

Code of Ordinances of the Township of Thornhurst

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Code of Ordinances
of the
Township of Thornhurst
Lackawanna County, Pennsylvania

Published by Authority of the Township

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CONTENTS

Municipal Officials	v	
Foreword	vii	
Adopting Ordinance	xi	
Fee Schedule	xvii	
Chapter 1	Administration and Government	1-1
Chapter 2	[Reserved]	2-1
Chapter 3	[Reserved]	3-1
Chapter 4	[Reserved]	4-1
Chapter 5	Building/Construction Code	5-1
Chapter 6	[Reserved]	6-1
Chapter 7	Fire Prevention and Fire Protection	7-1
Chapter 8	Floodplains	8-1
Chapter 9	[Reserved]	9-1
Chapter 10	Health and Safety	10-1
Chapter 11	[Reserved]	11-1
Chapter 12	[Reserved]	12-1
Chapter 13	Licenses, Permits and General Business Regulations	13-1
Chapter 14	[Reserved]	14-1
Chapter 15	Motor Vehicles and Traffic	15-1
Chapter 16	Parks and Recreation	16-1
Chapter 17	[Reserved]	17-1
Chapter 18	Sewers and Sewage Disposal	18-1
Chapter 19	[Reserved]	19-1
Chapter 20	Solid Waste	20-1
Chapter 21	Streets and Sidewalks	21-1
Chapter 22	Subdivision and Land Development	22-1
Chapter 23	[Reserved]	23-1
Chapter 24	Taxation; Special	24-1
Chapter 25	Time-Share Ownership	25-1
Chapter 26	[Reserved]	26-1
Chapter 27	Zoning	27-1
<u>Appendix</u>		
A	Adjustments to Township Boundaries	A-3
B	Debt and Bond Issues	A-5
C	Franchises and Services	A-7
D	Governmental and Intergovernmental Affairs	A-9
E	Plan Approval	A-11
F	Public Property	A-13
G	Sewers	A-15
H	Streets and Sidewalks	A-17
I	Water	A-19
J	Zoning; Prior Ordinances	A-21
Table of Disposition of All Ordinances		K-1
Table of Disposition of Significant Resolutions		KR-1
Index		I-1

FOREWORD

*History*¹

The land that is now Thornhurst Township, Lackawanna County, has been known by different names over time. In order to trace historical information about Thornhurst it is helpful to know its names and when they were used.

Thornhurst was once called the Great Pine Swamp. Connecticut also claimed much of this territory.

In 1680, William Penn established all of the territory north of Philadelphia as Bucks County.

In 1752, Northampton County was established from Bucks County and it included what is now Northampton, Monroe, Wayne, Susquehanna, Wyoming, Luzerne, Lackawanna, Carbon, Lehigh and parts of Schuylkill counties.

In 1768, Wilkes-Barre Township was formed and Thornhurst became part of Wilkes-Barre Township, Northampton County.

In 1786, Luzerne County was formed from part of Northampton County and Thornhurst became Wilkes-Barre Township, Luzerne County.

In 1787, H.W. & Richard Drinker purchased 25,000 acres and Thornhurst became Drinker's Beach in Wilkes-Barre Township, Luzerne County.

In 1818, Covington Township was formed from Wilkes-Barre Township and we became Drinker's Beach in Covington Township, Luzerne County.

In 1833, Buck Township was formed from part of Luzerne County and Thornhurst became Buck Township, Luzerne County. In 1840, Thornhurst became known as the Village of Comfortville and in 1856 the Village of Gouldsboro, Buck Township, Luzerne County.

In 1871, the Village of Gouldsboro became incorporated as the Borough of Gouldsboro. The Borough encompassed an area running south along the River from Pond Creek to Sand Spring Run and then east about ½ mile up Bear Lake Road. The remainder of what is now Thornhurst Township was Buck Township, Luzerne County.

In 1878, Lackawanna County was formed from part of Luzerne County and Lehigh Township was split from Buck Township. What is now Thornhurst was split between the Borough of Gouldsboro, Lackawanna County and Lehigh Township, Lackawanna County.

On May 4, 1939, by order of court, the Borough of Gouldsboro became part of Lehigh Township, Lackawanna County.

In 1995, following a referendum, Lehigh Township, Lackawanna County was renamed Thornhurst Township, Lackawanna County. It still appears as Lehigh Township on many maps.

The industrial history of Thornhurst has been important in forming its roads and land use patterns. In the 19th and early 20th century, the important industries were lumber, tanning and ice harvesting. Today, people are drawn to the Township for the beauty and accessibility of its forests and waters and tourism is a major industry.

