

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 232-02-19

AN ORDINANCE

OF THE LOWER NAZARETH TOWNSHIP BOARD OF SUPERVISORS PROVIDING FOR A QUESTION TO BE PLACED BEFORE THE VOTERS OF LOWER NAZARETH TOWNSHIP BY A REFERENDUM AT THE ELECTION OF MAY 21, 2019, ASKING WHETHER THE ELECTORS OF LOWER NAZARETH TOWNSHIP FAVOR THE IMPOSITION OF AN ADDITIONAL EARNED INCOME TAX AT THE RATE OF 0.25% BY LOWER NAZARETH TOWNSHIP TO BE USED FOR FINANCING THE ACQUISITION OF OPEN SPACE; FOR THE PURPOSE OF ACQUIRING FOREST AND AGRICULTURAL CONSERVATION EASEMENTS; FOR THE PURPOSE OF ACQUIRING PROPERTY DEVELOPMENT RIGHTS; AND FOR RELATED FEES AND EXPENSES AS AUTHORIZED BY LAW; THE BALLOT QUESTION IS AUTHORIZED BY ACT 153 OF 1996, TITLE 32 P.S. SECTION 5007.1, ET SEQ., AS AMENDED.

WHEREAS, Lower Nazareth Township is a Second Class Township organized and operating under the laws of the Commonwealth of Pennsylvania;

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted Act 153 of 1996, which amended the Pennsylvania Conservation and Land Development Act, Title 32 P.S. Section 5007.1(a) which contains provisions for a referendum on the question of the imposition of a tax for purposes of preservation of open space pursuant to the Local Tax Enabling Act;

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted further amendments to the Pennsylvania Conservation and Land Development Act more particularly detailed in Title 32 P.S. Section 5007.1(a) which further identifies the fees and expenses for which the tax levy may be used;

WHEREAS, the Lower Nazareth Township Board of Supervisors intends to adopt a Comprehensive Open Space Plan;

WHEREAS, the Lower Nazareth Township Open Space Plan will identify an increase in the earned income tax as an implementation technique with voter approval;

WHEREAS, the Board of Supervisors of Lower Nazareth Township want to determine whether the citizens of Lower Nazareth Township desire an increase in the earned income tax for the purpose of financing the acquisition of open space, for the purpose of acquiring agricultural conservation easements, for the purpose of acquiring property development rights, and for related fees and expenses as authorized by law.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: The Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania under the powers vested in them by law hereby shall provide for a referendum on the question of whether an additional earned income tax at a rate of 0.25% shall be imposed upon the residents of Lower Nazareth Township for the purposes of financing the acquisition of open space, for the purpose of acquiring agricultural conservation easements, for the purpose of acquiring property development rights, and for related fees and expenses as authorized by law.

SECTION 2: The referendum as required by Title 32 P.S. Section 5007.1(a) shall read as follows:

“Do you favor the imposition of an additional Earned Income Tax at the rate of 0.25% by Lower Nazareth Township to be used for financing the acquisition of open space, for the purpose of acquiring agricultural conservation easements, for the purpose of acquiring property development rights, and for related fees and expenses as authorized by law?”

YES or NO

SECTION 3: The Board of Supervisors of Lower Nazareth Township hereby adopt the plain English version of the above referendum question as follows:

Plain English Version:

The ballot question asks the voters of Lower Nazareth Township whether the Township should impose an additional Earned Income Tax at the rate of 0.25% on an annual basis to purchase land or interests in land for preservation and conservation of open, undeveloped land in Lower Nazareth Township. The Township would use the money to do one (1) or more of the following:

1. Acquire agricultural conservation easements. The Township could purchase agricultural conservation easements, or participate in State or County land preservation programs that acquire agricultural conservation easements. An agricultural conservation easement allows the landowner to retain his/her land and use it for farming and other agricultural purposes.
2. Finance the acquisition of open space. The Township could purchase undeveloped land from landowners in the Township in order to protect sensitive natural areas such as woodlands, stream valleys or other unique natural resources or habitats.
3. Acquire property development rights. Under this option, a landowner would sell the development rights of a property to the Township. The landowner would retain the property, but the property could not be developed.
4. Additional related expenses. The Township would be authorized to use funds as authorized by 32 P.S. 5007.1(a), as amended, to retire related indebtedness, pay transactional fees incidental to acquisition, pay for expenses necessary to prepare and amend the resource, recreation or land use plan, and to

develop, improve, design, engineer, and maintain property acquired pursuant to the Act.

A vote of "YES" to the ballot question approves the imposition of an additional Earned Income Tax at the rate of 0.25% upon Township residents for the foregoing purposes. If this ballot question is approved by the voters of Lower Nazareth Township, the total earned income tax collected in Lower Nazareth Township will be 1.25%

SECTION 4: The Secretary of Lower Nazareth Township is hereby directed to provide a true and correct copy of the within Ordinance to the Board of Elections of Northampton County immediately after enactment. The Board of Elections shall place this referendum on the ballot at the election of May 21, 2019.

ENACTED AND ORDAINED into law by the Township of Lower Nazareth, Northampton County, Pennsylvania this 13 day of February, 2019.

TOWNSHIP OF LOWER NAZARETH

ATTEST:



TAMMI DRAVECZ, Secretary

BY:


JAMES PENNINGTON, Chairman

CERTIFICATION

THAT I, TAMMI DRAVECZ, Secretary of the Township of Lower Nazareth, hereby certify that this Ordinance was approved by the Board of Supervisors of Lower Nazareth Township on the 13 day of February, 2019.


TAMMI DRAVECZ, Secretary