

ORDINANCE NO. 854

AN ORDINANCE OF SELINGROVE BOROUGH, SNYDER COUNTY, PENNSYLVANIA, DETERMINING THE NECESSITY FOR CONSTRUCTION OF NEW CURBING, DRIVEWAYS AND SIDEWALKS ALONG PORTIONS OF PENN STREET AND SHERMAN STREET; REQUIRING THE OWNERS OF REAL PROPERTY ABUTTING SPECIFIED SECTIONS OF SAID STREET TO CONSTRUCT THE CURBING, DRIVEWAYS AND SIDEWALKS 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 UPON NEGLECT 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.

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

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 Selingsrove, Snyder County, Pennsylvania.

Borough Council – The duly elected Council of the Borough of Selingsrove, Snyder County, Pennsylvania.

Borough Manager – The duly appointed manager for the Borough of Selingsrove, 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.

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 along certain sections of Sherman Street and Penn Street.

SECTION 4. Determination of Necessity for Curbing, Driveways, and Sidewalks. Upon its inspection of the streets, curbing, driveways, and sidewalks along certain sections of Penn Street and Sherman 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. 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. On or before May 15, 2021, the Owners Of Abutting Property shall remove specified portions of existing curbing, driveways and sidewalks and shall construct the curbing, driveways, and sidewalks along certain sections of Penn and Sherman Streets 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 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 as required by this Ordinance, the Borough Council shall remove the specified existing 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 court costs.

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.

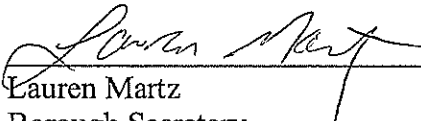
SECTION 11. Repeal. All other Borough Ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

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


DULY ENACTED AND ORDAINED this 1st day of March, 2021, by the Council of the Borough of Selingsgrove, Snyder County, Pennsylvania, in lawful session duly assembled after proper notice having been given.

ATTEST:

SELINGSGROVE BOROUGH,
SNYDER COUNTY, PENNSYLVANIA



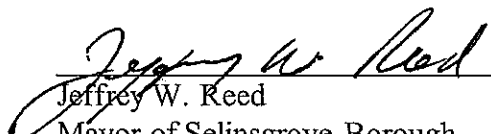
Lauren Martz
Borough Secretary



Marvin Rudnitsky
Council President

(Selingsgrove Borough Seal)

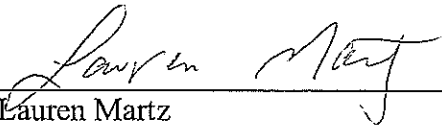
Approved this 1st day of March, 2021.



Jeffrey W. Reed
Mayor of Selingsgrove 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. 854, which was duly enacted at the regular meeting of the Selinsgrove Borough Council on March 1st, 2021.



Lauren Martz
Selinsgrove Borough Secretary

(Selinsgrove Borough Seal)



Attachment "A" - Penn Street



612 N MARKET STREET

610 N MARKET STREET

619 N MARKET STREET

MARKET

608 N MARKET STREET

617 N MARKET STREET

100 E SHERMAN STREET

605 N MARKET STREET

SHERMAN

601 N MARKET STREET

100 E SHERMAN STREET

513 N MARKET STREET

507 N MARKET STREET

503 N MARKET STREET

PENNS LANDING

503 N MARKET STREET

PENNS LANDING

Attachment "A" - Sherman Street

**SELINGROVE BOROUGH ORDINANCE NO. 854
EXHIBIT B**

Penn Street (Market Street to High Street)

Michael P. & Sandra L. Burkholder
500 North Market Street
Selinsgrove, PA 17870

Location: same

Snyder County Deed Book 464 at Page 833
Snyder County Tax Map Parcel 15-03-248

More or Less Than:
59 Square Yards of Sidewalk

Lenore K. Horner
1124 South Allen Street
State College, PA 16801

Location: 501-503 North High Street

Snyder County Record Book 316 at Page 247
Snyder County Tax Map Parcel 15-03-247

More or Less Than:
7 Square Yards of Sidewalk

Michael B. & Susan L. Bolig

499 North High Street
Selinsgrove, PA 17870

Location: Same

Snyder County Record Book 487 at Page 95
Snyder County Tax Map Parcel 15-06-007

More or Less Than:
66 Square Yards of Sidewalk
13 Linear Feet of Curbing

Antony C. & Nichole L. Sandler

416 North Market Street
Selinsgrove, PA 17870

Location: Same

Snyder County Record Book 1091 at Page 830
Snyder County Tax Map Parcel 15-06-009

More or Less Than:
2 Square Yards of Sidewalk

Sherman Street (Market Street to Strawberry Alley)

Justine Wynn
601 North Market Street
Selinsgrove, PA 17870

Location: same

Snyder County Deed Book 1197 at Page 682
Snyder County Tax Map Parcel 15-03-285

More or Less Than:
127 Linear Feet of Curbing
2 Square Yards of Sidewalk

NOTICE

TO: _____

RE: Construction of Curbing, Driveways and/or
Sidewalks along Your Real Property

Dear _____:

Pursuant to Selinsgrove Borough Ordinance No. _____, notice is hereby given to you as the titleholder of record of the real property designated as Parcel No. _____ on Snyder County Tax Map S - _____ and described in Snyder County _____ Book at Page _____ that you are to construct _____ feet of curbing, _____ square feet of sidewalk in front of that real property along _____. Enclosed is a copy of Ordinance No. _____ for your review. Such construction must be performed according to the specifications and construction standards of Selinsgrove Borough and be completed by _____. Copies of the specifications and construction standards are available at the Selinsgrove Borough Offices, One North High Street, Selinsgrove, Pennsylvania.

If you fail to complete construction of the curbing, and sidewalks on or before _____, the Selinsgrove Borough Council shall perform such construction on your behalf under a contract it has let with a construction contractor. Upon completion of the curbing, and/or sidewalks, the Borough Council will equally assess your property for the costs of the construction on a foot-front basis and bill you for that assessment. You will have thirty (30) days from your receipt of the bill to pay the assessment. If you fail or refuse to pay the assessment

with the thirty (30) days the Borough Council shall direct its Solicitor to file a municipal lien against your real property which lien will have a charge of ten percent (10%) plus court costs added.

If you have any questions or comments, please contact me.

Sincerely,

Lauren Martz, Selinsgrove Borough Manager

Enc. 1