

# Code of Ordinances of the Township of Clifton

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**Code of Ordinances**  
**of the**  
**Township of Clifton**  
**Lackawanna County, Pennsylvania**

**Published by Authority of the Township**

Adopted by *Ord. 3-2008*, 11/13/2008

Revised and Supplemented through:  
Supplement I; April 14, 2011

KEYSTATE PUBLISHERS, INC.  
300 West King Street, P.O. Box 366  
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The Township of Clifton Code of Ordinances was adopted by the Township of Clifton by *Ord. 3-2008* and published by Keystate Publishers, Inc., on November 13, 2008. It has been subsequently revised and supplemented as follows:

Supplement I; April 14, 2011

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**Officials**  
**of the**  
**Township of Clifton**

County of  
Lackawanna, Pennsylvania

**ELECTED OFFICIALS**

Board of Supervisors

- |                |   |                   |
|----------------|---|-------------------|
| Chairman       | - | Richard Batzel    |
| Vice Chairmain | - | Theodore Stout    |
|                | - | Richard Grab      |
| Tax Collector  | - | Susan Grab        |
| Auditors       | - | Robin Jenkins     |
|                | - | Paulette Mikelski |
|                | - | Kevin O'Brien     |

**APPOINTED OFFICIALS**

- |                            |   |                           |
|----------------------------|---|---------------------------|
| Secretary/Treasurer        | - | Donna Stefanski           |
| Zoning Officer             | - | Robert Chase, Jr.         |
| Building Inspector         | - | George Stefanski          |
| Sewage Enforcement Officer | - | Russel Williams           |
| Solicitor                  | - | Robert H. Sayers, Esquire |



## FOREWORD

### *History*

This comprises the codification of the ordinances of the Township of Clifton. The Township of Clifton was originally settled in 1815. The Township of Clifton was formed from Covington, December 14, 1875. Jacob Gress, the first settler, located here in 1840. He opened the first tavern in the log-house in the most primitive style. He was a brave hunter, and was the proud owner of 73 bear skins. He also killed over 700 deer and a large number of panthers and wolves, and much small game. The first store was built in 1863 or 1864 by Herbine, Baum & Co., at Clifton. The population was 282 in 1880; 172 in 1890; 200 in 1900; 203 in 1910.

The Code of Ordinances of the Township of Clifton was prepared by Keystone Publishers, Inc., and adopted by the Township of Clifton Board of Supervisors on November 13, 2008, by *Ord. 3-2008*.

### *Organization*

The Code contains four parts which are (1) the valid current ordinances of the Township of Clifton 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 Township of Clifton, 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 Township of Clifton Board of Supervisors 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 Township of Clifton, and to the location within the Code of each ordinance by number.



ORDINANCE NO. 3-2008

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF CLIFTON, LACKAWANNA COUNTY, PENNSYLVANIA; 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.

The Township of Clifton hereby ordains:

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

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Chapter 1 . . . . Administration and Government  
Chapter 2 . . . . [Reserved]  
Chapter 3 . . . . [Reserved]  
Chapter 4 . . . . Buildings  
Chapter 5 . . . . Code Enforcement  
Chapter 6 . . . . [Reserved]  
Chapter 7 . . . . [Reserved]  
Chapter 8 . . . . Floodplains  
Chapter 9 . . . . [Reserved]  
Chapter 10 . . . Health and Safety  
Chapter 11 . . . [Reserved]  
Chapter 12 . . . [Reserved]  
Chapter 13 . . . Licenses, Permits and General Business Regulations  
Chapter 14 . . . Mobile Homes and Mobile Home Parks  
Chapter 15 . . . Motor Vehicles and Traffic  
Chapter 16 . . . Nuisances  
Chapter 17 . . . Official Map  
Chapter 18 . . . Sewers and Sewage Disposal  
Chapter 19 . . . [Reserved]  
Chapter 20 . . . Solid Waste  
Chapter 21 . . . Streets and Sidewalks  
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Chapter 23 . . . [Reserved]  
Chapter 24 . . . Taxation; Special  
Chapter 25 . . . [Reserved]  
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Appendix

A . . . . . Adjustments to Township Boundaries

B . . . . . Debt and Bond Issues  
 C . . . . . Franchises and Services  
 D . . . . . Governmental and Intergovernmental Affairs  
 E . . . . . Plan Approval  
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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 Township of Clifton 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 "Township of Clifton 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.** The provisions of the Township of Clifton 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 Township of Clifton Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

**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., Section
		[Reserved]

B. *Revisions.*

Section	Subject	Ordinance No., Section
		[Reserved]

