

**ORDINANCE NO 2014-05****AN ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA AMENDING CHAPTER 169 ENTITLED "STREETS AND SIDEWALKS" ARTICLE IV ENTITLED "SIDEWALK AND CURB REPAIR AND CONSTRUCTION" SECTION 18, ENTITLED "NOTICE TO CONSTRUCT, REPAIR OR RELAY" SUBSECTION C. OF THE CODE OF THE BOROUGH OF GREENCASTLE**

**WHEREAS**, the Borough of Greencastle desires to amend the Code of the Borough of Greencastle, Chapter 169, Section 18, Subsection C. to provide for interest on municipal claims as provided for in the Municipal Claims and Tax Liens Law, 53 P.S. § 7101 et. seq. and the Maximum Lawful Interest Rate, 41 P.S. § 202; and

**WHEREAS**, the Council of the Borough of Greencastle deems it in the best interest, and for the general welfare of the citizens and residents of the Borough to amend certain provisions of Chapter 169 of the Borough of Greencastle.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Mayor and Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION I:** Chapter 169 of the Code of the Borough of Greencastle, entitled "Streets and Sidewalks", Article IV thereof, entitled "Sidewalk and Curb Repair and Construction", Section 18 thereof, entitled "Notice to construct, repair or relay", Subsection C is hereby amended in its entirety and shall read as follows:

- C. Upon failure of any property owner to comply with § 169-18A and B above within ten (10) days after the expiration of a notice to construct, the Borough may cause such construction, repairing or relaying, as the case may be, either by letting the work to contractors after advertisements, if required, or by employees of the Borough. The cost thereof and an additional ten (10%) percent together with all charges and expenses, as well as interest from the date of completion of the work at the rate of six (6%) percent per annum. In the event the property owner fails to remit said costs and expenses to the Borough said costs and expenses as well as attorney fees and court costs shall be collected from such owner by filing a municipal claim/lien therefor and by action of assumpsit. Interest on the municipal claim/lien shall be collectible at the rate of ten percent (10%) per annum from the date of the filing of the municipal claim/lien.

**SECTION II: REPEALER.** All provisions of previous Ordinances of the Borough of Greencastle which are contrary to this Ordinance are expressly repealed.

**SECTION III: SAVINGS CLAUSE.** In all other respects, Chapter 169 of the Code Borough of Greencastle shall remain as previously enacted and ordained.

**SECTION IV: SEVERABILITY.** The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

**SECTION V: EFFECTIVE DATE.** This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this 7<sup>th</sup> day of July, 2014.

Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania

By: [Signature]  
President

ATTEST:

[Signature]  
Secretary

[Signature]  
Mayor of the Borough of Greencastle