

ORDINANCE NO. 1 - 2006

AN ORDINANCE OF LOWER OXFORD TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, ESTABLISHING A TAX NOT TO EXCEED 2 MILLS SPECIFICALLY FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FIRE HYDRANTS AND FIRE HYDRANT WATER SERVICE FOR THOSE AREAS ESTABLISHED UPON ALL PROPERTY WITHIN 780 FEET OF ANY FIRE HYDRANT LOCATED WITHIN THE TOWNSHIP

The Board of Supervisors of Lower Oxford Township, Chester County, Pennsylvania, by the authority granted them in The Second Class Township Code specifically at Article XVIII – Fire Prevention and Protection § 66802 – Fire Hydrants and Water Supply hereby enact and ordain as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish the monies necessary for providing or requiring the fire protection services for the placing, replacing, operating, maintaining and repairing of fire hydrants to water mains, maintaining pressures approved by fire insurance underwriters along highways, streets, roads and alleys within the Township and/or to acquire a water supply system equipped to supply sufficient water for the protection of property from fire.

SECTION 2. AUTHORITY

The authority for the adoption of this assessment and tax is found at the above-captioned provision of The Second Class Township Code. Enacted as Public Law No. 103, No. 69 May 1, 1933. Re-enacted and amended in 1995, Public Law 350, No. 60, § 1, et seq. as herein amended, supplemented and modified and re-enacted by the General Assembly of Pennsylvania and all such provisions are incorporated herein by reference thereto.

SECTION 3. IMPOSITION OF TAX

Effective the tax year commencing January 1, 2007 and continuing for each taxable year thereafter, there shall be imposed for the Township of Lower Oxford a tax on all property within 780 feet of any fire hydrant calculated by the millage multiplied by the assessment of property for county tax purposes.

The tax levied under this Ordinance is specifically for the purpose of fire protection and is assessed based upon the location of a property line within 780 feet of any fire hydrant. The tax will be levied against all owners of real estate lying within the distance of 780 feet from any fire hydrant within the Township.

SECTION 4. DECLARATIONS, RETURNS AND PAYMENT OF TAX

The tax collector for Lower Oxford Township is hereby charged with the collection of the hydrant tax. The tax collector shall give 30 days notice that the assessment is due and payable. The notice shall state the due date to each party assessed and be served by mailing notice to the owners of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general township tax. If any assessment remains unpaid 90 days after due date, it shall be turned over to the Township Solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the Board of Supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Assessments when collected shall be paid over to the Township Treasurer who shall deposit and keep them in a separate account, to be paid out only for

expenses incurred in providing this service. Each special assessment account should be audited by the Board of Auditors of the Township.

SECTION 5. SEVERABILITY

If any sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Oxford Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective January 1, 2007 and shall continue on a calendar year basis, thereafter without annual reenactment.

ENACTED AND ORDAINED this _____ day of _____, 2006

by the Board of Supervisors of the Township of Lower Oxford.

Attest:

LOWER OXFORD TOWNSHIP

Ruth W. Libby, Secretary

Arthur A. Astle, Chairman

Kenneth L. Hershey

W. Ronald Kepler