**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.*

<b>Section</b>	<b>Subject</b>
§§1-101–1-111	Preliminary Provisions
§§21-101–21-107	Street Excavations
§§24-201–24-215	Realty Transfer Tax

B. *Amendments.*

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§1-202	Member Requirements	6, §2
§1-211	Powers and Duties	6, §11
§4-107	Penalties	1-1985, §7
§8-202	Issuance of Building Permit	1-1990, §2.01
§8-203	Application Procedures and Requirements	1-1990, §2.02
§8-211	Enforcement	1-1990, §2.10
§10-110	Minimum Requirements for Operating and Maintaining All Junkyards, Scrap Yards, and Salvage Yards	1-1983, §10
§10-112	Violations and Penalties	1-1983, §12
§10-113	Enforcement	1-1983, §13; 1-1999
§10-212	Penalties	1-2008, §12
§13-107	Fees	1-2000, §7
§13-120	Enforcement Remedies	1-2000, §20
§13-135	Penalties	2-2000, §5
§13-145	Penalties	3-2000, §5
§14-102	Permits	1-1984, §2
§14-104	Mobile Home Park Maintenance and Operation Requirements	1-1984, §4
§14-106	Enforcement and Penalties	1-1984, §6
§15-105	Penalty	1-1986, §5
§17-504	Enforcement Remedies	5-2007, §17-17
§20-104	Permit Fees	1-1988, §4
§20-106	Application for Permit	1-1988, §6
§20-107	Regulations	1-1988, §7
§20-111	Transfer Fee	1-1988, §10
§20-113	Inspection	1-1988, §11
§20-115	Violations	1-1988, §14

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§20-117	Revocation or Suspension of Permit	1-1988, §16
§20-123	Compatibility with DEP	1-1988, §23
§20-206	Violations	3-1996, §6
§20-209	Compatibility with DEP	3-1996, §10
§24-309	Duties of Tax Collector	5, §9
§24-313	Violations	5, §13
§26-105	Permit Application Fee and Annual Inspection Fees	4-2007
§26-114	Penalty	4-2007
§26-116	Appeal Fee	4-2007

*C. Repeals.*

<b>Ordinance/Resolution</b>	<b>Subject</b>
	[Reserved]

**Section 6. Adoption of Standard Codes by Reference.** As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

<b>Section</b>	<b>Short Title</b>
	[Reserved]

**Section 7. Land Use Amendments.** The Township of Clifton Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapter 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:

<b>Section</b>	<b>Subject</b>
	[Reserved]

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

<b>Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
§22-302	Specific Procedure for Plan Submission and Approval	1-1982, §302; 1-1991, §3
§22-308	Remedies	1-1982, §308; 1-1991, §3

<b>Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
§22-403	Submission of Final Plans	1-1982, §403; 1-1991, §4; 2-1993, §2
§22-502	Design Standards Applicable to All Types of Development	1-1982, §502; 1-1991, §5; 2-1993, §3
§22-504	Multi-family Dwelling Development Design Standards	1-1982, §504; 1-1991, §5
§22-604	Streets	1-1982, §604
§22-614	Sewers and Water Facilities	1-1982, §614
§22-704	Design Standards	1-1982, §704; 1-1991, §7
§22-803	Submission, Application and Compliance	1-1982, §803
§22-804	Design Standards	1-1982, §804
Appendix 22-A	Central Water System Development Procedures and Requirements	1-1982, App. A
Appendix 22-C	Centralized Sewage Disposal System Procedures and Requirement	1-1982, App. C
Appendix 22-D	On-lot Sewage Disposal Systems	1-1982, App. D
§27-302	Definitions	1-1989, §3.2; 1-1992, §I; 1-1996, §1; 1-2002, §1; 2-2003, §1; 2-2007, §1
Schedule 27-1	Regulations Governing the Use of Land	1-1989, Schedule I; 1-1996, §3; 1-2002, §3; 2-2003, §3; 2-2007, §2
§27-602	Conditional Use Development Requirements	1-1989, §6.2; 1-1992, §III; 1-1996, §4; 1-2002, §4; 2-2003, §§4-12, 23; 2-2007, §§3, 4
§27-705	Lot and Yard Requirements	1-1989, §7.5; 1-1992, §IV; 2-2003, §17
§27-706	General Performance Standards	1-1989, §7.6
§27-1015	Penalties	1-1989, §11.15

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

<b>Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
----------------	----------------	----------------------

[Reserved]

**Section 8. Procedural Changes.** The following minor procedural changes have been made to existing Township of Clifton 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 Township Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

**Section 9. 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 10. Responsibility for Code of Ordinances.** It shall be the responsibility of the Township of Clifton Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Township of Clifton Code of Ordinances and shall be available for public inspection.

**Section 11. 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 Township of Clifton. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs or, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days.

