

# Code of Ordinances of the Borough of Clarks Green

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**Code of Ordinances**  
**of the**  
**Borough of Clarks Green**  
**Lackawanna County, Pennsylvania**

**Published by Authority of the Borough**

Adopted by *Ord. 3-2005*, 10/10/2005

Revised and Supplemented through:  
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- Supplement II; April 14, 2008
- Supplement III; December 14, 2009
- Supplement IV; December 13, 2010
- Supplement V; December 12, 2011
- Supplement VI; February 20, 2013
- Supplement VII; October 15, 2014

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**Officials**  
**of the**  
**Borough of Clarks Green**  
County of  
Lackawanna, Pennsylvania

**ELECTED OFFICIALS**

Mayor - William H. Thorburn

Borough Council

President - David Rinaldi  
- Keith Williams  
- Joseph Barrasse  
- Lynne Earley  
- Alan Hughes  
- Maureen Palmer  
- Barry Phillips

Tax Collector - Janice F. Brown

**APPOINTED OFFICIALS**

Secretary - Janice F. Brown  
Treasurer - Janice F. Brown  
Zoning Officer - Lori Harris  
Solicitor - Alfred J. Weinschenk, Esquire  
Engineer - BCM Engineers  
Auditors - Murphy, Dougherty and Company



## FOREWORD

### *History*

This comprises the codification of the ordinances of the Borough of Clarks Green. The Abingtons are a part of a purchase of lands bought from the Indians by William Penn, the original Governor of the Commonwealth. The first known record of any settlers was in 1790 when three trappers built a cabin near Waverly. They stayed there for a year and a half when they returned to civilization.

The development of the land first began under the Connecticut claim. In 1794 this was divided into 17 Townships, of which the Abingtons were a part of the Tunkhannock Township. When the survey was completed, the district was first called Ebbington, after the Connecticut land agent, Col. Ebbington, and was later changed to Abington.

The first permanent settlement was made in 1794 by Deacon Wm. Clark, his three sons, Jeremiah, William and John, Ephriam Leach, Stephen Parker and Thomas Smith, and they built their first camp on the present site of the Clark's Green Cemetery. These men came here from Connecticut and crossed the Legget Mountains on the Westerly side from where the road is now. As there was no road or trail in this district, all possessions had to be moved on horseback or in the Indian fashion of dragging. The wife of Deacon Wm. Clark was the first woman to live in this district. Most of the families moved here in 1800 and 1801. They came mostly from Connecticut and Rhode Island.

In 1806 the South Abington Township was formed from Tunkhannock Township, and later the two Boroughs of Clark Summit and Clarks Green were formed out of the South Abington Township. The first store was founded in Clarks Green by Samuel Griffing, date unknown. In 1812, Jeremiah Clark, a grandson of Deacon Wm. Clark built a tavern on the Great Bond-Daleville-Philadelphia Turnpike. This tavern was a stop for the stage coach, and while alcoholic beverages were sold, Jeremiah Clark was a strict disciplinarian. He would not tolerate cards, dancing, loafing, profanity or fiddling, and only served four drinks a day to stranger or friend. To prevent anyone from scaling the bar, he constructed a picket fence which ran through the tavern, and served the drinks through a gate in the fence.

In 1850 a Post Office was opened in Clarks Green and S. A. Northup became Postmaster. The first doctors were Hiram Nichols, B. F. Evans, Sr., and Dr. Bedford of Waverly. In 1906 the Northern Electric Railway was built, and within a few years land companies opened developments and the districts grew up rapidly. The Abington Bank was founded and opened for business on July 1, 1913. Clarks Green became a Borough on May 12, 1914.

The following shows the increase in population between Clarks Summits and Clarks Green:

Clarks Green	1880-207	1920-350	1948-725
Clarks Summit	1880-91	1920-1404	1948-2700

The first school for the children of Clarks Summit and Clarks Green was at Elder John Miller's farm near Waverly. Another school was held later at Wm. Knapp's at Mud Pond, and another at the site of the Abington Poor Farm at Gravel Pond. The first two story school in the Abingtons was built in 1866 on a lot purchased from James



Wagner, and was located West of Wagner's house on the Waterford and Great Bend Turnpike. It was a three room building with one room on the upper floor and two rooms on the lower floor. Both towns wanted the school located in their district, so they compromised and located it on the line.

The first four year course in full occurred in 1916. The first graduated class in full course occurred in 1917. Two sessions for high school on account of the increase in children was begun in 1922. The High School, adjoining the Grade School, was erected in Feb. 1924. The Grade School opened on Division Street, Clarks Summit, in Feb. 1930.

The Code of Ordinances of the Borough of Clarks Green was prepared by Keystate Publishers, Inc., and adopted by the Borough of Clarks Green Borough Council on October 10, 2005 by *Ord. 3-2005*.

