

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 -2008

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE 13-2007 BY ALLOWING EASEMENT AREA TO BE UTILIZED FOR PURPOSES OF MEETING THE MINIMUM LOT AREA REQUIREMENT FOR THE USE OF OUTDOOR WOOD-FIRED BOILERS.

BE IT HEREBY ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Middlesex Township, Cumberland County, Pennsylvania as follows:

SECTION 1: Section 7, paragraph c. of Ordinance 13-2007 is hereby amended to provide in its entirety as follows:

- c. Boilers may only be utilized on lots or parcels of land of three and $\frac{1}{4}$ (3.25) or more acres. For purposes of meeting this minimum lot area requirement, the owner of any lot having an area of less than 3.25 acres may utilize an easement area, granted by all legal owners of property abutting the property that is less than 3.25 acres, subject to the following conditions and requirements:
 1. The easement area shall be specifically for purposes of allowing the use of an outdoor wood-fired boiler;
 2. The easement area shall be of a uniform equal distance from both side yard, rear yard and where applicable, front yard property boundaries of the property for which benefit the easement is granted;
 3. The area of the lot upon which the boiler is to be utilized together with the area of the easement granted by the adjoining property owner or owners shall be no less than 3.25 acres;
 4. The easement shall be documented by an easement instrument that shall be recorded in the office of the Recorder of Deeds for Cumberland County, which instrument shall describe and/or depict the dimensions of the easement area with specific reference to the boundaries of the property benefiting from the easement;

5. The easement granted shall run in perpetuity unless it is extinguished by mutual recorded agreement executed by the owners of the property receiving the benefit of the easement and the owners of the property that had granted the easement, or their respective successors and/or assigns in title, provided that the boiler is first removed from the property and prior notice thereof is given to the Township;
6. The easement instrument shall be approved by the Township Solicitor prior to recording and once recorded, evidence of recording shall be provided the Township;
7. The boiler cannot be constructed, erected or placed on the property prior to the recording of the easement instrument; and
8. The boiler must be placed no less than 500 feet from the nearest residential structure not on the lot where the boiler is located.

Upon approval and recording of the easement instrument, the boundaries of the easement area shall be considered the lot lines of the lot on which the boiler is placed, only for the limited purposes of the setback requirements from rear and side lot lines as specified in Section 7.d, below; however, no boiler may be constructed, erected or placed within any easement area granted.

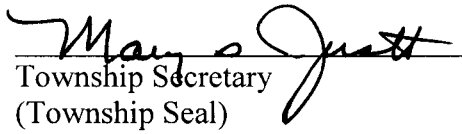
SECTION 2: Except as only specifically modified herein, Ordinance 13-2007 shall otherwise remain in full force and effect.

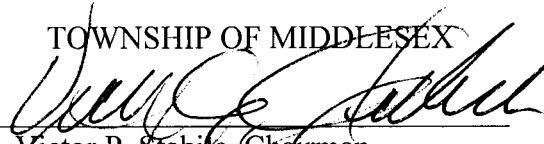
SECTION 3: The provisions of this Ordinance are severable. If any provisions of this Ordinance are held to be unconstitutional, illegal or otherwise invalid, such a decision shall not affect the validity of any of the remaining provisions of this Ordinance or of Ordinance 13-2007 or any part or portion thereof.

SECTION 4: This Ordinance shall take effect in accordance with applicable law.

DULY ENACTED AND ORDAINED this 28th day of March, 2008, by the Board
of Township Supervisors of the Township of Middlesex in public session duly
assembled.

ATTEST:


Township Secretary
(Township Seal)

TOWNSHIP OF MIDDLESEX
By: 
Victor P. Stabile, Chairman
Board of Township Supervisors