**Section 12. Severability of Parts of Codification.** It is hereby declared to be the intention of the Township of Clifton 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.

ENACTED AND ORDAINED this 13<sup>th</sup> day of November, 2008.

ATTEST:

Township of Clifton

/s/ Donna Stefanski  
Secretary

/s/ Theodore F. Stout  
Chairman, Board of Supervisors

/s/ Richard Grab

# Fee Resolution

<b>Subject</b>	<b>Fees</b>
<b>Adult Business License</b>	§13-107
application and investigation fee	\$1,000
annual fee	\$1,000
<b>Junkyard</b>	
application permit	\$1,000
special permit to crush motor vehicles or other junk material	\$200 for 14-day period
<b>Landfills</b>	§20-104
permit application	\$500
further deposit	\$10,000
permit transfer	§20-111 \$1,500
<b>Mobile Homes and Mobile Home Parks</b>	
inspection	
mobile home park	\$50
mobile home within the mobile home park	\$3
permits	§14-102 \$25 plus \$2 per lot
<b>Nuisances</b>	
Hearing fee to be paid to Clifton Township by applicant for a hearing upon submission of the hearing application. The fee shall be paid to cover Township's costs for conduct of the hearing. Any unused portion of the application fee shall be refunded to the applicant after the hearing.	\$500
<b>Outdoor Wood Furnace</b>	
The permit fee to install, construct or replace an outdoor wood furnace pursuant to the Clifton Township Outdoor Wood Furnace Ordinance [Chapter 10, Part 3]	\$150
<i>[Res. 7-2008]</i>	
<b>Sewers</b>	
SEO hourly rate	\$25 per hour
<p>This rate applies to all duties not specifically covered by the permit fees outlined below (e.g., complaint investigations, administrative duties, attendance at meetings, hearings, etc.). This rate also applies to applications and activities where retainer fees are involved.</p>	

**Subject****Fees**

Mileage Compensation: Mileage shall be compensated at the current rate approved by the PA Department of Environmental Protection.

Site Preparation: The fees enumerated below do not include site preparation costs. The applicant shall be responsible for preparing the site for testing, including but not limited to excavation of soil probes and percolation test holes and providing water at the test site as appropriate. Approximately 100 gallons of water should be provided for a six hole percolation test.

individual residential onlot system fee \$250

This fee covers the SEO's time to process a permit for single family residential on-lot system where final treatment and disposal occurs on site. It includes application processing, soil probe evaluation (2 probes per lot), percolation tests (6 holes), design review, permit processing, and five inspections. Work beyond that enumerated above (i.e., additional probes, inspections, etc.) will be billed at the SEO's hourly rate. In the event of a permit denial, the applicant will be billed for the SEO's time incurred at the hourly rate. Any unused portion of the fee will be refunded to the applicant.

community and/or central sewage system fee \$100

This fee applies where applicants connect to an existing community or central sewage system where final treatment and disposal occurs off site. The fee covers application processing, permit issuance, and two inspections of the onlot system components (building sewer, treatment tanks, etc.). Additional inspections will be billed at the SEO's hourly rate.

non-residential onlot system fee

sewage flow up to 1 EDU (400 gallons per day [GPD] base flow) \$250

sewage flow over 1 EDU \$250 plus \$0.10 for each additional GPD over 400

This fee covers the SEO's time to process a permit for an onlot system other than an individual residential onlot system, alternate/experimental system or individual residential spray irrigation system (IRSIS) system. It includes application processing, soil probe evaluation (2 probes per lot), pere test, design review, permit processing, and five inspections. Work beyond that enumerated above (i.e., additional probes, inspections, etc.) will be billed at the SEO's hourly rate. In the event of a permit denial, the applicant will be billed for the SEO's time incurred at the hourly rate.

alternate and experimental system fee

This fee applies to applicants proposing the use of Alternative and/or Experimental Systems as defined in PA DEP's Chapter 73.

retainer fee \$500

The final fee will be based on actual costs incurred in the review and processing of the application at the SEO's hourly rate. The applicant will be refunded any portion of the unused retainer fee if applicable.

individual residential spray irrigation system (IRSIS) fee

This fee applies to applicants proposing the use of individual onlot spray irrigation disposal systems as defined in PA DEP's Chapter 73.

retainer fee \$500

**Subject****Fees**

The final fee will be based on actual costs incurred in the review and processing of the application at the SEO's hourly rate. The Applicant will be refunded any portion of the unused retainer fee if applicable.

permit transfer fee \$50

This fee covers the administrative costs involved to process an application and transfer of a permit from one permittee to another. It applies when a sewage permit for an unimproved property is to be transferred as part of a real estate sale.

repair permit fee (no change)

minor repair \$100

major repair see above schedules for particular type of system.

