

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 602

(Duly Adopted December 29, 2025)

AN ORDINANCE ESTABLISHING THE REAL ESTATE TAX RATE FOR THE FISCAL YEAR 2026 AT 4.58 MILLS (4.50 MILLS FOR GENERAL BOROUGH PURPOSES AND 0.08 MILLS FOR FIRE PURPOSES), WHICH IS THE SAME AS THE TAX RATE FOR FISCAL YEAR 2025; CONFIRMING A 2% DISCOUNT ON REAL ESTATE TAXES PAID WITHIN TWO MONTHS OF THE DATE OF THE TAX NOTICE AND A 10% PENALTY FOR FAILURE TO PAY SUCH TAXES WITHIN FOUR MONTHS AFTER THE DATE OF THE TAX NOTICE; CONFIRMING WITH NO CHANGE IN RATES FOR 2026 THE PER CAPITA TAX, EARNED INCOME TAX, LOCAL SERVICES TAX, REALTY TRANSFER TAX, WATER RENTALS AND FEES, AND THE FEES FOR COLLECTING MUNICIPAL WASTE AND RECYCLABLE MATERIALS; INCREASING SANITARY SEWER RENTALS AND FEES BY APPROXIMATELY TWENTY-FIVE PERCENT (25%), INCLUDING AN INCREASE OF \$25.00 PER CALENDAR QUARTER IN THE FLAT RATE FOR DWELLING UNITS (TO \$125.00 PER CALENDAR QUARTER); REQUIRING PERMITS FOR DUMPSTERS USED FOR UNACCEPTABLE WASTE NOT COLLECTED THROUGH THE BOROUGH WASTE COLLECTION PROGRAM, ESTABLISHING A SEVENTY-FIVE DOLLAR (\$75.00) FEE FOR SUCH PERMITS, AND ESTABLISHING PENALTIES FOR PERMIT VIOLATIONS; AMENDING CODIFIED ORDINANCES CHAPTER 59 (RELATING TO RIGHT-OF-WAY MANAGEMENT) TO ADD REGULATIONS REGARDING THE PLACEMENT OF DUMPSTERS AND PORTABLE STORAGE DEVICES IN BOROUGH RIGHTS-OF-WAY; AND ESTABLISHING A NEW HANDICAPPED PARKING SPACE ON THE EASTERLY SIDE OF FRANKLIN STREET IN FRONT OF 215 FRANKLIN STREET.

BE IT ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburtis,
Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 81 of the Codified Ordinances (relating to Real Property Tax) is amended by adding the following new § 81-128:

§ 81-128 2026.

A tax is hereby levied on all assessed property within the Borough of Alburtis subject to taxation for fiscal year 2026, as follows:

(a) For general borough purposes: the sum of 4.50 mills on each dollar of assessed valuation.

(b) For the purposes of making appropriations to fire companies serving the Borough; for the purchase of fire engines, fire apparatus, and fire hose for the use of the Borough; for assisting any fire company serving the Borough in the purchase, renewal, or repair of any of its fire engines, fire apparatus, or fire hose; for the training of fire personnel; and/or for payments to fire training schools and centers: the sum of 0.08 mills on each dollar of assessed valuation.

(c) The total tax levy on assessed property is equal to 4.58 mills on each dollar of assessed valuation.

SECTION 2. Article II of Chapter 81 of the Codified Ordinances (relating to Real Property Tax—Discounts & Penalties) is ratified and confirmed without change for the year 2026.

SECTION 3. The rates of taxes under Chapters 80 (relating to Earned Income Tax), 83 (relating to Per Capita Tax), 84 (relating to Local Services Tax), and 85 (relating to Realty Transfer Tax) of the Codified Ordinances are ratified and confirmed without change for the year 2026.

SECTION 4. The rentals, charges, and/or fees established under Codified Ordinances Chapter 64, Article VI (relating to Water Rentals, Charges, and Fees), and Chapter 67, Article VII (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Fees) are ratified and confirmed without change for the year 2026.

