

**Ordinance No: 2020- / \_\_\_\_\_**

AN ORDINANCE OF THE TOWNSHIP OF RACCOON, BEAVER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 98-1, ENTITLED "FIRE HYDRANTS," SECTIONS 90-4 AND 90-5 OF CHAPTER 90 OF THE TOWNSHIP OF RACCOON CODE, FOR THE PURPOSE OF CLARIFICATION OF THE ASSESSMENT AND COLLECTION OF FIRE HYDRANT ASSESSMENT FEES WITHIN THE TOWNSHIP.

WHEREAS, the Township of Raccoon (hereinafter "Township"), is a township located in the County of Beaver, Commonwealth of Pennsylvania, incorporated as a body corporate and politic pursuant to the Second Class Township Code, 53 P.S. §65101, et. seq. (hereinafter "Township Code"), having its office located at 1234 State Route 18, Aliquippa, Pennsylvania, 15001; and

WHEREAS, pursuant to the Township Code, 53 P.S. §66601, the Township Board of Supervisors (hereinafter "Board of Supervisors") may adopt ordinances in accordance with Township Code and the laws of the Commonwealth of Pennsylvania in which the general or specific powers of the Township may be exercised; and

WHEREAS, pursuant to the Township Code, 53 P.S. §66601, by enactment of subsequent ordinances, the Board of Supervisors may amend, repeal or revise existing ordinances; and

WHEREAS, the Township and its Board of Supervisors desires to amend and revise its Fire Hydrants Ordinance, Ordinance No. 98-1, to provide clarification of the assessments and collection of fire hydrant assessment fees within the Township for the benefit of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Raccoon, Beaver County, Pennsylvania and it is hereby ordained and enacted by the authority of the same that:

1. Township Ordinance No. 98-1, entitled "Fire Hydrants," adopted by the Board of Supervisors of the Township on July 14, 1998, codified at Chapter 90 of the Township Code, and as has been amended from time to time, shall remain in full force and effect, with the exception of the amendments described in the following paragraphs.

2. Section 90-4, entitled "Annual Assessment Upon Property," is hereby amended to read as follows:

The said payments under said Fire Hydrant Rental Agreement shall be paid from annual assessments for fire hydrant service made by the Township of Raccoon by an equal annual assessment upon all property, whether or not exempt from taxation by existing law, within seven hundred eighty (780) feet of any fire hydrant based upon the assessment of property for county tax purposes, with the exceptions being as follows:

No assessment shall be made against any:

- (1) Farmland, or
- (2) An airport which is privately owned and which is not open nor intended to be open to the public.

Vacant lots and vacant lots between built-up sections (either tilled or not tilled) are not farmland, unless such vacant lots satisfy the definition of farmland below.

For purposes of this Chapter, "farmland" shall be defined as "any use of land or structures for farming, being the production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, fruit or other horticultural products and land on which a family farm enterprise would process or market its agricultural commodities directly, provided that those agricultural commodities are, or would be, produced on the farm for which financial assistance is sought."

The Township of Raccoon Zoning Ordinance provides only for farming (see within the "Agriculture" definition found at §185-6, entitled "Definitions," of the Township Code) as a permitted use in the A-1 and A-2 Agricultural Zoning Districts. Farming as defined therein, which necessarily encompasses "farmland"

as defined above and herein, may only be performed on those Township properties which meet the minimum (i.e. minimum lot size of ten (10) acres) and maximum (i.e. building height of thirty (35) feet) requirements of the "Lot Area and Dimensional Requirements, A-1 and A-2 Agricultural Districts," as set forth in Attachment 1 under "Permitted Uses, Agriculture" of the Township's Zoning Code, found at Chapter 185, and as may be amended from time to time. Should "agriculture" be extended as a permitted or conditional use, or special exception, to any other Township Zoning District in the future, this Chapter shall apply.

3. Section 90-5, entitled "Filing and Billing of Assessments; Tax Collector's Commission; Unpaid Bills," is hereby amended to read as follows:

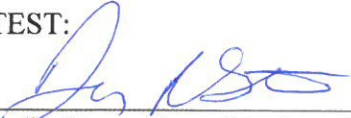
All assessments made for fire hydrants pursuant to this Chapter shall be charged to the Township Tax Collector for collection and assessments for the fire hydrant service shall be filed with the Township Tax Collector. All assessments for fire hydrants pursuant to this Chapter shall be billed together with the annual real estate tax bill for Township purposes. The Township Tax Collector shall give thirty (30) days' notice that the fire hydrant assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing notice to the owner of the property. The Township Tax Collector is entitled to the same commission for the collection of the fire hydrant assessments as for the collection of the general Township tax. If any fire hydrant assessment remains unpaid ninety (90) days after the 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 fire hydrant assessment, plus six (6%) percent fee for interest per annum, a five (5%) percent fee for collection, and a five (5%) fee for penalty, from the date the fire hydrant assessment was due, plus costs incurred by the Township, attorney's fees as set from time to time by resolution of the Board of Supervisors, plus any other reasonable fees incurred by the Township (including additional attorney's fees and costs of proceedings) pursuing collection by means of an action in assumpsit or a municipal lien. If an owner has two (2) or more lots against which there is a fire hydrant assessment for the same year, the lots shall be embraced in one claim. Fire hydrant 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 the fire hydrant service. The fire hydrant assessment fees account shall be audited by the Board of Auditors for the Township.

4. Any Ordinance or part thereof conflicting with this Ordinance is hereby repealed insofar as the same is inconsistent herewith.

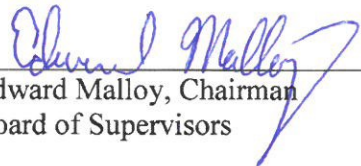
5. This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 11<sup>th</sup> day of August, 2020.

ATTEST:

  
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Daisy R. Stone, Township Secretary

TOWNSHIP OF RACCOON

  
\_\_\_\_\_  
Edward Malloy, Chairman  
Board of Supervisors

**CERTIFICATION OF THE TOWNSHIP**

I hereby certify that the foregoing Ordinance was advertised in the *Beaver County Times* on July, 17, 2020, a newspaper of general circulation in the municipality, and was duly enacted and approved as set forth a regular meeting of the Township of Raccoon on Tuesday, August 11, 2020.

  
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Daisy R. Stone, Township Secretary

(SEAL)