General Business Regulations, as amended.
 - A. **Application Deposit:** \$500.00 Deposit, includes \$150.00 Application Fee
 - B. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
 - C. **Deposit:** Applicant shall comply with the requirements of §25 hereof.
- 9. **JUNKYARDS:** The following fees are established pursuant to the Junkyard Regulations, Part 6 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Licenses, Permits and General Business Regulations, as amended.
 - A. **License Fees:**
 - (1) Application and Investigation Fee \$500.00
 - (2) Annual License Fee \$250.00
 - B. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
 - C. **Deposit:** Applicant shall comply with the requirements of §25 hereof.
- 10. **MISCELLANEOUS FEES:**
 - A. Delinquency Charge (for any Borough bill or invoice not paid within 90 days of billing) \$25.00 plus cost of collection

SUBJECT	FEES
B. Municipal Lien Letters	\$20.00
C. Tax Certification Letters (paid directly to Tax Collector)	\$10.00 per cert. year
D. Photocopies:	
(1) Standard Copies (single-sided copy or one side of a double-sided black-and-white copy of a standard sized 8.5 inch by 11 inch page.	\$0.25 per page
(2) Specialized Copies (including color copies and non-standard sized documents).	Actual Cost
E. Returned Non-sufficient Funds Check or other Financial Instrument	\$25.00
F. Aspinwall Borough Code of Ordinances:	
(1) Printed Version	\$50.00
(2) Electronic Version (CD-ROM)	\$25.00
G. Zoning Ordinance and Subdivision and Land Development Ordinance	
(1) Printed Version	\$25.00 per copy
(2) Electronic Version (CD-ROM)	\$10.00
11. MOTOR VEHICLES AND TRAFFIC: The following fees are established pursuant to Chapter 15 of the Aspinwall Borough Code of Ordinances, Vehicles and Traffic, as amended.	
A. Parking Meters:	
(1) Brilliant Avenue	\$0.25 per half-hour
(2) Commercial Avenue	\$0.25 per half-hour
(3) Eastern Avenue	\$0.25 per half-hour
(4) First Street	\$0.25 per half-hour
(5) Freeport Road	\$0.25 per half-hour
(6) Loop Street	\$0.25 per half-hour
(7) Municipal Parking Lot (between Commercial Avenue and Freeport Road)	\$0.25 per half-hour
B. Parking Permits:	

SUBJECT	FEEES
(1) Resident Parking Permit	No Charge
(2) Restricted Parking Permit:	
(a) Field Avenue, West Side	\$100.00 per year
(b) Freeport Road, South Side 200 Block	\$100.00 per quarter
(c) Freeport Road, South Side 300-- 400 Blocks	\$100.00 per quarter
(d) Waterworks Drive Municipal Parking Lots	\$125.00 per year
C. Recreational Vehicle, Boat, Trailer, Construction Trailer Fees:	
(1) Annual Permit Fee	\$20.00
(2) Temporary Permit Fee	\$5.00
D. Vehicle Weight and Size Restriction Exemption Fees (Borough Roads):	
(1) Application Fee	\$100.00
(2) Annual Permit Fee	\$150.00
(3) Temporary Permit Fee	\$100.00
E. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
F. Deposit: Applicant shall comply with the requirements of §25 hereof.	
12. ORDINANCE AMENDMENT REQUESTS: The following fees are established for an application or request for an ordinance amendment.	
A. Application/Request Fee:	\$500.00
B. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
C. Deposit: Applicant shall comply with the requirements of §25 hereof.	
13. PARKS AND RECREATION: The following fees are established pursuant to Chapter 19 of the Aspinwall Borough Code of Ordinances, Parks and Recreation, as amended.	
A. Reservation Fees for Borough Park and Recreational Facilities: The applicable fee is due and payable at the time the facilities are reserved through the Borough Office.	
(1) Reservation Fee (including for-profit use):	

SUBJECT

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- (a) Aspinwall Recreation Park Facilities (Field Avenue)
 - (i) Daily Fee (Monday through Friday) \$25.00
 - (ii) Weekly Fee (Monday through Friday) \$100.00
- (b) Fireman's Park Facilities: \$75.00 per day plus deposit check of \$250 due at key pick-up

- (2) Non-Profit Organization Exemption: A non-profit organization shall be exempted from the reservation fees referenced in subsection (1) above, as long as the organization provides proof of the non-profit status acceptable to the Borough Manager. For purposes of this General Fee Schedule, a non-profit organization shall be defined as an organization that is qualified under §501(c)(3) of the Internal Revenue Code, 26 U.S.C. §501(c)(3).