¹With special thanks to James E. Howley, *Thornhurst and the Upper Lehigh River*

In the 1820's, lumbermen harvested the large white pine trees that abounded along the Lehigh River. This industry expanded rapidly in the region and continued for more than 50 years. At first, the lumbering was driven by demand by the Lehigh Coal and Navigation Company which used the lumber to build arks for carrying coal to Philadelphia by way of the Lehigh Canal. The arks only went one way and were disassembled in Philadelphia and used for housing construction. Large quantities of lumber in the form of logs were also floated down the Lehigh River. In 1841 there were over 40 sawmills on the Lehigh River between White Haven and Thornhurst and almost every tributary was dammed to provide power for the sawmills. In the 1850's the mining of anthracite coal in the Wyoming Valley began to increase greatly. This too drove a demand for lumber to provide timber supports for the underground mines. The demand also drove a need for roads and it was during this time that many of the roads to Thornhurst were built. The lumber industry suffered a major loss in May of 1875 when a huge fire raged out of control in the Poconos for more than a week. The fire destroyed any hope that the lumber industry might be revived.

In the 1850's Jay Gould started his tannery along the Lehigh River in Thornhurst, and by the 1860's it was reputed to be the most extensive establishment of its kind in the United States. The profits from this tannery would fund his later railroad and financial empires. Other tanneries followed, capitalizing on the abundance of hemlock available for tanning.

From the late 1800's to the 1930's ice harvesting was very profitable in the Poconos. Ice would be cut from the lakes, stored in ice houses and shipped by rail car to the cities all year long. Many people from Thornhurst worked harvesting ice at Brady's Lake.

Today, a majority of the land in Thornhurst Township is State Forest Land and State Game Land. The State Forest Land has many trails and a picnic area popular with residents and tourists. The State Game Lands are a mecca for hunters. The Township recently purchased land along the Lehigh River for use as a park and river access. Environmental tourism and first and second home developments are the new industries in Thornhurst Township, as they are in much of the Poconos.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Township of Thornhurst 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 Table of disposition of each ordinance ever enacted by the Township of Thornhurst, 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 Table of disposition indicates what action has been taken by the Township of Thornhurst 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 Table. The Table is a cross

reference to the original ordinance books of the Township of Thornhurst, and to the location within the Code of each ordinance by number.

This comprises the codification of the ordinances of the Township of Thornhurst.

The Code of Ordinances of the Township of Thornhurst was prepared by Keystone Publishers, Inc., and adopted by the Township of Thornhurst Board of Supervisors on November 10, 2011, by *Ord. 41*.

ORDINANCE NO. 41

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF THORNHURST, 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 Thornhurst hereby ordains:

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

TABLE OF CONTENTS

Chapter 1 Administration and Government
Chapter 2 [Reserved]
Chapter 3 [Reserved]
Chapter 4 [Reserved]
Chapter 5 Building/Construction Code
Chapter 6 [Reserved]
Chapter 7 Fire Prevention and Fire Protection
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 [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 Time Share Ownership
Chapter 26 [Reserved]
Chapter 27 Zoning

APPENDIX:

- A. Adjustments to Township Boundaries
- B Debt and Bond Issues
- 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

Table of Disposition of All Ordinances
 Table of Disposition of Significant Resolutions

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 Thornhurst 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 Thornhurst Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective in accordance with law.

Section 3. Saving Clause. The provisions of the Township of Thornhurst 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 Thornhurst 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.*

Section	Subject
§§1-101–1-111	Preliminary Provisions
§§21-101–21-120	Regulating Street Excavations and Openings
§§24-201–24-217	Realty Transfer Tax

B. Amendments.

Section	Subject	Ordinance No., Section
§1-202	Definitions	11, §2
§7-103	Controlled Outdoor Burning Permitted	6
§7-106	Penalties	6
§8-210	Fees	33, §2.09
§8-211	Enforcement	33, §2.10
§10-107	Penalties	22, §7
§10-210	Enforcement Procedures	38, §10
§10-212	Penalties	38, §12
§13-106	Regulations	3, §6
§13-107	Fees and Penalties	3, §7
§13-110	License Nontransferable Except upon Change of Ownership of Licensed Premises	3, §11
§13-112	Maintenance of Licensed Premises	3, §13
§13-113	Penalties	3, §14
§15-101	Short Title	17, §1.100
§15-102	Roadways Affected	17, §2.100
§15-103	Parking Restrictions	17, §2.101
§15-104	Posting of Notice	17, §2.102
§15-105	Penalties	17, §3.100
§16-111	Penalties	40, §11
§18-102	Permit Requirement	31, §II
§18-203	Rights and Privileges Granted	9, §3
§18-207	Exclusiveness of Rights and Privileges	9, §7
§18-209	Violations	9, §9
§20-101	Short Title	23, §1
§20-103	Regulations	23, §3
§20-106	Penalties	23, §6