SECTION 5. Effective January 1, 2026, Codified Ordinances § 65-502(a) (relating to Sanitary Sewer—Sewer Rental & System Usage Fees—Charges for Dwelling Units, Commercial Establishments, and Institutional Establishments—Flat Rates) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining)::

§ 65-502 Charges for Dwelling Units, Commercial Establishments, and Institutional Establishments.

(a) **Flat Rates.** Sewer rentals or charges for Sanitary Sewage discharged into the Sewer System from any Improved Property constituting a Dwelling Unit, a Commercial Establishment, or an Institutional Establishment shall be on a flat rate basis for the following classifications at the following rates per quarter annum:

(1) **Dwelling Units.** One Hundred Twenty-five Dollars (~~\$100.00~~ \$125.00) per Dwelling Unit (~~\$400.00~~ \$500.00/year).

(2) **Commercial Establishments.** ~~One Hundred Twelve~~ One Hundred Forty (~~\$112.00~~ \$140.00) per Commercial Establishment or combination Dwelling Unit and Commercial Establishment (~~\$448.00~~ \$560.00/year).

(3) **Institutional Establishments.**

(A) **Schools.** The charge for each public or private school is ~~Seventy-one Dollars~~ Eighty-eight Dollars and seventy-five cents (~~\$71.00~~ \$88.75) plus—

(I) One Dollar and ~~forty-five~~ eighty cents (~~\$1.45~~ \$1.80) for each full-time pupil, full-time teacher, or full-time employee, based on the daily average number of full-time pupils, teachers, and employees enrolled or employed on days when the school was in session during the immediately preceding full school year; plus

(II) ~~Seventy-five~~ ninety-five cents (~~\$0.75~~ \$0.95) for each part-time pupil, part-time teacher, or part-time employee, based on the daily average number of part-time pupils, teachers, and employees enrolled or employed on days when the school was in session during the immediately preceding full school year.

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SECTION 6. Effective January 1, 2026, Codified Ordinances § 65-503(b) (relating to Sanitary Sewer—Sewer Rental & System Usage Fees—Charges for Industrial Establishments—Volume Rates) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 65-503 Charges for Industrial Establishments.

* * *

(b) **Volume Rates.** Base sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting an Industrial Establishment shall be equal to the greatest of the amounts determined under paragraphs (1), (2), (3), and (4):

(1) **Volume Rate Schedule.** The amount computed in accordance with the following schedule based on the number of gallons discharged (determined under the method set forth in subsection (a)):

<u>Gallons Discharged</u>	<u>Base Amount</u>	<i>plus</i>	<u>Marginal Rate</u>	<u>For volume over</u>
0 – 15,000	\$95.25 <u>\$119.10</u>	+	0	0 gallons
15,001 – 30,000	\$95.25 <u>\$119.10</u>	+	\$1.33 <u>\$1.67</u> / 1000 gal	15,000 gallons
30,001 – 100,000	\$115.20 <u>\$144.15</u>	+	\$1.12 <u>\$1.40</u> / 1000 gal	30,000 gallons
100,001 – 200,000	\$193.60 <u>\$242.15</u>	+	\$0.73 <u>\$0.92</u> / 1000 gal	100,000 gallons
200,001 – 1,000,000	\$266.60 <u>\$334.15</u>	+	\$0.58 <u>\$0.73</u> / 1000 gal	200,000 gallons
1,000,001 – 3,000,000	\$730.60 <u>\$918.15</u>	+	\$0.49 <u>\$0.62</u> / 1000 gal	1,000,000 gallons
3,000,001 – 9,000,000	\$1,710.60 <u>\$2,158.15</u>	+	\$0.35 <u>\$0.44</u> / 1000 gal	3,000,000 gallons
over 9,000,000	\$3,810.60 <u>\$4,798.15</u>	+	\$0.33 <u>\$0.42</u> / 1000 gal	9,000,000 gallons