- B. **Little League Field Lights:** \$25.00 per hour
- C. **Alcoholic Beverage Permit:** \$200.00 per day
- D. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
- E. **Deposit:** Applicant shall comply with the requirements of §25 hereof.

- 14. **PROPERTY MAINTENANCE CODE:** The following fees are established for applications, requests and permits pursuant to the Borough Property Maintenance Code, Part 2 of Chapter 5 of the Aspinwall Borough Code of Ordinances, Code Enforcement, as amended.
 - A. **Rental Property Inspection Permit:** \$50.00
 - B. **Consultant Review Fees:** Applicant shall comply with the requirements of §24 hereof.
 - C. **Deposit:** Applicant shall comply with the requirements of §25 hereof.

- 15. **PUBLIC MEETINGS AND GATHERINGS:** The following fees are established for applications, requests and permits pursuant to Part 7 of Chapter 6 of the Aspinwall Borough Code of Ordinances, Conduct, as amended.
 - A. **Application Fees** (based on number of persons reasonably anticipated to attend):
 - (1) 500 to 1,999 persons \$50.00
 - (2) 2,000 to 3,349 persons \$100.00
 - (3) 3,500 to 4,999 persons \$250.00

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(4) 5,000 to 9.999 persons	\$500.00
(5) 10,000 or more persons	\$2,000.00
B. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
C. Deposit: Applicant shall comply with the requirements of §25 hereof.	
16. SEWER: The following fees are established for applications, charges, services, requests and permits pursuant to the Chapter 18 of the Aspinwall Borough Code of Ordinances, Sewers and Sewage Disposal, as amended.	
A. Sewer Connection Charge:	\$100.00 per building
B. Sewer Usage and Reconstruction Fund Charge:	
(1) Basic Charge	\$1.73 per 1,000 gallons of water used per quarter, as either metered or estimated
(2) Minimum Charge	\$1.73 per quarter
<p>Note: In the event the Borough is unable to read a customer's meter and the customer fails to return the meter reading card to the Borough by the third business day following the Borough's attempt to read the customer's meter, the said customer shall owe estimated charges for both (1) Sewer Usage Charge and (2) Sewer Reconstruction Fund Charge equal to 10,000 gallons of water used.</p>	
C. Dye Testing Fees:	
(1) Certificate of Compliance	\$25.00
(2) Temporary Certificate of Compliance	\$25.00
(3) Dye Test	As charged by Consultant
D. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
E. Deposit: Applicant shall comply with the requirements of §25 hereof.	
17. SOLICITING AND PEDDLING: The following fees are established pursuant to the Soliciting and Peddling Regulations, Part 2 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Licenses, Permits and General Business Regulations, as amended.	
A. Registration Fees:	
(1) Up to 5 days per year	\$50.00 per person

SUBJECT	FEES
(2) 6 through 20 days per year	\$100.00
(3) Over 20 days per year	\$200.00
B. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
C. Deposit: Applicant shall comply with the requirements of §25 hereof.	
18. SOLID WASTE: The following fees are established pursuant to Chapter 20 of the Aspinwall Borough Code of Ordinances, Solid Waste, as amended.	
A. Dumpster Permits:	
(1) 2-Week Permit (refundable)	\$50.00
(2) 8-Week Permit	\$100.00
B. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
C. Deposit: Applicant shall comply with the requirements of §25 hereof.	
19. STREETS AND SIDEWALKS: The following fees are established pursuant to Chapter 21 of the Aspinwall Borough Code of Ordinances, Streets and Sidewalks, as amended.	
A. Street Access Permit/Curb-Cut Permits:	
(1) Residential	\$150.00 per request
(2) Non-residential	\$300.00 per request
B. Street Opening/Pavement Cut Permits:	
(1) Permit Fee	\$100.00 plus \$1.00 per square foot over 24 square feet
(2) Inspection Fee	\$40.00
C. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
D. Deposit: Applicant shall comply with the requirements of §25 hereof.	
E. Traffic Study: Applicant shall be responsible for paying the costs of any traffic study required by applicable Borough ordinances. An initial deposit of \$1,500 shall be required for any necessary traffic study, with the deposit administered in accordance with the requirements of §25 hereof.	
20. SUBDIVISION AND LAND DEVELOPMENT: The following fees are established pursuant to Chapter 22 of the Aspinwall Borough Code of Ordinances, Subdivision and Land Development, as amended. Separate application fees shall	

