

WEST MANHEIM TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

**ORDINANCE #2017-02**

**AN ORDINANCE OF WEST MANHEIM TOWNSHIP TO ESTABLISH A FIRE HYDRANT ASSESSMENT ON BENEFITTED PROPERTIES, AND AUTHORIZING THE SETTING OF RATES AND THE TOWNSHIP'S PREPARATION OF BILLING STATEMENTS FOR THE SAME; SETTING COLLECTION PROCEDURES FOR THE SAME; AND AUTHORIZING ENFORCEMENT, INCIDENTAL ACTION AND THE REPEAL OF PRIOR INCONSISTENT ORDINANCES**

**WHEREAS**, West Manheim Township's ("Township") authority to enact this Ordinance is authorized by "The Second Class Township Code," 53 P.S. Section 66802; and

**WHEREAS**, the Board of Supervisors of West Manheim Township, York County, Pennsylvania (the "Township") has not previously enacted legislation and/or resolutions for the establishment of assessments for fire hydrants; and

**WHEREAS**, the Township has determined that current costs for fire hydrants, as incurred by the Township, should be paid by residents so benefitting from the fire hydrants in accordance with this Ordinance.

**NOW THEREFORE**, it is ordained by the Board of the Supervisors of West Manheim Township, York County, as follows:

**Section 1.      DECLARATION OF OFFICIAL INTENT TO ASSESS PROPERTY OWNERS FOR FIRE HYDRANT SERVICES.**

The Township hereby declares its intention and reasonable expectation to seek reimbursement via assessment from the owners of any properties receiving the benefit of fire hydrant services ("Benefitted Properties"). Benefitted Properties is defined as all real estate abutting upon highways, streets, roads, alleys or portions thereof, within 780 feet of any public fire hydrant that is not farmland or an airport which is privately owned and which is not open or intended to be open to the public. Vacant lots between built-up sections, whether tilled or not tilled, shall not be deemed to be farmland under this ordinance.

**Section 2.      RATES SET BY ASSESSMENT FORMULA; LATE FEES AND INTEREST.**

- A. The amount of the assessment imposed hereby shall be based upon a uniform annual assessment upon each Benefitted Property which has been determined as an equitable means of assessment by the Township Board of Supervisors.
- B. The formula for the imposed assessment shall be as follows: the total amount charged by the local water company plus an administration and collection fee divided by the number of Benefitted Properties. The assessment shall be set forth by resolution as adopted by the Board of Supervisors.
- C. All assessments will be due by June 30 in the respective calendar year of assessment.
- D. A 10% late fee will be added to the assessment for payments received after that date.
- E. Every person subject to the assessment imposed who fails to make payment of the whole amount thereof and any applicable late fee by the end of the calendar year, shall be subject to interest thereafter on the unpaid amount at a rate of 1.5% per month, or fraction of part of a month, computed upon the amount of the assessment due until the date of payment thereof.
- F. After January 15 of the following calendar year, unpaid prior year assessments and any additional fees due thereon will be turned over to the District Magistrate for enforcement in accordance with Section 5 and submitted to the solicitor for filing a municipal lien.

**Section 3. BILLING.**

The Board of Supervisors hereby authorizes the Township Tax Collector to prepare billing statements for the assessment and collect the same from all Benefitted Properties. The Township Secretary will provide the Township Tax Collector with a list of the Benefitted Properties by February 15 of each calendar year so billing statements can be prepared and mailed with the calendar year municipal tax billings.

**Section 4. ASSESSMENT DETERMINATION.**

The Township Engineer shall prepare a summary of the Benefitted Properties within the Township. The original and all updated summaries shall be completed in accordance with the timing proscribed in Section 3 herein. The Board of Supervisors may authorize updated summaries of the same on an annual basis which updated summaries shall be approved by official vote of the Board.

**Section 5. VIOLATIONS AND PENALTIES.**

- A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution and restitution including but not limited to payment of the assessment, late fees, interest, attorney fees and costs of collection proceedings. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.
- B. Any assessment, late fee, interest, or other charge assessed or permitted to be charged to the property owner under this ordinance may be placed as a lien against the property if payment in full is not made by the end of the calendar year in which such charge is imposed.

**Section 6. EFFECTIVE DATE: REPEAL.**

This Ordinance shall take effect immediately. All prior ordinances and/or Ordinances or portions thereof inconsistent herewith are hereby repealed.

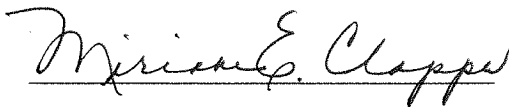
**Section 7. SEVERABILITY.**

That if any section, subsection, sentence, clause or phase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. West Manheim Township hereby declares that it would have passed this ordinance without the sections, subsections, sentences, clauses and phrases declared to be unconstitutional.

**DULY ADOPTED** this 19<sup>th</sup> day of December 2017.

ATTEST:

WEST MANHEIM TOWNSHIP  
BOARD OF SUPERVISORS



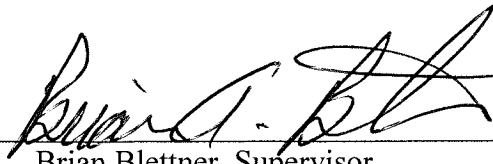
Miriam E. Clapper, Secretary



Harold L. Hartlaub, Chairman

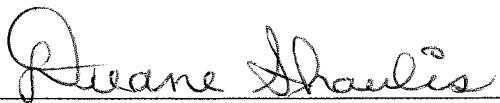


Jeremy Ault, Vice-Chairman



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Brian Blettner, Supervisor



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Duane Shaulis



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James Staaf