

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 555

(Duly Adopted March 13, 2019)

AN ORDINANCE AMENDING SECTION 59-206 OF THE ALBURTIS  
CODIFIED ORDINANCES TO ESTABLISH APPLICATION AND  
ANNUAL ACCESS FEES FOR THE USE OF BOROUGH RIGHTS-OF-  
WAY.

Be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Albur-  
tis, Lehigh County, Pennsylvania, that Codified Ordinances § 59-206 (relating to Right-  
of-Way Management—Permits—Review Fees) is amended as follows (with deletions  
indicated by ~~strike-outs~~ and insertions indicated by double underlining)::

**§ 59-206 Review Fees.**

**(a) Application Fee.** The applicant for a Right-of-Way Use Per-  
mit ~~or renewal of such a permit shall pay all properly-chargeable engi-  
neering and legal costs incurred by the Borough to review the application,  
and the costs incurred by the Borough in connection with a hearing, in-  
cluding but not limited to the costs for advertising, notices, and creating a  
stenographic record. The applicant shall deposit with the Borough in es-  
crow, from time to time upon demand, reasonable estimates of the  
amounts of these fees as determined by the Borough Manager, and shall  
replenish any sums drawn against the escrow upon demand.~~ shall pay an  
application fee of Five Hundred Dollars (\$500.00) for up to five (5) facili-  
ties included in a single application (other than supporting poles), plus an  
additional One Hundred Dollars (\$100.00) for each additional facility be-  
yond five (5) included in that application (other than supporting poles),  
plus One Thousand Dollars (\$1,000.00) for each new pole included in the  
application to support facilities. No application fee shall be charged for  
the renewal of a Right-of-Way Use Permit.

**(b) Additional Review Fee.** In addition to the application fee under subsection (a), the Borough may require an applicant for a Right-of-Way Use Permit to pay an additional review fee to cover the Borough's costs in excess of the amount paid under subsection (a) to review and process a given application (including costs in connection with a hearing, such as the costs for advertising, notices, and creating a stenographic record), so long as the total amount collected is a reasonable approximation of costs, the costs themselves are objectively reasonable, and the costs charged are no higher than those charged to similarly-situated competitors in similar situations.

**(c) No Action Until Fees Are Paid.** Notwithstanding anything to the contrary in this Chapter, no action shall be taken on any application or appeal until all such fees under subsections (a) and (b) which are demanded have been paid in full.

**(d) Access Fee.** Each Permittee issued a Right-of-Way Use Permit shall pay an annual fee to the Borough of Two Hundred Seventy Dollars (\$270.00) for each facility covered by the Permit, for the right to have access to the Borough's right-of-way and attach to any Borough-owned structures in the right-of-way. The initial fee for each facility shall be due upon its installation in the right-of-way, and the fee for each succeeding calendar year shall be due by January 1 of that year. If the fee is not paid within sixty (60) calendar days after notice from the Borough that it is unpaid and past due, the associated Right-of-Way Use Permit shall be revoked automatically.

**(e) Authority.** Cf. Declaratory Ruling and Third Report and Order, In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Improvement, ¶ 79 (FCC WT Docket No. 17-79, WC Docket No. 17-84, released 9/27/2018).

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Al-  
burtis, this 13<sup>th</sup> day of March, 2019, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURTIS**

\_\_\_\_\_  
Ronald J. DeIaco, President

Attest:

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Sharon Trexler, Borough Manager

**AND NOW**, this 13<sup>th</sup> day of March, 2019, the above Ordinance is hereby  
APPROVED.

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Kathleen Palmer, Mayor