Section	Subject	Ordinance No., Section
§24-101	Short Title	5, §1
§24-102	Definitions	5, §2
§24-109	Duties of Tax Collector	5, §9
§24-113	Penalties	5, §13
§25-101	Title	16, §1.101
§25-201	General Procedures	16, §2.100
§25-203	Planning Commission Action	16, §2.102
§25-204	Criteria for Consideration	16, §2.103
§25-205	Conditional Use Hearing	16, §2.104
§25-401	Enforcement Penalties	16, §4.100

C. *Repeals.*

Ordinance/Resolution	Subject
	[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:

Section	Short Title
	[Reserved]

Section 7. Land Use Amendments. The Township of Thornhurst 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
	[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:

Section	Subject	Ordinance No.
§22-103	Short Title	26, §1.400
§22-202	Fees	26, §2.200

Section	Subject	Ordinance No.
§22-203	Plan Applications	26, §2.300
§22-302	Design Standards Details	26, §3.200
§22-502	Summary of Required Improvements	26, §5.200
§22-504	Flood-Prone Area Requirements	26, §5.400
§22-604	Preliminary Plan	26, §6.400
§22-904	Enforcement Remedies	26, §9.400
Appendix 22-A	Specifications for Required Subdivision and Land Development Improvements	26, App. A
§27-101	Short Title	27, §1.100
§27-201	Applicable Definitions	27, §2.100; 37, Item 1
§27-402	Performance, Environmental, and Traffic Requirements	27, §4.200; 37, Items 3, 5 and 18
§27-403	Use Classes in Zoning Districts	27, §4.300; 37, Items 2, 4, 6–10, 14–16, 18, and 19
§27-501	Permitted Variations from Required Areas	27, §5.100; 37, Item 11
§27-507	Temporary Uses	27, §5.700
§27-509	Miscellaneous Provisions	27, §5.900; 37, Items 14 and 17
§27-510	Environmentally Sensitive Areas	27, §5.1000; 37, Items 20 and 21
§27-609	Appeals, Violations, and Penalties	27, §6.900
§27-610	Filing Fees	27, §6.1000

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

Section	Subject	Ordinance No.
	[Reserved]	

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Township of Thornhurst 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 Thornhurst 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 Thornhurst 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 Thornhurst. Whosoever shall violate this Section shall be guilty of an offense under §4911, "Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Township of Thornhurst 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 10th day of November, 2011.

ATTEST:

Township of Thornhurst

/s/ Kim D. Grab
Secretary

/s/ Elaine F. Evans
Chairman, Board of Supervisors

Fee Schedule

Subject	Fees
Building Fee Schedule	
Residential	
new construction	\$40 plus .15 per sq. foot of GFA*
additions	\$40 plus .15 per sq. foot of GFA*
alterations and repairs	1.5% of construction cost
utility and miscellaneous use groups (sheds, decks, fences, pools, towers, concrete slabs, retaining walls, etc.)	1.5% of construction cost
minimum fee	\$50
All use groups other than residential	
new construction and additions	\$60 plus .25 per sq. foot of GFA*
alterations	2.5% of construction cost
demolition	\$50
signs	\$25 plus \$2.00 per sq. ft.
minimum fee	\$50
*GFA - Gross floor area defined as the total square footage of all floors within the perimeter of the outside walls, including basements, cellars, garages, roofed patios, breezeways, covered walkways and attics with floor to ceiling height of 6'6" or more.	
Electrical Fee Schedule	
Service and feeders	
200 amp or less	\$45
201 amp to 400 amp	\$55
over 400 amp	\$1500 pr 100 Amp
sub-feeders or sub-panels	¼ of above fees
over 600 volts	double above fees
Residential flat rate inspections	
2 trip maximum	
100 amp service and max 100 devices	\$70
200 amp service and max 200 devices	\$90
over above limits use individual fee calculations	
modular/mobile homes, 1 trip, service and feeder	\$50
minor alterations and service	
max 15 devices	\$50

Subject	Fees	
Rough wire		
all switches receptacles and lighting outlets		
1 to 25		\$15
each additional 10		\$5
Finished wiring		
all switches, receptacles and lighting outlets		
1 to 25		\$15
each additional 10		\$5
Heating, cooling, cooking, appliances, equipment motors, generators, transformers, capacitors, etc.		
less than 1/3 hp, kw, kva use finished wiring fee		
over a hp, kw, kva		
1/3 to 1.0		\$10
1.1 to 5.0		\$12
5.1 to 10.0		\$15
10.1 to 30.0		\$20
30.1 to 50.0		\$25
50.1 to 100.0		\$30
over 100@ \$1 per hp, kv, kva		
over 600 volts, 2x above fees		
Signaling, communications and alarm systems		
1 to 10 devices		\$40
each additional device		\$1
Minimum fee		\$50
Licenses, Permits and General Business Regulations		
Junkyards		
permit fee		\$1,000
yearly licensing fee	§13-107	\$100 for each yard or premises
license transfer fee	§13-110	\$50
Mechanical and Plumbing		
All appliances and fixtures including, but not limited to, sinks, water closet, bath tub, shower, washing machine, hose bibb, floor drain, dish washer, drinking fountain, water heater, air handlers and any fuel burning device (gas, oil, wood or coal)		
Per appliance or fixture		\$8
Utility service connections (water or sewer), boiler, grease traps, sewer pumps, refrigeration units, water cooled air conditioners, etc.		
Per appliance		\$50
Minimum Fee		\$40

