

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1145 Session of
1979

INTRODUCED BY STOUT AND LEWIS, DECEMBER 3, 1979

REFERRED TO LOCAL GOVERNMENT, DECEMBER 3, 1979

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2 act concerning townships of the second class; and amending,
3 revising, consolidating, and changing the law relating
4 thereto," further providing for assessments for lighting.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Clause II of section 702, act of May 1, 1933
8 (P.L.103, No.69), known as "The Second Class Township Code,"
9 reenacted and amended July 10, 1947 (P.L.1481, No.567) and
10 amended May 24, 1951 (P.L.370, No.85), is amended to read:

11 Section 702. Supervisors to Exercise Powers.--The corporate
12 powers of townships of the second class shall be exercised by
13 the township supervisors. Where no specific authority is given
14 for the expenditures incident to the exercise of any power
15 hereinafter conferred, or where no specific fund is designated
16 from which such expenditures shall be made, appropriations for
17 such expenditures shall be made only from the general township
18 fund. In addition to the duties imposed upon them by section 516

1 hereof, they shall have power--

2 * * *

3 II. Contracts and Assessments for Lighting.--On the petition
4 of the owners of a majority of the lineal feet frontage along
5 any road, highway, or portion thereof within the township, to
6 enter into contract with electric, gas, or other lighting
7 companies to light and illuminate said roads and highways and
8 other public places with electric light, gas light, or other
9 illuminant.

10 The township supervisors shall annually assess or cause to be
11 assessed the cost and expense of the maintenance of said lights
12 by: (i) an equal assessment on all property within two hundred
13 and fifty (250) feet of such lighting in proportion to the
14 number of feet the same fronts on the street or highway or
15 portion thereof to be lighted; or (ii) in equal assessments for
16 each property within two hundred fifty (250) feet of such
17 lighting without regard to front footage. In lieu of making
18 assessments to property owners for street lighting as in
19 subclauses (i) and (ii), the township supervisors may pay the
20 cost and expense of maintenance for said lights from the general
21 township fund. The supervisors may provide for an equitable
22 reduction from the frontage of lots at intersections or where,
23 from the peculiar or pointed shape of lots, an assessment of the
24 full frontage would be inequitable. No such assessment shall be
25 made against any farm land, but vacant lots between built-up
26 sections, whether tilled or untilled, shall not be deemed to be
27 farm lands: Provided, however, That the assessment per front
28 foot against vacant lots shall be only twenty-five per centum of
29 the assessment per foot front against property with improvements
30 thereon. All such assessments for street lighting shall be filed

1 with the township tax collector, who shall give thirty days
2 written or printed notice that the assessments are due and
3 payable; stating the due date to each party assessed, either by
4 service on the owner of the property, or by mailing such notice
5 to the owner at his last known post office address. The tax
6 collector shall be entitled to the same commission for the
7 collection of such assessments as he is entitled to by law for
8 the collection of the township road tax. If the assessments, or
9 any of them, remain unpaid at the expiration of not exceeding
10 ninety days, the exact time to be fixed by the township
11 supervisors, they shall be placed in the hands of the township
12 solicitor for collection. The solicitor shall collect the same,
13 together with five per centum as attorney's commission, and
14 interest, from the date such assessments were due, by a
15 municipal claim filed against the property of the delinquent
16 owner in like manner as municipal claims are by law filed and
17 collected. Where an owner has two or more lots against which
18 there is an assessment for the same year, all such lots shall be
19 embraced in one claim. All assessments, when collected, shall be
20 paid over to the township treasurer, who shall receive and shall
21 keep the same in a separate account, and pay out the same only
22 upon orders signed by the chairman of the township supervisors,
23 attested by the secretary. The tax collector and the treasurer
24 shall make a report to the auditors of the township annually.

25 * * *

26 Section 2. This act shall take effect in 60 days.