

No. 1988-75

## AN ACT

HB 1549

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

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

Section 1. Clause II of section 702 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended July 10, 1947 (P.L.1481, No.567) and amended July 11, 1980 (P.L.575, No.120), is amended and the section is amended by adding a clause to read:

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

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**II. Contracts and Assessments for Lighting.**—To provide street lights and make regulations for the protection thereof; and upon the petition of the owners of a majority of the lineal feet frontage along any road, highway, or portion thereof within the township, to enter into contract with electric, gas, or other lighting companies to light and illuminate said roads and highways and other public places with electric light, gas light, or other illuminant.

When street lights are provided pursuant to such a petition of property owners the township supervisors may annually assess or cause to be assessed the cost and expense of the maintenance of said lights, whether or not the property is exempt from taxation by existing law, by an equal assessment on all property in proportion to the number of feet the same fronts on the street or highway or portion thereof to be lighted. The supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, from the peculiar or pointed shape of lots, an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands: Provided, however, That the assessment per front foot against vacant lots shall be only twenty-five per centum of the assessment per foot front against property with improvements thereon. All such assessments for street lighting shall be filed with the town-

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

*II.1. Contracts and Assessments for Lighting.—To provide street lights and to make regulations therefor within the township or within any district of the township established by the township supervisors for that purpose:*

*A. Upon receipt of a petition signed by seventy per centum of the property owners within any defined area of the township, township supervisors shall establish said defined area as a lighting district or include such defined area within an existing lighting district and shall provide public lighting within such area.*

*B. The township supervisors may enter into contract with electric, gas or other lighting companies to light and illuminate said roads and highways and other public places with electric light, gas light or other illuminant.*

*C. The township supervisors may pay for the cost of public lighting by any one or combination of the following means regardless of whether the installation of said lighting was initiated by action of the township supervisors or by petition as herein provided:*

*(a) from the general fund;*

*(b) through uniform annual assessments made upon benefited properties on the front-foot basis;*

*(c) by uniform annual assessment upon each property benefited; or*

*(d) by any combination of the above methods or by such other equitable means of assessment as the township supervisors may determine.*

*D. In cases where public street lighting is currently in existence and is being paid for by a certain means or method, the township supervisors may, at their discretion, alter or amend the means of assessing the cost of such lighting.*

*E. Properties shall be subject to assessment for this purpose whether or not the property is exempt from taxation by existing law, by an equal assess-*

*ment on all property in proportion to the number of feet the same fronts on the street or highway, or portion thereof to be lighted, or by an equal assessment upon each property benefited.*

*F. If the front-foot method of assessment is used, the assessment shall be by equal assessment on all property in proportion to the number of feet the same fronts on the street or highway, or portion thereof to be lighted. The township supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, from the peculiar or pointed shape of lots, an assessment of the full frontage would be inequitable. No such assessment shall be made against any farmland, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farmlands: Provided, however, That the assessment per front foot against vacant lots shall be only twenty-five per centum of the assessment per foot against property with improvements thereon.*

*G. All such annual assessments for street lights, by whatever method used, shall be filed with the township tax collector for collection in the same manner as township taxes are collected, and if said assessment is uncollected, the same shall be a lien and shall be collectable in the same manner as other municipal claims. The assessment may be billed on the annual real estate tax bill for general township purposes if the township supervisors agree to do so.*

*H. The township tax collector shall be entitled to the same commission as he is entitled to for the collection of other township taxes.*

*I. All assessments, when collected, shall be paid over to the township treasurer, who shall receive and keep the same in a separate account and pay out the same only upon orders signed by the chairman of the township supervisors, attested by the secretary. The tax collector and the treasurer shall make a report to the auditors of the township annually.*

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

APPROVED—The 15th day of June, A. D. 1988.

ROBERT P. CASEY