

## ORDINANCE NO. 859

The Council of the Borough of Selinsgrove, Snyder County, Pennsylvania, enacts and ordains as follows:

**AN ORDINANCE OF SELINGROVE BOROUGH, SNYDER COUNTY, PENNSYLVANIA, DETERMINING THE NECESSITY FOR CONSTRUCTION OF NEW CURBING, DRIVEWAYS, AND SIDEWALKS TOGETHER WITH THE REMOVAL OF CERTAIN TREES/STUMPS ALONG PORTIONS OF SUSQUEHANNA AVENUE (between Spruce Street and Independence Street); REQUIRING THE OWNERS OF REAL PROPERTY ABUTTING SPECIFIED SECTIONS OF SAID AVENUE TO CONSTRUCT THE CURBING, DRIVEWAYS, AND SIDEWALKS TOGETHER WITH THE REMOVAL OF CERTAIN TREES/STUMPS BY A DATE CERTAIN; PROVIDING NOTICE OF THIS ORDINANCE TO BE GIVEN TO THE OWNERS OF THE REAL PROPERTY AFFECTED HEREBY; DIRECTING THE BOROUGH TO CONSTRUCT THE CURBING, DRIVEWAYS, AND SIDEWALKS TOGETHER WITH THE REMOVAL OF CERTAIN TREES/STUMPS UPON NEGLIGENCE OF THE OWNERS OF THE REAL PROPERTY TO DO SO; IMPOSING AN EQUAL ASSESSMENT ON A FOOT-FRONT BASIS FOR THE CONSTRUCTION COSTS AGAINST THE REAL PROPERTY SUBJECT HERETO; AND PROVIDING FOR THE ENTRY OF A MUNICIPAL LIEN AGAINST THE REAL PROPERTY SUBJECT HERETO FOR THE ASSESSMENT OF COSTS PLUS A 10% ADDITIONAL CHARGE FOR FAILURE TO PAY THE BOROUGH AS SPECIFIED HEREIN.**

**SECTION 1. Authority For Ordinance.** This Ordinance is adopted in conformance with and pursuant to the authority granted by Sections 1202(74), 1801, 1802, 1804, 1805 and 1806 of the Pennsylvania Borough Code and Section 7141 of the Municipal Claims Code, as amended.

**SECTION 2. Definitions.** The following words used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

**Abutting Real Property** - The real property specified on the maps, marked Exhibit A, attached hereto, and incorporated herein by this reference.

**Borough** - The Borough of Selinsgrove, Snyder County, Pennsylvania.

**Borough Council** - The duly elected Council of the Borough of Selinsgrove, Snyder County, Pennsylvania.

**Borough Manager** - The duly appointed manager for the Borough of Selinsgrove, Snyder County, Pennsylvania, or his or her designee.

**Owner of Abutting Real Property** - The titleholder of record for the Abutting Real Property subject to this Ordinance and whose names and addresses are attached hereto as Exhibit B and incorporated herein by this reference.

**Person** - A natural person, firm, partnership, association, corporation, trust, or any entity with legal responsibilities. Whenever used in any clause prescribing or imposing a fine or imprisonment, or both, person shall mean, as applied to associations, the partners or members thereof and, as applied to corporations, the officers thereof.

**Susquehanna Avenue** - The opened portion of the Borough street known as Susquehanna Avenue between Spruce Street and Independence Street.

**SECTION 3. Purpose.** This Ordinance is being enacted to promote the general health, welfare, and safety of the community by controlling stormwater drainage through the construction of new curbing, driveways, and sidewalks and removal of trees/stumps along a certain section of Susquehanna Avenue between Spruce Street and Independence Street in the Borough.

**SECTION 4. Determination Of Necessity For Curbing, Driveways, and Sidewalks and Removal of Trees/Stumps.** Upon its inspection of the streets, curbing, driveways, and sidewalks and removal of trees/stumps along a certain section of Susquehanna Avenue between Spruce Street and Independence Street in the Borough, the Borough Council determined that certain sections of curbing, driveways, and sidewalks need to be removed and replaced with new curbing, driveways, and sidewalks and removal of trees/stumps. The Borough Council further determined that the Owners of Abutting Real Property shall perform such construction or in lieu of such performance be assessed and required to pay for the costs and expenses for the same.