SUBJECT**FEEES**

be paid for Preliminary Plan Applications and Final Plan Applications unless the development is pursuing Combined Preliminary and Final Plan Approval, in which case the fees and deposits referenced in Subsection C shall apply. For the deposit amounts referenced below, see also Subsection F hereof.

A. Residential:

- (1) 1 to 2 dwelling units:
 - (a) Application Fee: \$150.00
 - (b) Deposit: \$100.00 per dwelling unit
- (2) 3 or more dwelling units:
 - (a) Application Fee: \$150.00 plus \$25.00 per dwelling unit
 - (b) Deposit: \$100.00 per dwelling unit

B. Commercial or Other Non-residential:

- (1) Total land area involved under 2,500 square feet:
 - (a) Application Fee: \$150.00
 - (b) Deposit: \$500.00
- (2) Total land area involved 2,500 square feet to 10,000 square feet:
 - (a) Application Fee: \$350.00
 - (b) Deposit: \$1,000.00
- (3) Total land area involved greater than 10,000 square feet:
 - (a) Application Fee: \$700.00
 - (b) Deposit: \$1,500.00

C. Combined Preliminary and Final Plan Review (as permitted by Chapter 22 of the Aspinwall Borough Code of Ordinances, Subdivision and Land Development):

- (1) **Residential:**
 - (a) 1 to 2 dwelling units:
 - (i) Application Fee: \$250.00
 - (ii) Deposit: \$200.00 per dwelling unit

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- (b) 3 or more dwelling units:
 - (i) Application Fee: \$250.00 plus \$25.00 per dwelling unit
 - (ii) Deposit: \$200.00 per dwelling unit

(2) **Commercial or Other Non-residential:**

- (a) Total land area involved under 2,500 square feet:
 - (i) Application Fee: \$250.00
 - (ii) Deposit: \$1,000.00
- (b) Total land area involved 2,500 square feet to 10,000 square feet:
 - (i) Application Fee: \$600.00
 - (ii) Deposit: \$2,000.00
- (c) Total land area involved greater than 10,000 square feet:
 - (i) Application Fee: \$1,200.00
 - (ii) Deposit: \$3,000.00

D. **Modification/Waiver Application:** \$150.00 per request

E. **Consultant or Review Fees:** Applicant shall comply with the requirements of §24 hereof.

F. **Deposit:** Applicant shall comply with the deposit requirements of §25 hereof by submitting a deposit to the Borough in the amount referenced in Subsections A and B above. This deposit shall be administered in accordance with §25 hereof.

G. **Traffic Study:** Applicant shall be responsible for paying the costs of any traffic study required by applicable Borough ordinances. An initial deposit of \$1,500 shall be required for any necessary traffic study, with the deposit administered in accordance with the requirements of §25 hereof.

21. **WATER:** The following fees are established pursuant to Chapter 26 of the Aspinwall Borough Code of Ordinances, Water, as amended.