Subject	Fees
Solid Waste	
Sanitary landfills (DEP)	§20-103
permitting fee	\$1,000 (plus escrow of \$10,000)
license fee for operation	
each calendar year	\$1,500
on or after July 1 of a calendar year	\$750

Subdivision and Land Development

- | | |
|--|---------|
| Subdivision and Land Development Review Fees | §22-202 |
|--|---------|
- A. Township Personnel Costs. Fees for plans which can be reviewed at one meeting of the Township Planning Commission and/or Supervisors shall be based on the following schedule:
- | | |
|--|---|
| 1. Plans which are exempt from the standard review procedures, in accordance with §22-205. | \$50 |
| 2. Plans which are not exempt from the standard review procedures | |
| Preliminary plans | \$50, plus \$10 per lot or unit for subdivisions or \$10 per acre for land developments |
| Final plans | \$50, plus \$10 per lot or unit for subdivisions or \$10 per acre for land developments |
- B. Additional Review Fees. Fees for plans which require more than one meeting and/or public hearing or special meeting shall include any of the expenses which are incurred by the Township and will require a deposit of \$750:
1. Additional Township personnel costs.
 2. Cost of preparation and advertisement of necessary legal or other public notices or ads.
 3. Cost of required stenographic services.
 4. Cost of retention of professional advisors.
 5. Cost of time, materials, travel expenses, and other expenses incurred by Township staff and consultant advisors in preparing special reports or recommendations, in providing testimony, or of field trips and inspections or other necessary activities to complete the review of the plan.
- C. County Costs. Actual fees to secure necessary reviews by the Lackawanna County Regional Planning Commission.

Except for the Township personnel cost included in A.1 and A.2 above, such fees shall be based on estimates, payable in advance by the subdivider or applicant, of the proposed work to be undertaken. Such advance payments shall be later accounted for and reconciled, after receipt of actual invoices from the parties involved.

Zoning

- | | |
|--------------------|---------|
| Zoning Review Fees | §27-610 |
|--------------------|---------|
- In accordance with §27-610 of the Township Zoning Ordinance (Chapter 27), Township

Subject

Fees

shall levy "filing fees" to cover the reasonable and necessary costs incurred by the Township for reviewing and processing all applications for zoning permits, occupancy permits, certificate for registration of nonconforming uses, requests for variances, amendments or appeals, public hearings, interpretations and other related zoning matters, and for determining compliance with this ordinance, as required herein. Such fees shall be payable by the applicant at the office of the Zoning Officer or Township Secretary.

A. Zoning Permits and Applications. Applications for zoning permits or other actions shall be required to pay the following fees:

- | | |
|--|-------------------|
| 1. Zoning permit for a permitted use | \$100 |
| 2. Zoning application requiring special Zoning Hearing Board or Township Supervisors meeting and/or a public hearing and action by either body. The zoning application must include the following: | |
| a. Deposit | \$750 |
| b. Permits for "special or conditional uses" | |
| Residential | \$100 |
| Commercial | \$200 |
| c. Request for amendment | \$150 |
| d. Request for variances | \$150 |
| e. Appeals for alleged errors | \$150 |
| 3. Occupancy permits | Determined by UCC |

B. Deposit for Review Fees. As applications of the type listed under A.2 above require at least one meeting and/or public hearing by the Zoning Hearing Board or the Township Supervisors, additional reasonable fees are necessary to defray costs which must be incurred by the Township for the necessary compensation for the Secretary and Members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing, in accordance with the requirements of §908 of the Pennsylvania Municipalities Code.

C. Basis for Fees. The above fees are necessary to pay for the cost of advertisements, recordance and minutes, administration by Zoning Officer, review by Planning Commission and other expenses.

Fees for a required stenographic record of the proceedings and for the cost of transcripts shall be shared by the Township and the applicant as also set forth in §908 of the Pennsylvania Municipalities Planning Code.

The applicant may dispute the amount of such fees in accordance with the requirements of §503(1) of the Pennsylvania Municipalities Planning Code, as amended.

(Res. 2-12, 1/3/2012)