**SECTION 5. Construction Of Curbing, Driveways, And Sidewalks and Removals of Trees/Stumps.** On or before June 30, 2022, the Owners Of Abutting Real Property shall remove specified portions of existing curbing, driveways, sidewalks, and trees/stumps and shall construct the curbing, driveways, and sidewalks along a certain section of Susquehanna Avenue between Spruce Street and Independence Street in the lengths specified in Exhibit B that are applicable to their respective properties according to the specifications and construction standards of the Borough.

**SECTION 6. Notice Of Ordinance.** The Borough Manager shall serve a copy of this Ordinance together with a written notice to remove certain trees/stumps and construct curbing, driveways, and sidewalks as applicable on each of the Owners of Abutting Real Property as provided in Section 46805 of the Pennsylvania Borough Code, as amended.

**SECTION 7. Assessment.** In the event an Owner of Abutting Real Property fails to construct the curbing, driveways, and sidewalks and to remove the specified trees/stumps as required by this Ordinance, the Borough Council shall remove the specified existing trees/stumps, curbing, driveways, and sidewalks, shall construct new curbing, driveways, and sidewalks, shall assess the said Owner the costs and expenses for such construction and removals against him equally with other Owners on a foot-front basis, and shall notify the Owner in writing of the assessment, of his obligation to pay the assessment within thirty (30) days after the date of service, and of the Borough Council's intention to file a municipal lien against the subject real property for failure to pay the assessment within the specified time. The Borough Manager is responsible to notify the Owner in writing of the assessment, of his obligation to pay the assessment within thirty (30) days after the date of service, and of the Borough Council's intention to file a municipal lien against the subject real property for failure to pay the assessment within the specified time.

**SECTION 8. Municipal Lien.** Upon the failure of an Owner of Abutting Real Property to pay the assessment specified in Section 7 above, the Borough Council shall direct its Solicitor to file a municipal lien in the Snyder County Court of Common Pleas against the applicable Abutting Real Property for the amount of the assessment together with an additional charge of ten percent (10%) thereof plus reasonable attorneys' fees, court costs, and legal interest.

**SECTION 9. Severability.** If any clause, provision, sentence, section, or part of this Ordinance shall be held to be invalid or illegal, such invalidity or illegality shall not affect or impair any remaining part of this Ordinance, it being the intent of the Borough Council that such remainder shall be and shall remain in full force and effect.

**SECTION 10. Number And Gender.** The use of the singular in this Ordinance shall include the plural, and the use of the neuter shall include the feminine and masculine.

**SECTION 11. Repeal.** All other Borough ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

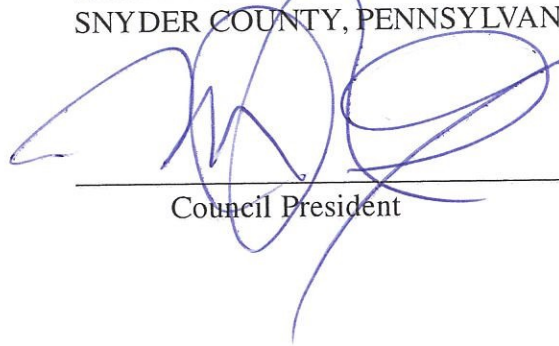
**SECTION 12. Effective Date.** This Ordinance shall be effective immediately upon enactment.

**DULY ENACTED AND ORDAINED** this 7<sup>th</sup> day of March, 2022, by the Council of the Borough of Selinsgrove, Snyder County, Pennsylvania, in lawful session duly assembled after proper notice having been given.

ATTEST:

SELINGROVE BOROUGH,  
SNYDER COUNTY, PENNSYLVANIA

  
Borough Secretary

  
Council President

(Selinsgrove Borough Seal)


**APPROVAL OF MAYOR**

Approved this 7<sup>th</sup> day of March, 2022.

