

**LOWER FREDERICK TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ - 2019

AN ORDINANCE AUTHORIZING A REFERENDUM PURSUANT TO THE OPEN SPACE LANDS ACQUISITION AND PRESERVATION ACT AS AMENED BY ACT 153 OF 1996 (32 P.S. § 5001, ET SEQ.) ON THE QUESTION OF THE IMPOSITION OF AN ADDITIONAL TAX ON EARNED INCOME TO BE IMPOSED TO RAISE REVENUE TO PURCHASE INTERESTS IN REAL PROPERTY TO PRESERVE OPEN SPACE, RETIRE INDEBTEDNESS INCURRED IN PURCHASING INTEREST IN REAL PROPERTY TO PRESERVE OPEN SPACE, AND THE MAINTENANCE OF OPEN SPACE.

BE IT ENACTED AND ORDAINED THIS 23rd day of July, 2019, by the Board of Supervisors of Lower Frederick Township, Montgomery County, Pennsylvania, under the authority of the Act of January 19, 1968 (P.L. 992), as amended, entitled “An Act authorizing the Commonwealth of Pennsylvania and its local government units thereof to preserve, acquire or hold land for open spaces” as amended as follows:

Section 1. As provided for by The Open Space Lands Acquisition and Preservation Act, as amended by Act 153 of 1996 (32 P.S. § 5001, et seq.), a referendum shall be conducted during the November 2019 general election for the registered voters of Lower Frederick Township to vote on whether they are in favor of the imposition of an additional tax on earned income at a rate of one-half of one percent to be used by Lower Frederick Township to raise revenue for purposes of securing and maintaining open space benefits.

Section 2. The referendum shall be governed by the provisions of the Act of June 3, 1937 (P.L. 1333, No. 230) known as the Pennsylvania Election Code (25 P.S. § 2600, et seq.).

Section 3. The question to be placed on the ballot shall be framed in the following form:

Do you favor the imposition of an additional tax on earned income at the rate of one half of one percent (0.005) by Lower Frederick Township to be used to purchase interest in real property for purposes of securing open space benefits and for transactional fees incidental to acquisitions of open space property; retire indebtedness incurred in acquiring open space; and the expenditure of funds for any purpose relating to the acquisition, planning for acquisition, preservation, improvement and maintenance of open space or for an open space benefit?

Section 4. The appropriate officers of the Board of Supervisors and the Solicitor are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Section 5. If any sentence, clause, section 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 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. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 7. This ordinance shall become effective five (5) days from the date hereof.

BE IT ENACTED and ORDAINED by the Board of Supervisors of Lower Frederick Township, Montgomery County, this 23rd day of July, 2019.

Attest:

LOWER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS

, Secretary

, Chairperson

, Vice Chairperson

, Member

**PLAIN ENGLISH STATEMENT TO THE
MONTGOMERY COUNTY BOARD OF ELECTIONS**

Re: Lower Frederick Township Referendum on the
Subject of Additional Earned Income Taxation
For the Purpose of Open Space Preservation

Under the authority of the Act of January 19, 1968 (P.L. 992), entitled “An Act authorizing the Commonwealth of Pennsylvania and its local government units thereof to preserve, acquire or hold land for open spaces”, the Board of Supervisors of Lower Frederick Township is seeking permission to impose an additional earned income rate tax now levied annually in the amount of one half of one percent. The revenue received from the new tax shall be used to acquire, preserve, develop, improve, design, engineer and maintain open space land in Lower Frederick Township in fee simple, conservation easement or by other similar method. The open space lands that are acquired shall be used for open space preservation in strict compliance with the Act.