### *Organization*

The Code contains four parts which are (1) the valid current ordinances of the Borough of Clarks Green 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 of Clarks Green, 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 of Clarks Green 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 Borough of Clarks Green, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 3-2005

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF CLARKS GREEN, 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 Borough of Clarks Green hereby ordains:

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

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Chapter 1 . . . . . Administration and Government  
Chapter 2 . . . . . Animals  
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Chapter 4 . . . . . Buildings  
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Chapter 6 . . . . . Conduct  
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Chapter 8 . . . . . Floodplains  
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Chapter 12 . . . . . [Reserved]  
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Chapter 14 . . . . . [Reserved]  
Chapter 15 . . . . . Motor Vehicles and Traffic  
Chapter 16 . . . . . [Reserved]  
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 . . . . . Swimming Pools  
Chapter 24 . . . . . Taxation; Special  
Chapter 25 . . . . . [Reserved]  
Chapter 26 . . . . . Water  
Chapter 27 . . . . . Zoning

APPENDIX

- A . . . . . Annexation of Territory
- 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 to the Disposition of All Ordinances  
 Table to the 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 Borough of Clarks Green 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 Clarks Green 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 Borough of Clarks Green 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 Clarks Green 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
§22-803	Violations and Penalties	4-1972

**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>
§§2-201 – 2-204	Animal Noise
§§2-301 – 2-304	Disposal of Animal Feces

B. *Amendments.*

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§1-201	Establishment	4-1956
§1-202	Membership; Terms	4-1956
§1-203	Powers and Duties of Board	4-1956
§1-210	Violations and Penalties	4-1956; 3-1989, §14-10
§1-225	Powers and Duties	3-1959
§2-106	Violations and Penalties	4-1999, §7
§2-404	Penalties	4-1983
§4-106	Violations and Penalties	6-1991
§6-101	Littering Prohibited	3-1989, §75-1
§6-208	Violations and Penalties	4-1980; 3-1989, §54-8
§8-303	Application	7-1978; 2-1991
§8-304	Other Permit Requirements	7-1978; 2-1991
§8-305	Violations and Penalties	7-1978; 3-1989, §67-9
§8-501	Compliance With Other Requirements; Elevation Requirements	7-1978; 2-1991
§8-504	Development Which May Endanger Human Life	7-1978; 3-1987
§8-601	Activities Restricted In Floodplain Area	7-1978; 3-1987
§8-602	Application Requirements	7-1978; 3-1987
§8-603	Application Review Procedures	7-1978; 3-1987
§8-604	Special Technical Requirements	7-1978; 3-1987
§9-103	Violations and Penalties	3-1978; 3-1989, §62-3
§10-111	Permit Required; Fee	4-1984; 5-1992
§10-120	Direct Alarm Connections to Fire Department; Fee	4-1984
§10-121	Police and Emergency Service Annual Fee	4-1984
§10-131	False Alarms	4-1984

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§10-133	Violations and Penalties	4-1984; 3-1989, §41-16; 5-1992
§10-203	Violations and Penalties	8-1978; 3-1989, §45-3
§10-304	Violations and Penalties	2-1982; 3-1989, §112-4
§10-405	Penalty	3-1998, §5
§13-101	Definitions	1-1974; 3-1989, §82-1
§13-105	Fee	1-1975; 3-1989, §82-5
§13-113	Violations and Penalties	1-1975; 3-1989, §82-13
§15-805	Violations and Penalties	5-1987; 3-1989, §91-5
§18-104	Connection Fee; Permit	4-1974; 4-1975; 2-1988
§18-108	Violations and Penalties	4-1974; 3-1989, §87-8
§18-302	Violations and Penalties	4-1978; 3-1989, §87-13
§18-403	Violations and Penalties	3-1975; 3-1989, §87-11
§20-108	Violations and Penalties	3-1956; 3-1989, §70-8
§20-113	Violations and Penalties	2-1983; 3-1989, §70-11
§20-209	Violations and Penalties	5-1991
§21-101	Permit Fee; Bond	7-1975; 3-1977; 3-1993; 4-1994; 2-1995
§21-111	Violations and Penalties	7-1975; 3-1989, §95-14
§21-209	Violations and Penalties	2-1977; 3-1989, §95-23
§21-306	Violations and Penalties	4-1982; 3-2003
§23-104	Violations and Penalties	6-1987; 3-1989, §104-4
§24-105	Examination of Records and Persons; Confidentiality; Violations and Penalties	4-1949
§24-108	Violations and Penalties; Failure to Acquire Form Not Excuse	4-1949; 3-1989, §108-8
§26-111	Definitions	4-1993, §93-9
§26-123	Stormwater Management District Imple- mentation Provisions	4-1993, §93-12
§26-124	Calculation Methodology	4-1993, §93-13
§26-134	Plan Submission	4-1993, §93-17
§26-135	Drainage Plan Review	4-1993, §93-18

*C. Repeals.*

<b>Ordinance/Resolution</b>	<b>Subject</b>
Ord. 2-1974	Occupational Privilege Tax
Ord. 4-1999, §6	Plea of Defendant (Animals)
Ord. 4-1983	Animal Noise and Disposal of Animal Feces