(2) **Minimum Flat Charge.** A minimum quarterly charge of ~~Ninety-five Dollars and twenty-five cents~~ One Hundred Nineteen Dollars and ten cents (~~\$95.25~~ \$119.10); or

(3) **Minimum Employee Charge.** A minimum quarterly charge of ~~Seventy Dollars and ninety-two cents~~ Eighty-eight Dollars and sixty-five cents (~~\$70.92~~ \$88.65) plus an additional ~~One Dollar and ninety-four cents~~ Two Dollars and forty-three cents (~~\$1.94~~ \$2.43) per employee, based upon the daily number of employees for the quarter-annum immediately preceding the quarter-annum for which the bill is rendered.

(4) **Historical Minimum Charge.** A minimum quarterly charge of seventy-five percent (75%) of the average sewer rental or charge paid by the Industrial Establishment during the same quarter annum period of the two (2) preceding calendar years or, if said Industrial Establishment did not pay rentals or charges during such two (2) previous years, then

seventy-five percent (75%) of the sewer rental or charges paid by said Industrial Establishment during the same quarter annum of the previous year.

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SECTION 7. Codified Ordinances Chapter 67, Article V (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Disposition of Unacceptable Waste) is amended by adding the following new § 67-503 thereto after existing § 67-502:

§ 67-503 Dumpster Permits.

(a) **Permit Required.** No person shall arrange for, supply, obtain, or maintain within the Borough a dumpster or similar large container for the purpose of collecting, transporting, or disposing of unacceptable waste generated within the Borough, including, without limitation, construction and demolition debris, and no person shall deposit any unacceptable waste into a dumpster or similar large container in the Borough, except in accordance with the terms and conditions of a permit obtained from the Borough Manager.

(b) **Permit Conditions.** A permit issued under this Section shall be subject to such reasonable conditions as the Borough Manager shall establish, including, without limitation, specifications or limitations as to time, location, size, covering, construction, and/or maintenance of the dumpster, types of unacceptable waste to be placed in the dumpster, transportation and disposal of the unacceptable waste, and clean-up of any unacceptable waste which falls upon any property or streets in the Borough in connection with any operations related to the use of the dumpster.

(c) **Fee.** The fee for a dumpster permit under this Section shall be Seventy-five Dollars (\$75.00).

SECTION 8. Codified Ordinances § 67-901 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Enforcement—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-901 Violations and Penalties.

* * *

(b) Amount of Penalty for Violations of § 67-503 or § 67-809.

The amount of the penalty for any violation of § 67-503 (relating to Dumpster Permits) or § 67-809 (relating to Adulteration of Drop-Off Recyclables) shall be—

(1) One Hundred Fifty Dollars (\$150.00) for a first offense;
and

(2) Five Hundred Fifty Dollars (\$500.00) for a second or subsequent offense.

(c) Amount of Penalty for Other Violations of this Chapter. The amount of the penalty for any violation(s) of this Chapter other than for violations of § 67-503 or § 67-809 shall be—

(1) Twenty-five Dollars (\$25.00) for a first offense;
(2) Fifty Dollars (\$50.00) for a second offense; and
(3) Seventy-five Dollars (\$75.00) for a third or subsequent offense.

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SECTION 9. Codified Ordinances Chapter 59, Article I (relating to Right-of-Way Management—Title and General Definitions) is amended by adding the following new § 59-105.1 after existing § 59-105:

§ 59-105.1 Dumpster.

The term “Dumpster” shall mean a container used temporarily to store trash, garbage, refuse, or solid waste, including construction refuse and debris, until such material is removed for transportation and disposal outside of the Borough.

SECTION 10. Codified Ordinances Chapter 59, Article I (relating to Right-of-Way Management—Title and General Definitions) is amended by adding the following new § 59-108.1 after existing § 59-108:

§ 59-108.1 Portable Storage Container.

The term “Portable Storage Container” shall mean a portable container or receptacle designed and used for the temporary storage of household goods, wares, building materials, or merchandise until such material and the container or receptacle is transported to another location..