  
Mayor Of Selinsgrove Borough

## CERTIFICATION

I, Lauren Martz, Secretary of the Borough of Selinsgrove, Snyder County, Pennsylvania, hereby attest and certify that the foregoing is a true and correct copy of Selinsgrove Borough Ordinance No, 859, which was duly enacted at the regular meeting of the Selinsgrove Borough Council on March 7, 2022.



---

Lauren Martz - Selinsgrove Borough Secretary

*(Selinsgrove Borough Seal)*





301 SUSQUEHANNA AVENUE

304 CHARLES AVENUE

305 SUSQUEHANNA AVENUE

302 CHARLES AVENUE

402 W SNYDER STREET

**SNYDER**

**SUSQUEHANNA**

411 W SNYDER STREET

411 W SNYDER STREET

209 SUSQUEHANNA AVENUE

Exhibit "A" - Susquehanna Avenue (from Spruce St. to Independence St.)



**SELINGROVE BOROUGH ORDINANCE NO. 859**

**EXHIBIT B**

**Susquehanna Avenue (W. Spruce Street to Independence Street)**

Morgan V. and Maureen P. Lewis  
308 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: same  
Snyder County Deed Book 1206 at Page 367  
Snyder County Tax Map Parcel 15-05-014

More or Less Than:  
11 Square Yards of Driveway  
100 Square Yards of Sidewalk  
22 Linear Feet of Curbing  
4 Tree/Stump Removals  
30 Linear Feet of Steel Plate Curbing

Steven P. and Kathi R. Deckard  
300 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: same  
Snyder County Record Book 551 at Page 1  
Snyder County Tax Map Parcel 15-05-015

More or Less Than:  
60 Square Yards of Sidewalk  
4 Tree/Stump Removals  
40 Linear Feet of Steel Plate Curbing

Jonathan D. and Kristie L. Kuhns  
200 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: Same  
Snyder County Record Book 484 at Page 698  
Snyder County Tax Map Parcel 15-05-017

More or Less Than:  
7 Square Yards of Driveway  
45 Square Yards of Sidewalk  
40 Linear Feet of Curbing  
2 Tree/Stump Removals  
20 Linear Feet of Steel Plate Curbing

Alan J. and Catherine L. Turczynski  
201 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: Same  
Snyder County Record Book 1043 at Page 681  
Snyder County Tax Map Parcel 15-05-025

More or Less Than:  
10 Square Yards of Sidewalk  
1 Tree/Stump Removal  
10 Linear Feet of Steel Plate Curbing

Vicki L. Murray  
205 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: same  
Snyder County Deed Book 383 at Page 512  
Snyder County Tax Map Parcel 15-05-026

More or Less Than:  
6 Square Yards of Driveway  
15 Square Yards of Sidewalk  
10 Linear Feet of Curbing

Gail B. Burd  
209 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: same  
Snyder County Deed Book 786 at Page 596  
Snyder County Tax Map Parcel 15-05-027A

More or Less Than:  
15 Square Yards of Sidewalk

Richard K. and Cynthia J. Gunter  
301 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: same  
Snyder County Deed Book 1095 at Page 813  
Snyder County Tax Map Parcel 15-05-029

More or Less Than:  
7 Square Yards of Driveway  
50 Square Yards of Sidewalk  
10 Linear Feet of Curbing  
2 Tree/Stump Removals  
20 Linear Feet of Steel Plate Curbing

Kevin J. Mellinger and Aja L. Pyers  
305 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: same  
Snyder County Deed Book 1079 at Page 228  
Snyder County Tax Map Parcel 15-05-030

More or Less Than:  
8 Square Yards of Driveway  
75 Square Yards of Sidewalk  
8 Linear Feet of Curbing

Harold R. Dunkelberger  
307 Susquehanna Avenue  
Selinsgrove, PA 17870  
Location: same  
Snyder County Deed Book 399 at Page 903  
Snyder County Tax Map Parcel 15-05-031

More or Less Than:  
9 Square Yards of Driveway