

**EAST LAMPETER TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ OF 2025

AN ORDINANCE ESTABLISHING A BUSINESS IMPROVEMENT DISTRICT

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, as follows:

WHEREAS, on September 16, 2024, the Board of Supervisors (the “Board”) for the Township of East Lampeter (the “Township”) approved Resolution 2024-17, which is attached hereto as Exhibit A and made a part hereof¹; and,

WHEREAS, the public process in establishing a Business Improvement District (“BID”), as enumerated in section 2 of Exhibit A has been completed; and,

WHEREAS, 40% or more of the affected property owners within the proposed BID failed to timely register their disapproval of the Final Plan, in the form attached as Exhibit B²; and,

WHEREAS, the Board is authorized, pursuant to section 5(f)(2) of the Pennsylvania Neighborhood Improvement District Act (Act 2000 130 or “the BID Act”), 73 P.S. § 835(f)(2), to enact a municipal ordinance establishing a BID; and,

WHEREAS, the Board is authorized, pursuant to section 6 of the BID Act, 73 P.S. § 836, to designate a BID Authority established under the MA Act as the BID management association; and

WHEREAS, the Board is authorized, pursuant to sections 7(a)(8)(iii) and 7(b)(1), and as the term is defined in section 3 of the BID Act 73 P.S. §§ 837(a)(8)(iii), 837(b)(1) and 833, to levy and assess a Special Assessment Fee (“Assessment”); and

¹ Editor’s Note: Exhibit A is on file in the office of the Township Manager.

² Editor’s Note: Exhibit B is on file in the office of the Township Manager.

WHEREAS, the Board intends to establish a BID municipal authority, or if it does not do so to designate another lawful method of administering the BID by Board resolution, (the “BID Authority”).

NOW, THEREFORE, in consideration of the above recitals which are incorporated herein by reference and made part of this Ordinance, the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, in lawful session duly assembled, hereby ENACTS and ORDAINS as follows:

ARTICLE I Business Improvement District

Section 1. Establishment and Name of the District.

In accordance with the Neighborhood Improvement District Act³ (“BID Act”), the Lincoln Highway Lancaster Business Improvement District (“LHL BID”) is established for the purpose of providing business improvement and administrative services to benefit the LHL BID located in the Township of East Lampeter, which is defined in the Final Plan (Exhibit B of this Ordinance) as the service area, map and list of properties shown on Exhibits A, B and C, respectively, of the Final Plan.

Section 2. Fiscal Year

The annual fiscal year of the LH BID shall begin on the first day of January and end on the thirty-first day of December of each year.

Section 3. Adoption of the Neighborhood Improvement District Final Business Plan.

The BID Final Plan, in the form attached as Exhibit B and made a part hereof, is hereby adopted by Board.⁴

³ Editor’s Note: *See 73 P.S. § 831 et seq.*

⁴ Editor’s Note: Exhibit B is on file in the office of the Township Manager.

Section 4. Appointment of the managing authority.

The managing authority of the LH LBID established herein, with all the rights and powers of a neighborhood improvement management association as defined under the aforementioned BID Act, shall be the BID Authority.

Section 5. Assessment.

The BID Authority is empowered to impose the Assessment annually, subject to the following limitations:

- (a) The Assessment shall not be imposed on owner-occupied residential property.
- (b) The Assessment shall not be imposed on tax-exempt property, but tax-exempt property owners are permitted and may be encouraged to provide in-kind services and/or financial contributions to the BID Authority.
- (c) The Assessment shall be calculated by the taxable assessed value as of January 1 of the fiscal year times the established Assessment millage rate.
- (d) The Assessment millage rate levied for any fiscal year shall not exceed the estimated cost of the programs, improvements and services for the same fiscal year as established in an annual budget adopted by the BID Authority.
- (e) The Assessment millage rate levied for any fiscal year shall not exceed fifty percent (50%) of the Township real estate tax millage rate for the same fiscal year.
- (f) Notice of the annual Assessment shall be issued and delivered to the property owner on or about the same time as notice of the annual Township real estate tax notice.
- (g) Property owners subject to the payment of Assessment shall be entitled to a discount from the amount of such Assessment upon making payment of the whole amount thereof within two months after the date of the Assessment notice of the same per centum as established by the Township for payment of the annual Township real estate tax within the same time period.

- (h) Property owners who shall fail to make payment of any the Assessment for four months after the date of the Assessment notice shall be charged a penalty of the same per centum as established by the Township for payment of the annual Township real estate tax for four months after the date of the tax notice, which penalty shall be added to the Assessment for collection purposes.

Section 6. Collection authority.

- (a) The BID Authority shall be responsible for the collection of the annual Assessment, unless the BID Authority requests that those responsibilities be handled by the Township. Any necessary liens for nonpayment of property assessment fees shall be imposed as set forth in the BID Act.
- (b) In the event the Township undertakes the responsibility for the collection of annual Assessment pursuant to subsection (a) above, the Board of Supervisors may appoint a tax collector, who may be different from the tax collector responsible for Township real estate tax, to manage the collection of the Assessment and to enter into an agreement with the LHL BID, in the form approved by the Township Solicitor, which agreement shall include the following:
 - 1) A description of the respective duties and responsibilities of the Township and the BID Authority with respect to the LHL BID as provided in the final plan approved under § 10 of this Ordinance.
 - 2) An agreement that the Township will maintain within the LHL BID the same level of municipal programs and services that were provided within the LH BID before establishment.
 - 3) The tax collector of the Assessment will be responsible for the collection of all Assessments levied within the LHL BID and disbursing the funds to the BID Authority.
 - 4) An Assessment which is in default shall be charged interest and penalties in the same manner and amount as a default in the payment of the Township real estate tax.

- 5) Liens for nonpayment of Assessments and related interest and penalties shall be filed in the same manner as liens are filed for nonpayment of the Township real estate tax.

Section 7. Termination.

The LHL BID shall terminate on December 31, 2029. The LHL BID may be continued beyond that date if the Township reenacts this Ordinance following a review of the LHL BID and the programs and services provided by the BID Authority within the LHL BID.

**ARTICLE II
General Provisions**

Section 8. Further action.

The proper officers of the Township are hereby severally authorized and empowered on behalf of the Township to execute any and all papers and documents and to do or cause to be done any and all acts and things necessary or appropriate for the implementation of this Ordinance and the establishment of the LHL BID in accordance with the BID Act.

Section 9. Severability.

If any sentence, clause, section, article or part of this Ordinance is found to be invalid, unconstitutional, illegal, for any reason, such invalidity, unconstitutionality or illegality shall not affect or impair any of the remaining sections, articles, clauses, parts or provisions of this Ordinance. The Ordinance shall be interpreted and applied as if said invalid, unconstitutional or illegal provision had not been part of the same and it is the intent of the Board of Supervisors that this Ordinance would have been adopted without such invalid, unconstitutional or illegal provision or clause or part thereof.

Section 10. Effective date.

This Ordinance shall become effective five (5) days after enacted.

Duly ordained and enacted by the Supervisors of the Township of East Lampeter, Lancaster County, Pennsylvania, this 4th day of August, 2025.

BOARD OF SUPERVISORS OF

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EAST LAMPETER TOWNSHIP

By: _____
(Vice) Chairman)

I, Ralph M. Hutchison, Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on August 4, 2025, at which meeting a quorum was present and voted in favor thereof.

Exhibit A - 2024 resolution

Exhibit B - Final Plan