SECTION 11. Codified Ordinances § 59-109 (relating to Right-of-Way Management—Title and General Definitions—Right-of-Way) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 59-109 Right-of Way.

The term “right-of-way” means the surface of and space above and below any real property in the Borough in which the Borough has a regulatory interest, or interest as trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, roads, alleys, sidewalks, tunnels, viaducts, and bridges under the control of the Borough, but excluding lands owned by the Borough other than streets or other strips of land intended or used for vehicular or pedestrian traffic. The

“right-of-way” includes cartway areas, sidewalk areas, parking areas connected to the cartway providing parking spaces aligned perpendicular to the direction of travel, and all unpaved portions of the legal right-of-way. The phrase “in the right-of-way” means “in, on, over, along, above, and/or under the right-of-way”.

SECTION 12. Codified Ordinances § 59-201(a) (relating to Right-of-Way Management—Permits—Authorization Required—In General) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 59-201 Authorization Required.

(a) **In General.** Except as otherwise provided in this Chapter or as necessary to respond to an Emergency, no person shall own, construct, operate, utilize, and/or maintain any poles, wires, cables, pipes, equipment, or any other facilities in any right-of-way other than a Grandfathered Mailbox without being authorized to do so by a Right-of-Way Use Permit or a Mailbox Permit issued pursuant to this Chapter.

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SECTION 13. Codified Ordinances Chapter 59, Article III (relating to Right-of-Way Management—Standards and Requirements) is amended by adding the following new § 59-306 after existing § 59-305:

§ 59-306 Dumpsters and Portable Storage Containers.

(a) **In General.** No Right-of-Way Use Permit shall be issued under this Chapter for a Dumpster or Portable Storage Container unless it is not possible to locate it on private property.

(b) **Application Fee.** In lieu of the Review Fees provided under § 59-206, an applicant for a Right-of-Way Use Permit for a Dumpster or Portable Storage Container shall pay a non-refundable application fee of One Hundred Dollars (\$100.00). No application shall be accepted or processed until the fee has been paid in full.

(c) **Chief of Police.** The Borough Manager shall consult with the Chief of Police as to the propriety of such a Right-of-Way Use Permit and the conditions to be imposed.

(d) **Denial; Conditions.** The Borough Manager or Council may deny the application if they determine the proposed Dumpster or Portable Storage Container would be injurious to the public health, safety, or welfare, including, but not limited to, concerns related to traffic congestion, interference with vehicular or pedestrian movement, inadequate parking, or the requirements of this Chapter. They may impose such conditions in the Right-of-Way Use Permit as they deem would make the proposed Dumpster or Portable Storage Container acceptable to the public health, safety, or welfare and consistent with the requirements of this Chapter.

(e) **Safety Features.** All Dumpsters and Portable Storage Containers placed in the right-of-way shall be properly marked with reflectors, reflective tape, and/or flashing yellow lights.

(f) **Limited Time.** No Right-of-Way Use Permit or extension or renewal thereof shall authorize a Dumpster or Portable Storage Container to be placed in the right-of-way for longer than a continuous period of twenty-one (21) days, or the same or similar Dumpsters or Portable Storage Containers to be placed in approximately the same location for more than thirty (30) days within a three (3) month period, without the approval of Council.

(g) **Size and Density.** All Dumpsters and Portable Storage Containers placed in the right-of-way shall be no larger than sixteen (16) feet in length, eight (8) feet in width, and eight and one-half (8.5) feet in height, or such smaller size specified in the Right-of-Way Use Permit. No Dumpster or Portable Storage Container may be permitted in the right-of-way within one thousand (1,000) feet of another Dumpster or Portable Storage Container in the right-of-way without the approval of Council.

(h) **Condition.** All Dumpsters and Portable Storage Containers placed in the right-of-way shall be free from rust, peeling paint, and other forms of deterioration.

(i) **Qualified Applicants.** The requirements of § 59-302 (relating to Qualified Applicants) shall not apply to persons granted a Right-of-Way Use Permit for a Dumpster or Portable Storage Container.