A minor repair covers replacement of a treatment tank, building sewer or non-intrusive rehabilitation of the disposal area (i.e., pressure flushing, etc.). All other repairs are major repairs. Note: a permit is not required for routine maintenance associated with treatment tanks (e.g., pumping).

permit renewal fee \$150

By law, permits expire after 3 years. This fee applies where applicants wish to renew their permits after the 3 year period. The fee covers a site evaluation and permit review to determine that conditions related to the original permit issuance have not changed. The permit will be renewed if the conditions of the initial permit are unaltered. Otherwise, the permit will be expired.

planning module fees

retainer fee

1-10 EDU's \$300 (remaining lands are considered as an EDU)

11 or more EDU's \$500 plus \$45 per EDU over 10

The retainer fee is to be paid prior to commencement of work by the Township. The final fee will be determined by the actual costs incurred by the Township in processing the planning module. The SEO and other Township consultants will be reimbursed at their hourly rates. Approval of planning modules will not be granted until all fees are paid.

**Subdivision and Land Development**

subdivision - minor \$150 plus \$15 per lot (remainder lot of subdivision and land development shall be considered one lot)

subdivision - major (over lots) \$150 per application plus \$15 per lot administration fee

lot improvement subdivision (consolidation) \$30 per application

land development \$100 per application

multi-family dwelling project \$100 per application  
\$15 per unit administration fee

<b>Subject</b>	<b>Fees</b>
mobile home park (land development)	\$150 per application \$15 per lot administration fee
recreational vehicle park or campground (land development)	\$150 per application \$15 per camp site administration fee
office/professional	\$100 plus \$5 for every 1,000 sq. ft. of floor area
commercial	\$100 plus \$5 for every 1,000 sq. ft. of floor area
industrial	\$100 plus \$5 for every 1,000 sq. ft. of floor area
wind farms	\$750 plus \$250 for each windmill after the fifth windmill
cell tower & array:	
initial tower site application fee	\$750
subsequent application to company located on same tower and/or add additional array	\$500
permit fee valid for 10 years if not sooner revoked for each tower site and each array on a tower	\$1,000
first renewal fee valid for 10 years if not sooner revoked for each tower site and each array on a tower	\$1,500
subsequent renewal fee valid for 10 years if not sooner revoked for each tower site and each array on a tower	\$2,000

supplemental and final fees applicable to all applications:

Actual costs of advertising of any associated hearing.

Stenographer appearance fee - shared equally by the Board and the applicant. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such an appeal is made. The cost of additional copies shall be paid by the person requesting such copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

All such reasonable legal, engineering and consulting fees associated with the Township's review, inspection, reinspection and evaluation of any and all plans and documents submitted to the Township in association with any preliminary or final application. In the case of subdivisions and land developments, the application fee and per lot administration fee shall be paid only at the time of preliminary plan application. The applicant shall also pay to the Township the initial per lot/development review fee at the time of preliminary application. This fee shall be held in escrow by the Township and shall be used to pay all review costs. Should the costs exceed the initial review fee collected, the applicant shall pay to the Township all costs in excess of the initial fee collected prior to the Township granting any approval. Should

<b>Subject</b>	<b>Fees</b>
the review costs be less than the initial fee collected, the balance shall be returned to the applicant.	
Any and all county, State, or Federal fees or charges to the Township associated with the application.	
Township 911 emergency response map update for new lots or dwelling units [ <i>Res. 2-2009</i> ]	\$65 plus \$10 for each dwelling unit or lot in the subdivision or land development

**Wind Turbine Generator**

application permit fee	§26-105	\$1,500 per proposed megawatt
appeal fee	§26-116	\$300

**Xerox Copies**

\$0.30 per page

**Zoning**

accessory windmill and accessory wind turbine generator installation permit [ <i>Res. 3-2009</i> ]		\$150
conditional use hearing		\$500
zoning hearing		\$600 [ <i>Res. 1-2011</i> ]
permit		\$500 plus additional costs actually incurred in excess of \$500
temporary sign		
permit fee for the placement of each temporary sign		\$50
upon removal of the temporary sign by the permit applicant within 5 days after the permit expires		\$25 will be reimbursed to the applicant
permit fee for the placement of each permanent sign		\$100

[*Res. 8-2008*]

(*Res. 11 / 13 / 2008*; as amended by *Res. 7-2008, 12/11/2008*; by *Res. 8-2008, 12/11/2008*; by *Res. 2-2009, 6/11/2009*; by *Res. 3-2009, 6/16/2009*; and by *Res. 1-2011, 1/13/2011*)