A. **Water Connection Charge:** \$100 per building

B. **Water Meter Testing Fee:** \$10.00

SUBJECT	FEES
C. Water-Ferrules and Corporation Cocks:	Cost of Materials and Labor plus 10% Administrative Charge
D. Water Shut Off Fee:	\$10.00
E. Water Turn-On Fee:	\$10.00
F. Water Usage Charge:	
(1) Basic Charge:	\$6.61 per 1,000 gallons of water used per quarter, as either metered or estimated
(2) Minimum Charge:	\$6.61 per quarter
<p>Note: In the event the Borough is unable to read a customer's meter and the customer fails to return the meter reading card to the Borough by the third business day following the Borough's attempt to read the customer's meter, the said customer shall owe an estimated Water Usage Charge equal to 10,000 gallons of water used.</p>	
G. Water Meter Replacement Fees:	Water meters replaced due to negligence of property owner, tenant and/or occupant will be assessed against the property owner, tenant and/or occupant at the material and equipment incurred by the Borough, in addition to labor charges for replacement and installation.
H. Consultant Review Fees:	Applicant shall comply with the requirements of §24 hereof.
I. Deposit:	Applicant shall comply with the requirements of §25 hereof.
22. ZONING:	The following fees are established pursuant to Chapter 27 of the Aspinwall Borough Code of Ordinances, Zoning, as amended.
A. Conditional Use Application:	\$500.00 Deposit, includes \$150.00 Application Fee
B. Permits:	
(1) Zoning Use Permit (§27-702):	
(a) Residential Use	\$35.00
(b) Non-residential Use	\$75.00
(2) Zoning Occupancy Permit (§27-702):	
(a) Residential Use	\$35.00
(b) Non-residential Use	\$75.00

SUBJECT	FEES
(3) Fence Permit:	\$35.00
(4) Sign Permit:	
(a) Permanent Sign	\$40.00 plus \$1.00 per square foot per sign face
(b) Temporary Sign	\$35.00
C. Consultant Review Fees: Applicant shall comply with the requirements of §24 hereof.	
D. Deposit: Applicant shall comply with the requirements of §25 hereof.	
E. Traffic Study: Applicant shall be responsible for paying the costs of any traffic study required by applicable Borough ordinances. An initial deposit of \$1,500 shall be required for any necessary traffic study, with the deposit administered in accordance with the requirements of §25 hereof.	
23. ZONING HEARING BOARD: The following fees are established for appeals, applications and/or petitions to the Borough Zoning Hearing Board.	
A. Variance:	\$500.00 Deposit, includes \$150.00 Administrative Fee
B. Special Exception:	\$500.00 Deposit, includes \$150.00 Administrative Fee
C. All Other:	\$500.00 Deposit, includes \$150.00 Administrative Fee

From this deposit amount shall be deducted any fees accruing for certified mailings, advertising costs and any other expenditures related to the application/hearing. Fees for the stenographer shall be shared equally by the applicant and the Borough, with the applicant's portion deducted from the deposit. If at any time during the progression of an application or appeal it is determined by the Borough that the balance available from the deposit is or will be inadequate to fully cover the anticipated costs and expenditures, the applicant shall be notified of the inadequate balance and provide the Borough with an additional deposit equal to the first deposit. The applicant's refusal or failure to provide the additional deposit within a timely manner shall constitute an automatic rejection of the application or appeal as administratively incomplete.

At the completion of the requested hearing, any remaining portion of the deposit, after the administrative fee and all other fees and expenditures have been deducted, shall be returned to the applicant upon written request. If a transcript of the proceedings is requested, the requesting party shall bear the cost of the transcript.

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Continuances requested by the applicant shall constitute a new application and require the submission of the fees required for an original application.

24. **CONSULTANT AND REVIEW FEES:** The Borough, at its discretion, may require any and all application materials or related subsequent construction or improvements to be reviewed and/or inspected by the Borough Zoning Officer/Building Code Official, Borough Engineer, Borough Solicitor or other consultants, with the applicant being responsible for all costs of said review as billed to the Borough. The current applicable rates for the Borough Engineer and Borough Solicitor, which are subject to change and revision from time to time by approval of the Borough Council, are as follows:

A.	Borough Engineer:	\$75.00 per hour
B.	Borough Solicitor:	
	(1) Shareholders and Senior Associates	\$160.00 per hour
	(2) Junior Associates	\$140.00 per hour
	(3) Government Relations Specialist	\$130.00 per hour
	(4) Paralegals	\$85.00 per hour

In addition to the hourly rates referenced above, Applicants shall also reimburse the Borough for any additional costs or expenditures billed to or incurred by the Borough, including, but not limited to: filing and recording fees, express mailings and postage, facsimile charges, transportation expenses, long distance telephone costs and photocopying charges. Where the applicant has retained an architect, professional engineer, or other professional representative, upon good cause shown, the Borough Manager, or his/her designee, may direct said professional representative to deal directly with Borough consultants upon the condition that the applicant shall furnish copies of all correspondence, reviews and related materials to the Borough.

