

RESOLUTION 11-2010

A RESOLUTION OF COUNCIL OF THE BOROUGH OF MARIETTA, LANCASTER COUNTY, PENNSYLVANIA, REESTABLISHING AND AMENDING FEES TO BE CHARGED IN CONNECTION WITH HEARINGS BEFORE THE MARIETTA BOROUGH ZONING HEARING BOARD AND BEFORE COUNCIL CONCERNING APPEALS FROM THE DETERMINATION OF THE ZONING OFFICER; APPLICATIONS FOR VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USES AND CHALLENGES TO THE VALIDITY OF THE ZONING ORDINANCE

WHEREAS, the Council of the Borough of Marietta, Lancaster County, Pennsylvania, may impose fees for hearings before the Zoning Hearing Board and fees for proceedings before the Council relating to conditional uses and amendments, including curative amendments, to the Zoning Ordinance of Marietta Borough (the "Zoning Ordinance") and the Zoning Map; and

WHEREAS, upon consideration of the costs involved in hearings and processing zoning applications, appeals and petitions, the Council of the Borough of Marietta desires to establish reasonable fees;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Marietta, Lancaster County, Pennsylvania, as follows:

Section I. Zoning Hearing Fees – The following application and appeal fees shall be imposed in connection with the administration of the Marietta Borough Zoning Ordinance:

Zoning Hearing Board Application or Appeals, Including challenges to the validity of the Zoning Ordinance or Zoning Map	\$ 700.00
Zoning Hearing Board Continuances	\$ 500.00
Modification (not submitted with Plan – per modification item)	\$ 25.00
Petition for Zoning Ordinance and Curative Amendments	\$1,000.00
Each Additional Hearing Request	\$ 300.00
Petition for Zoning Map Rezoning	\$ 700.00
Each Additional Hearing Request	\$ 300.00
Conditional Use Application	\$ 700.00
Each Additional Hearing Request	\$ 500.00
Modification (not submitted with Plan – per modification item)	\$ 25.00

Any Appeal or Application that exceeds five (5) hours a fee of \$300.00 shall be assessed against the petitioner or challenger for each hour or part thereof until the hearing(s) are concluded.

In addition to the above fees to be paid at the time the application or appeal is filed, applicants and appellants shall, upon receipt of an invoice from the Borough, reimburse the Borough for one-half (1/2) of the courts reporter's appearance fee

attributable to the application or appeal. The Borough's invoice shall be payable within thirty (30) days of receipt or upon the issuance of any permit authorized by the decision of the Zoning Hearing Board or Council, whichever date is earlier.

Section II. Severability – The provisions of this Resolution are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of Council that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section III. Repeals and Savings – All provisions of Borough Resolutions establishing fees for the items set forth in the Resolution are hereby repealed to the extent that they are inconsistent with the fees established by this Resolution. All Borough Resolutions imposing fees for items which are not addressed in this Resolution shall continue in full force and effect.

Section IV. Effective Date – This Resolution shall take effect and be in force immediately.

DULY ADOPTED the **14th** day of **December 2010**, by the Council of the Borough of Marietta, Lancaster County, Pennsylvania, in lawful session duly assembled.

Attest:

Marietta Borough Council

Borough Secretary/Treasurer

President

SEAL

Council members: Barbara S. Wilson, Vice-President
Peggy A. Brewer
David M. deVitry
Everett E. Nagel
John L. Rice
Phyllis E. Stellfox
Oliver C. Overlander, II, Mayor