

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 11-97

AN ORDINANCE PROVIDING FOR STREET LIGHTS IN MIDDLESEX TOWNSHIP, ESTABLISHING AND IDENTIFYING A DISTRICT THEREFORE, PROVIDING FOR THE PAYMENT OF COSTS OF SUCH LIGHTING THROUGH UNIFORM ANNUAL ASSESSMENTS, PROVIDING FOR THE BILLING AND COLLECTION OF SUCH ASSESSMENTS BY THE TAX COLLECTOR AND IN DEFAULT OF THE PAYMENT OF SUCH ASSESSMENTS, COLLECTION BY ACTION IN ASSUMPSIT AND/OR BY MUNICIPAL LIEN.

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

SECTION 1: PREAMBLE AND PURPOSE

WHEREAS, the Board of Township Supervisors of Middlesex Township, Cumberland County, Pennsylvania, has the statutory authority to provide street lights within the Township of Middlesex pursuant to 53 P.S. § 67002(a); and

WHEREAS, the Board believes it is in the best interest of the health, safety and welfare of the citizens of the Township and persons using certain roadways and accessing adjoining property thereto within the Township to have adequate illumination of such roadways; and

WHEREAS, a certain portion of U.S. Route 11 within the

Township is being reconstructed;

WHEREAS, in consideration of such reconstruction, the Board has determined that it is appropriate and in the best interest of Township residents and others to provide for the illumination of certain portions of U.S. Route 11.

SECTION 2: DEFINITIONS.

The following words and phrases shall have the meanings ascribed to them as set forth below:

"Board": the Board of Township Supervisors in and for Middlesex Township, Cumberland County, Pennsylvania.

"Street Light": Any device and/or equipment utilized to provide illumination for any road or highway and/or any property abutting, adjoining or fronting upon such road or highway within the Township. The term "street light" shall include any and all constituent parts and appurtenances of any device and/or equipment providing such illumination, including, but not limited to, standards, posts, poles, fixtures, lights, wires and wiring.

"Street Light District 1": that geographical area of the Township consisting of U.S. Route 11 and all lots, tracts or parcels of land abutting, adjoining or fronting upon U.S. Route 11 located only between the junction of U.S. Route 11 with the Pennsylvania Turnpike North to the junction of U.S. Route 11 with Interstate 81.

"Tax Collector": the duly elected tax collector charged to collect, inter alia, all taxes of the Township as authorized and required by law.

"Township": Middlesex Township, Cumberland County, Pennsylvania.

"Vacant lot": any separate lot or parcel of land which is not farmland and upon which no improvements have been erected and which no use is being made.

SECTION 3: ESTABLISHMENT OF STREET LIGHT DISTRICT.

The Board hereby establishes and creates Street Light District 1, which District shall contain such street lights at such locations as depicted on the Pennsylvania Department of Transportation Highway Lighting Plan dated August 13, 1996 for District 8-0, Cumberland County, Route 0011, Section 008, Pages TRAN\PDT21860\860E001.DGN, TRAN\PDT21860\860E002.DGN, TRAN\PDT21860\860E003.DGN, TRAN\PDT21860\860E.004.DGN and TRAN\PDT21860\860E005.DGN, which Plan pages are incorporated by reference herein.

SECTION 4: ASSESSMENT FOR PAYMENT OF COST FOR PUBLIC LIGHTING.

All costs charged to or incurred by the Township associated with the providing of lighting by the use of street lights within Street Light District 1, including, but not limited to, electric charges, repairs, maintenance, replacement and inspection costs, shall be paid through a uniform annual assessment made upon the properties benefitted thereby on the foot-front basis. Each property benefitted shall be charged and shall pay an assessment in proportion to the number of feet the property fronts on U.S. Route 11 within Street Light District 1.

SECTION 5: EQUITABLE ADJUSTMENT; NO ASSESSMENT AGAINST FARMLAND; VACANT LOTS.

The Board may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular

shape of a lot, an assessment of the full frontage would be inequitable.

No assessment shall be made against farmland. Vacant lots between improved parcels, whether tilled or not, are not farmland. The assessment for each foot front against a vacant lot shall be only twenty-five (25%) of the assessment for each foot front against property with improvements.

SECTION 6: ASSESSMENTS TO BE COLLECTED BY TAX COLLECTOR.

All assessments made by the Board under this Ordinance shall be filed with and charged to the Tax Collector of Middlesex township for collection.

SECTION 7: NOTICE AND COMMISSION.

The Tax Collector shall give thirty days' notice that the assessments levied hereunder are due and payable. Such notice shall state the due date to each party assessed and shall be served by mailing notice to the owner of the property. The assessment shall be billed on the annual real estate tax bill for general Township purposes.

The Tax Collector is entitled to the same commission for the collection of all assessments hereunder as for the collection of the general Township tax.

SECTION 8: UNPAID ASSESSMENTS, INTEREST AND COLLECTION.

If any assessment remains unpaid ninety (90) days after the due date, it shall be turned over to the Township solicitor for collection by an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner, for the amount of the unpaid assessment plus interest thereon at the rate of six (6) percent per annum from the date the assessment was due.

SECTION 9: APPLICATION OF ASSESSMENTS COLLECTED.

All assessments collected shall be paid over to the Township Treasurer, who shall deposit them and keep them in a separate account, to be paid out only for expenses incurred in providing street lighting.

SECTION 10: ESTABLISHMENT OF ASSESSMENT BY RESOLUTION OR ORDINANCE.

The assessment on the front-foot basis as described in Section 4, supra. shall be established by Resolution or Ordinance of the Board on an annual basis.

SECTION 11: ADJUSTMENTS

Cost figures for each calendar year must be supplied to the assessment office prior to the end of the year and thus may contain estimates. Any changes in these estimates will be added to or subtracted from the following year's costs in order to

adjust the total to reflect the actual costs.

SECTION 12: SEVERABILITY

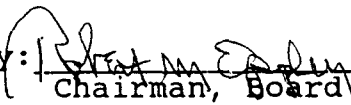
The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 12: EFFECTIVE DATE

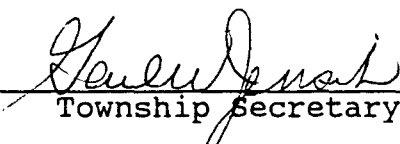
This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 6th day of November, 1997.

TOWNSHIP OF MIDDLESEX

By: 
Chairman, Board of Township
Supervisors

ATTEST:


Township Secretary

(Township Seal)