

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2011-03

AN ORDINANCE OF LOWER SAUCON TOWNSHIP PROVIDING FOR A QUESTION TO BE PLACED BEFORE THE VOTERS OF LOWER SAUCON TOWNSHIP BY A REFERENDUM AT THE GENERAL ELECTION OF NOVEMBER 8, 2011, ASKING WHETHER THE ELECTORS OF LOWER SAUCON TOWNSHIP FAVOR THE CONTINUED IMPOSITION OF AN ADDITIONAL EARNED INCOME TAX AT THE RATE OF 0.25% (ONE QUARTER OF ONE PERCENT) ON AN ANNUAL BASIS FOR THE NEXT FIVE (5) YEARS BY LOWER SAUCON TOWNSHIP TO BE USED FOR FINANCING THE ACQUISITION OR PROTECTION OF UNDEVELOPED OPEN SPACES OR AREAS; FOR THE PURPOSE OF PROTECTING AND CONSERVING FORESTS AND FARMLANDS; FOR THE PURPOSE OF PROTECTING AND CONSERVING NATURAL AND SCENIC RESOURCES; AND FOR THE PURPOSE OF PROTECTING RECREATIONAL AND HISTORICAL LANDS

WHEREAS, Lower Saucon Township (hereinafter “Township”) is a Township of the Second Class, Optional Plan, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, Township is authorized to acquire interests in open space for the purpose of protecting and conserving: open spaces and areas, forest and agricultural lands, natural and scenic resources, and recreational and historical lands pursuant to the provisions of the Open Space Lands Acquisition and Preservation Act (32 P.S. §5001, et seq.); and

WHEREAS, Township is authorized to place a ballot question before the electors of Lower Saucon Township relative to the imposition of an additional Earned Income Tax to finance the acquisition of interests in real property for the purposes set forth herein pursuant to 32 P.S. §5001, et seq.; and

WHEREAS, the residents of Lower Saucon Township approved a ballot question in 2006 authorizing the imposition of a 0.25% increase in the Earned Income Tax, to finance such acquisitions, for a period of five (5) years; and

WHEREAS, the Council of Lower Saucon Township now desires to place a ballot question before the residents of Lower Saucon Township at the election of November 8, 2011, asking the voters if they favor the

continuation of this additional Earned Income Tax, for an additional five (5) years, for the purposes herein stated.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Pennsylvania, as follows:

SECTION 1.

The question to be placed before the voters of Lower Saucon Township shall read as follows:

“Do you favor the continued imposition of an additional Earned Income Tax at the rate of 0.25% (one quarter of one percent) on an annual basis for the next five (5) years by Lower Saucon Township to be used for financing the acquisition, preservation and conservation of open space; for the purpose of acquiring agricultural conservation and forest easements; for the purpose of protecting and preserving recreation or historic lands, and for the purpose of protecting and conserving natural and scenic resources? YES or NO”

The plain English version of the above-listed question is as follows:

“The ballot question asks the voters of Lower Saucon Township whether the Township should continue to impose an additional Earned Income Tax at the rate of 0.25% (one quarter of one percent) on an annual basis for the next five (5) years to purchase land or interests in land for preservation, protection and conservation of natural and scenic resources, forest and agricultural lands, and open, undeveloped land in Lower Saucon Township.”

SECTION 2.

The Township shall use the money to do one (1) or more of the following:

- (a) 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.
- (b) Finance the acquisition of open space. The Township could purchase real property interests and/or conservation easements in undeveloped land in the Township in order to protect sensitive natural areas such as woodland, stream valleys or other unique natural resources or habitats, and preserve and protect existing open spaces.

- (c) Finance the protection and preservation of recreation or historic lands. The Township could purchase interests in real property in the Township for the purpose of protecting existing or planned recreational facilities for residents by controlling the use of nearby lands, or to preserve sites of historic, geologic, or botanical interest.

SECTION 3.

A vote of “YES” to the aforementioned ballot question approves the continued imposition of an additional Earned Income Tax at the rate of 0.25% (one quarter of one percent) on an annual basis for the next five (5) years upon Township residents for the purpose of continuing the Township’s EIT Open Space program, which utilizes the funds collected for the sole purpose of acquiring open space interests in real property.

A vote of “NO” to the aforementioned ballot question would result in the termination of the Township’s additional 0.25% EIT tax, which additional revenue was collected for the sole purpose of acquiring open space interests in real property, and return the Earned Income Tax to the previous rate of one percent (1%).

SECTION 4. SEVERABILITY

The provisions of this ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

SECTION 5. REPEALER

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED, this 20th day of July, 2011.

ATTEST

LOWER SAUCON TOWNSHIP

Jack Cahalan
Township Manager

Glenn C. Kern
Council President