25. **Deposit:** The applicant shall be responsible for reimbursing the Borough for any and all costs incurred by the Borough in relation to any application, including but not limited to: all necessary reviews, examinations, inspections, tests and any other work by the Borough Zoning Officer/Building Code Official, Borough Engineer, Borough Solicitor and other Borough consultants as determined to be necessary by the Borough Manager, or his/her designee, and as required to satisfy the Borough Code and other Borough, County, State and Federal laws and regulations; certified mailings; advertising costs; stenographer fees; hearing transcript fees; and drafting of necessary contracts, agreements and other legal documents. If the Borough anticipates or later discovers that consultant review fees and other costs will be required as part of the administration of an application, then the Borough may require that the application include, or be supplemented by submittal of, a deposit fee in the amount of \$600.00, unless a different amount is established by this Resolution or the Borough Manager determines, in consultation with the Borough Solicitor, that a greater monetary deposit is necessary based

SUBJECT

FEEES

upon specific circumstances at issue. Borough cost and fees related to the application will then be deducted from this deposit. If it is determined by the Borough that the deposit balance is insufficient at anytime, then the applicant shall immediately provide the Borough with an additional deposit in an amount equal to the first deposit, unless the Borough Manager determines, in consultation with the Borough Solicitor, that a greater monetary deposit is necessary based upon specific circumstances at issue. The applicant's refusal or failure to provide the additional deposit in a timely manner shall constitute an automatic rejection of the application as administratively incomplete. Any remaining funds will be returned to the applicant upon written request.

- 26. **SURCHARGES:** The applicant shall be responsible for paying any and all surcharges imposed by Federal, State, County, Borough and/or local laws, ordinances and regulations. Any such surcharge shall be in addition to any fees assessed in this Fee Schedule.
- 27. **CODE VIOLATION TICKET:** A violation of the below noted Section of the Aspinwall Borough Code.

FINE FOR THIS VIOLATION \$25.00 IF PAID WITHIN 10 DAYS.

This is a courtesy warning in lieu of a State citation. Failure to remit payment and correct the violation within 10 days of this notice date will result in the issuance of a State citation, fines ranging between \$100 to \$1,000 plus court costs. Repeat violation of the same ordinance will result in an immediate State citation, no warning.

Code	Violation Charged
21-406.2	Failure to remove snow/ice
5-302.4	Failure to cut grass/weeds
10-107.B	Lawn mowers/blowers, etc. before 12 noon Sundays
10-110.A	No construction before 7 a.m./after 9 p.m. weekdays not at all Sundays
5-307.1	Failure to clear junk from property
5-302.4	Failure to clean noxious matter from property
2-105	Dog running at large
2-104.C	Dog depositing waste
2-202	Dog nuisance barking
6-103.1	Curfew violation-17 and younger after 11 p.m.
5-302.8	Abandoned vehicle on public property
5-302.8	Abandoned vehicle on private property

6-201.2	Alcoholic beverage consumption in bar ½ hour after closing
6-201.2	Open alcohol containers in public
10-107.A	Loud playing of sound devices
10-107.E	Littering
10-107.F	Posting signs on poles or public property
10-108	Dumping on public property
21-501	Tracking dirt-mud-debris on streets
20-104.4	Rubbish out before 5 p.m. day before pick-up
20-103.7	Depositing debris on streets
6-601	Discharging fireworks
15-802	Pushing shopping carts on Borough streets/walks
15-803.1	No propelled wheeled devices (skateboards, scooters, roller blades, etc. on any public street or business district sidewalks.

(Ord. 2008-08, 12/17/2008)