

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 - 2013

AN ORDINANCE PROVIDING FOR STREET LIGHTS IN MIDDLESEX TOWNSHIP, ESTABLISHING AND IDENTIFYING STREET LIGHT DISTRICT 2, 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 and ordained by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

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 Section 2002 of the Second Class Township Code, 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 person using certain roadways and accessing adjoining property thereto within the Township to have adequate illumination of such roadways; and

WHEREAS, the Board has undertaken the responsibility for electrical costs associated with the illumination of certain street lights adjoining various roadways dedicated to the Township of Middlesex as more fully described herein; and

WHEREAS, in consideration of undertaking such responsibility, 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 the roadways as described herein.

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.

"Street Light District 2": That geographical area of the Township consisting of those portions of Marshall Drive, Patton Drive, West Point Drive and MacArthur Drive that have up to the effective date of this Ordinance, been dedicated to and accepted by Middlesex Township as public roadways of the Township and all lots, tracts or parcels of land abutting, adjoining or fronting on any portion or portions of the foregoing roadways so dedicated and accepted.

"Tax Collector": The duly elected, appointed or designated 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 2, which District shall contain those 23 street lights at such locations as depicted on the Lighting Plan for Keystone Arms dated October 16, 2013, which Plan is incorporated by reference herein.

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

All electrical and other costs charged to or incurred by the Township by PPL, its successor or assigns, associated with the providing of lighting by the use of street lights within Street Light District 2, shall be paid through a uniform annual assessment made upon the properties benefited thereby on the foot-front basis. Each property benefited shall be charged and shall pay an assessment in proportion to the number of feet the property fronts on those portions of streets dedicated and accepted by Middlesex Township within Street Light District 2.

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 percent (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 a civil action for recovery and/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 Ordinance of the Board on an annual basis. The specific allocation of the assessment so established by Ordinance on each parcel of land shall be done by Resolution. For the year 2014, the front-foot assessment shall be \$0.75 per foot.

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 13: EFFECTIVE DATE. This Ordinance shall become effective in accordance with existing law.

ENACTED AND ORDAINED this *22nd* day of *November*, 2013.

ATTEST:

TOWNSHIP OF MIDDLESEX

Eileen M. Hault
Township Secretary

By: *[Signature]*
Chairman, Board of Township
Supervisors

(Township Seal)