**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 Borough of Clarks Green 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>
§22-303	Preliminary Plan	4-1972; 2-1978
§22-304	Final Plan	4-1972
§22-402	General Standards Applicable to All Types of Development	4-1972
§22-404	Mobile Home Park Standards	4-1972
§22-505	Water	4-1972
§22-508	Erosion and Sediment Control	4-1972
§22-602	Final Plan	4-1972
§22-803	Preventative Remedies	4-1972
§22-804	Enforcement Remedies	4-1972
§27-303	Definitions	4/13/1998, §303; 2-2000; 2-2003

Section	Subject	Ordinance No.
§27-701	Performance Standards Applicable to All Nonresidential Uses in All Districts	4/13/1998, §701

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., Section
	[Reserved]	

**Section 8. Procedural Changes.** The following minor procedural changes have been made to existing Borough of Clarks Green 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 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 \_\_\_, Article \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter \_\_\_, Article \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter \_\_\_, Article \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby repealed in its entirety."

**Section 10. Responsibility for Code of Ordinances.** It shall be the responsibility of the Borough of Clarks Green 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 Clarks Green 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 Borough of Clarks Green. 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 Borough of Clarks Green 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 10<sup>th</sup> day of October, 2005.

ATTEST:

Borough of Clark Green

/s/ Angela N. Pullo  
Secretary

/s/ Patrick J. Conaboy  
President, Borough Council

APPROVED this 10<sup>th</sup> day of October, 2005.

/s/ William Thorburn  
Mayor





## Fee Resolution

<b>Subject</b>	<b>Permit Fees</b>
<b>Basic Zoning Permit</b>	\$50 plus \$5 per thousand of estimated value. After completion, certified cost of construction will be provided by applicant.*  *Certified cost of construction will be provided by the applicant and confirmed by the Zoning Officer. Zoning Officer may bill for extra time.
<b>Conditional Use Application</b>	\$600 with a refundable balance, for a public hearing and related costs exclusive of professional and attorney's fees if required. Costs exceeding the basic fee shall be paid as a condition of approval whether or not stated at the meeting as such.
<b>Certificate of Use</b>	a. Following new construction \$15 b. New use or a change of use \$35
<b>Street Excavation Permit</b>	\$50 for the first square yard of the surface of any street excavation and \$10 for each additional square yard or fraction thereof.
<b>Certificate of Non-conformance</b>	\$50
<b>Sign Permits</b>	a. Sign having dimensions of 4 square feet or less \$35 b. Larger than 4 feet square \$50
<b>Sewer Connection Permit</b>	\$500
<b>Alarm System Permit</b>	\$25
<b>Direct Alarm Connections to Fire Department</b>	\$150
<b>Direct Alarm Service Fee Annual</b>	Individual Residence \$50 Firms, Companies, Corporations \$150
<b>UCC Administration Surcharge</b>	10% of permit fees.
<b>ZONING AMENDMENTS AND ZONING HEARING BOARD MATTERS</b>	
<b>Request for Zoning Amendment and Curative Amendment</b>	\$700 for public hearing and related costs. Any professional costs incurred for the review shall be paid as a condition of approval.
<b>Zoning Hearing Board Matters</b>	\$600 with a refundable balance. Costs related hearing, including advertising, stenographer, attorney fees, Zoning Officer's hourly rates and other costs will be determined. If such costs are less than \$600 refund will be made, if greater than \$600 applicant will pay excess.
<b>Continuance of a Zoning Hearing</b>	\$350
<b><u>REVIEW FEE DEPOSITS</u></b>	

**Subject**

**Permit Fees**

**Subdivision - Preliminary Application**

<b><u>NUMBER OF LOTS</u></b>	<b><u>DEPOSIT PER LOT</u></b>	<b><u>MINIMUM DEPOSIT</u></b>
Less than 10	\$20	\$300
10-19	\$20	\$400
20-49	\$20	\$600

**Subdivision - Final Application**

<b><u>NUMBER OF LOTS</u></b>	<b><u>DEPOSIT PER LOT</u></b>	<b><u>MINIMUM DEPOSIT</u></b>
Less than 10	\$20	\$300
10-19	\$20	\$400
20-49	\$20	\$600

**Land Development**

<b><u>LAND &amp; BUILDING IN SQUARE FEET</u></b>	<b><u>AMOUNT FEE</u></b>
2,000 sq. feet or less	\$200
2,001 sq. feet or more	\$0.10 per sq. foot up to a maximum deposit of \$2,000

Any and all additional review cost over the review fees collected is the owner's/applicant's responsibility to pay.

**ADMINISTRATIVE FEES**

In addition to the above, each application for a subdivision/land development shall be accompanied by a non-refundable fee to cover the cost of administration required to process applications. Such fee shall be \$50 per minor subdivision, \$100 per major subdivision, or \$200 per land development.

*(Res. 10/10/2005)*