

**NORTH CORNWALL TOWNSHIP**  
**Lebanon County, Pennsylvania**

**ORDINANCE NO. 301**

**AN ORDINANCE OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA AMENDING NORTH CORNWALL TOWNSHIP ORDINANCE #300, THE NORTH CORNWALL TOWNSHIP STORMWATER MANAGEMENT FEE ORDINANCE, TO DEFINE PRIVATE ROADWAYS AND AMEND THE PROVISION FOR FILING LIENS FOR DELINQUENT STORMWATER MANAGEMENT FEES.**

**WHEREAS**, North Cornwall Township adopted Ordinance #300, the North Cornwall Township Stormwater Management Fee Ordinance, on January 2, 2018; and

**WHEREAS**, the Township has determined that it is necessary to define the term “private street” to effectively implement the Stormwater Management Program; and

**WHEREAS**, the Township has determined that the Stormwater Management Fee Ordinance should be amended to allow the filing of liens for delinquent fees on a continuous basis to accommodate quarterly billing of fees.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED THAT THE FOLLOWING AMENDMENT SHALL BE MADE TO ORDINANCE #300:

**Section 1.** Section 4. Definitions. shall be amended to include the following definition:

PRIVATE STREET: A strip of land, including an access easement or right-of-way, intended as a means of vehicular access and pedestrian travel which is not owned and maintained by a public entity and is constructed in accordance with the applicable provisions of the North Cornwall Township Subdivision and Land Development Ordinance in effect at the time the street was approved for construction. An *Access Drive, Driveway or Interior Aisle* as defined by the Township’s current Zoning Ordinance shall not be considered a private street. The maintenance of private streets shall be guaranteed in perpetuity via a bonafide homeowner’s association agreement (or similar maintenance agreement).

The remainder of Section 4. shall remain in full force and effect.

**Section 2.** Section 8. Late Penalties; Lien. shall be amended as follows:

The face amount of all stormwater management fee charges shall be paid within thirty (30) days of the invoice date, with a penalty of ten percent (10%) assessed on the thirty-first (31<sup>st</sup>) day. All unpaid user charges shall be a lien against the property, and the Authority Solicitor shall file such lien against any property for which the account remains unpaid. Any legal fees, including attorney’s fees, filing fees, and court costs, and any other fees related to the collection of the account shall be borne by the property owner.

**Section 3.** Any Ordinance and any amendments thereto, or in any part thereof unless otherwise specified, inconsistent with the provisions of this Ordinance are hereby expressly repealed.

**Section 4.** Should any section of this Ordinance be declared by the Court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 5.** This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of the Township of North Cornwall, County of Lebanon, Commonwealth of Pennsylvania.

This Ordinance, Ordained and enacted this \_\_\_\_ day of \_\_\_\_\_, 2018

**ATTEST:**

**NORTH CORNWALL TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

[TOWNSHIP SEAL]

\_\_\_\_\_  
Vice -Chairman

\_\_\_\_\_  
Treasurer