(j) **Removal; Costs.** Any Dumpster or Portable Storage Container found in the right-of-way which is not authorized by or in compliance with a current Right-of-Way Use Permit may be summarily removed by the Borough to another location and may, if not re-possessed within thirty (30) days thereafter, be disposed of by the Borough. In addition to the penalties provided in § 59-601, any person claiming the Dumpster or Portable Storage Unit shall reimburse the Borough for all costs of removal and storage incurred by the Borough plus a ten percent (10%) charge for administration expenses.

SECTION 14. Codified Ordinances § 41-802 (relating to Traffic Control—Handicapped Parking Spaces—Designated Spaces) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 41-802 Designated Spaces—Residential.

The following spaces are designated handicapped parking spaces. ~~A particular disabled person is identified for each space, and the designation shall remain in effect until the expiration date for that space, unless terminated sooner by motion or resolution of Council.~~ Unless otherwise indicated below, the length of the space shall be twenty-two (22) feet, and the center of the space shall be the point where the street curbline intersects the center-line of the sidewalk or other access-way used by the disabled person to access the dwelling on the designated property:

	<u>Person</u>	<u>Expiration</u>	<u>Street/Side</u>	<u>Location</u>
1.	Michael Hoosier	December 31, 2026	Walnut Street, Easterly Side	In front of 329 Walnut Street
2.	Dawn Gerhart	December 31, 2026	West Third Street, Nor- therly Side	In front of 31 West Third Street, immedi- ately to the east of the fire hydrant no parking zone.
3.	Shirley Mader	December 31, 2026	West Second Street, South- erly Side	From the point one hundred forty-two (142) feet west of the western curbline of Walnut Street, to the point twenty-two (22) feet west of the starting point.
4.	Michelle Leiby	December 31, 2026	Franklin Street (SR 3001), Westerly Side	From the point three hundred ten (310 feet south of the southern curbline of School Street, to the point twenty-two (22) feet south of the starting point. (Across the street from 329 Frank- lin Street, and partly across the street from 333 Franklin Street).
5.	Ruth Acker	December 31, 2026	Walnut Street, Easterly Side	At the side walk- way/stairway entrance to 133 West Second Street
6.	John P. Bartoni	December 31, 2030	Moty Drive, Southerly Side	From the western edge of the curb cut for the driveways serving 328 Moty Drive to the point twenty-two (22) feet west of the starting point.

<u>Person</u>	<u>Expiration</u>	<u>Street/Side</u>	<u>Location</u>
<u>7.</u>	<u>December</u> <u>31, 2030</u>	<u>Franklin Street</u> <u>(SR 3001),</u> <u>Easterly Side</u>	<u>From the point forty-</u> <u>two (42) feet south of</u> <u>the eastern curbline of</u> <u>South Main Street (SR</u> <u>3001), to the point</u> <u>twenty-two (22) feet</u> <u>south of the starting</u> <u>point (the second park-</u> <u>ing space south of</u> <u>South Main Street, in</u> <u>front of 215 Franklin</u> <u>Street).</u>

SECTION 15. As provided in Codified Ordinances § 41-104 (relating to Traffic Control—General Provisions—Official Signs), the Borough shall erect and maintain official traffic control devices for all locations ordained under Codified Ordinances § 41-802 as amended by this Ordinance, in accordance with regulations of the Pennsylvania Department of Transportation; and as provided in Codified Ordinances § 41-803 (relating to Traffic Control—Handicapped Parking Spaces—Signs), all official traffic control devices erected and maintained in connection with the handicapped parking spaces designated under this Ordinance shall state the penalty provided by law for violations and state that vehicles in violation may be towed.

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DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Albur-
tis, this 29th day of December, 2025, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Ronald J. DeIaco, President

Attest:

Stephen Nemeth, Borough Manager

AND NOW, this 29th day of December, 2025, the above Ordinance is hereby AP-
PROVED.

Kathleen Palmer, Mayor