

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. CCXXV

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND/OR RECONSTRUCTION OF CURBS ON SCHWANGER ROAD BETWEEN ANDREW AVENUE AND RIDGE RUN ROAD AND PROVIDING FOR AN ASSESSMENT FOR THE EXPENSE OF THE CONSTRUCTION AND/OR RECONSTRUCTION THEREOF AGAINST ABUTTING PROPERTY OWNERS IN PROPORTION TO THEIR FRONTAGE UPON SAID STREET.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Township shall install and/or replace, as necessary, curbs as set forth in this Ordinance. This action is being taken pursuant to Section 2401 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, reenacted and amended by the Act of November 9, 1995, P.L. 350, No. 60, as amended. In accordance with the requirements of the Second Class Township Code, the Township has determined to charge or assess the cost of construction of such curbs against the properties benefitted, improved or accommodated thereby, according to the front foot rule as provided in the Second Class Township Code.

Section 2. The Township shall construct, and/or reconstruct, as necessary, curbs on Schwanger Road between Andrew Avenue and Ridge Run Road. A plan of the curbs to be constructed, prepared by the Township Engineer, is available for public inspection in the Office of the Township Engineer.

Section 3. The assessable cost of construction of the curbs described in this ordinance is hereby charged and assessed, in accordance with the front foot rule, against the properties as are benefitted, improved or accommodated thereby which abut upon or are adjacent to Schwanger Road.

Section 4. The Township does hereby adopt, approve and impose the rate of Seventeen and 95/100 (\$17.95) Dollars per front foot for all curbing as the amount which may reasonably be charged and assessed against all properties to be assessed on the front foot basis. The Township does

hereby charge and assess each property abutting upon, adjacent to or fronting upon the aforesaid described portions of Schwanger Road at the aforesaid rate for each front foot abutting on, adjacent to, or fronting on said portion of Schwanger Road. Each property shall be assessed only for the actual front footage of the curb which is constructed or reconstructed across its frontage.

Section 5. The Treasurer of the Township, as agent for the Township, shall compute the amount or amounts of the proposed assessment or assessments according to the front foot rule in accordance with the provisions of this Ordinance for each property and shall indicate the name or names of the owner or owners of the property or properties. Thereupon, the Township shall cause proper assessment bills to be prepared designating (a) the property or properties abutting on, adjacent to, or fronting on, the aforesaid streets upon which said curbs and sidewalks shall be installed that are benefited, improved or accommodated thereby and are to be assessed in accordance with the front foot rule, (b) the amount of the assessment and (c) the owner or owners of such properties.

Section 6. Assessment bills with respect to properties assessed in accordance with the front foot method shall thereupon be dated and signed on behalf of this Township by its Chairman or Secretary. Such assessments, so determined, shall be collected from the owner or owners of each of the properties against which such assessments are charged and assessed. Upon completion of the curbing and sidewalks as hereinabove provided, assessment bills shall be served by the Township or its employees or agents upon the owner or owners of such property or properties, either personally by leaving the same with an adult member of the family with whom said owner or owners reside, or by sending a copy of such assessment bill by registered or certified mail to the owner or owners, or their agent or attorney, at his or her last known address.

Section 7. All assessment bills based upon the front foot rule shall be payable to the Treasurer of the Township. Payment of an assessment must be made in full within ninety (90) days of the date of such bill. If payment in full is not made within ninety (90) days of the date of the assessment bill, interest will be charged from the date of the assessment bill at the rate of six (6%) percent per annum. A penalty of five (5%) percent of the unpaid balance will be added if said assessment is not paid within one hundred twenty (120) days of the date of the assessment bill, plus costs of filing a lien, statutory collection fees and satisfaction fees.

Section 8. Should any owner or owners of properties against which a front foot assessment has been made under the terms of this Ordinance fail to pay such assessment in full within one hundred twenty (120) days from the date of such assessment, the Township shall file a municipal claim therefor, together with interest thereon at the rate of six (6%) percent per annum from the date of the assessment bill and a penalty of five (5%) percent of the unpaid balance. It is hereby made the duty of the Treasurer of the Township or his agent, within one hundred thirty (130) days from the date of assessment, to certify to the Township Solicitor all unpaid assessments, which certificate shall set forth the name, and last known address of the owner or owners, the location of the property, the amount of front footage assessed, and the amount of the assessment. The Solicitor shall thereupon file municipal claims therefor as provided by law against the property or properties upon which such assessments shall have been made.

Section 9. The proper officers of this Township are hereby authorized and directed to do all manner of things required to be done by any Act of Assembly and by this Ordinance for the purpose of carrying out the intended purposes thereof.

Section 10. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 11. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Mount Joy as provided by law.

DULY ORDAINED AND ENACTED this 18TH day of SEPTEMBER, 2006, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania

Attest: Patricia J. Bailey
(~~Assistant~~) Secretary

By: Blaine E. Miller
(~~Vice~~) Chairman
Board of Supervisors

[TOWNSHIP SEAL]