

No. 25

AN ACT

HB 190

Amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing payment of costs of fire protection from general township funds, or in certain cases from assessments on property within seven hundred and eighty feet of any fire hydrant and making editorial changes.

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

Section 1. Clause III of section 702, act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481), and amended July 30, 1963 (P. L. 352), is amended to read:

Section 702. Supervisors to Exercise Powers.—* * *

III. [Contracts and Tax Levy for Fire Purposes.—On the petition of the surface property owners of a majority of the lineal feet frontage along any highways, streets, roads and alleys, or portion thereof, within the township,] Fire Hydrants and Water Supply for Fire Protection.—To place, replace, operate, maintain and repair or to enter into [contract] contracts with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire hydrants, to water mains maintaining pressures approved by the fire insurance underwriters along [said] any highways, streets, roads and alleys, or portions thereof, within the township, or to provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire.

The moneys necessary for placing, replacing, operating, maintaining and repairing such fire hydrants, or for fulfilling contract obligations to water companies or municipal authorities with respect to such fire hydrants, or for providing for or acquiring any such water system may be obtained by proceeding in accordance with [either of the methods set forth in paragraphs A and B, as follows] the following:

A. If any such fire protection service is or was instituted by the township supervisors without the petition of the surface property owners of a majority of the lineal feet frontage along any highways, streets, roads and alleys, or portions thereof, within the township,

such moneys may be obtained by any one of the means set forth in subparagraphs (a), (b) or (c) of paragraph (B) below.

B. If any such fire protection service is or was instituted upon the petition of the surface property owners of a majority of the lineal feet frontage along any highways, streets, roads and alleys, or portions thereof, within the township, such moneys may be obtained by any one of the means set forth in subparagraphs (a), (b) or (c) below.

(a) The township supervisors shall annually assess, or cause to be assessed, the cost and expense [for the acquisition of a water system, for the maintenance of such fire hydrants and for the purchase of hose, et cetera,] of such fire protection service by an equal assessment upon all property, whether or not exempt from taxation by existing law, abutting upon said highways, streets, roads and alleys, or portions thereof, and upon property within seven hundred and eighty feet of any fire hydrant in the district benefited thereby, based upon the assessment for county purposes. No such assessment shall be levied against any farm land or land used as an aviation field or against other property in the district not benefited thereby. Such assessment shall be collected in the same manner as taxes. The township tax collector shall receive the same commission as on the township tax. The township treasurer shall receive all such assessments collected for fire protection, and keep the same in a separate account, and shall pay the same out only upon orders signed by the chairman of the board of supervisors, attested by the township secretary. The township treasurer shall make a report to the auditors of the township annually.

[B] (b) The township supervisors shall annually assess, or cause to be assessed, the cost and expense [for the acquisition of a water system, for the maintenance of such fire hydrants and for the purchase of hose, et cetera,] of such fire protection service by an equal assessment on all property, whether or not exempt from taxation under existing law, abutting upon said highways, streets, roads and alleys, or portions thereof, within seven hundred and eighty feet of any fire hydrant in the district benefited thereby, in proportion to the number of feet the said property fronts on any highway, street [highway], road or alley upon which a water main is laid, or within seven hundred and eighty feet of any fire hydrant on such highway, street [highway], road or alley. 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 farm land, but vacant lots between built-up sections, either tilled or untilled, shall not be deemed to be farm lands. All such assessments for fire protection shall be filed with the township tax collector who shall give thirty (30) 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 township 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 (90) 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 township solicitor shall collect the same together with

five percent 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 may 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 shall pay the same only upon orders

signed by the chairman of the township supervisors attested by the township secretary. The township tax collector and the township treasurer shall make a report to the auditors of the township, annually.

(c) The township supervisors may pay or cause to be paid the cost and expenses for such fire protection out of the general township fund.

If the township supervisors elect to pay the cost of fire protection services out of the general fund, the special fire protection districts and annual assessments shall be abolished. All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.

* * *

Section 2. This act shall take effect immediately.

APPROVED—The 16th day of June, A. D. 1967.

RAYMOND P. SHAFER