

**UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024 - 04

AN ORDINANCE AMENDING THE CODE OF UWCHLAN TOWNSHIP, PENNSYLVANIA TO ADD A NEW ARTICLE V, "OPEN SPACE TAX," TO CHAPTER 230, "TAXATION," TO AUTHORIZE A REFERENDEUM PURSUANT TO THE OPEN SPACE LANDS ACQUISITION AND PRESERVATION ACT AS AMENDED BY ACT 153 OF 1996 (32 P.S. § 5001 *ET SEQ.*) ON THE QUESTION OF THE IMPOSITION OF AN ADDITIONAL EARNED INCOME TAX AT A SPECIFIC RATE TO BE IMPOSED TO RAISE REVENUE TO RETIRE INDEBTEDNESS INCURRED IN PURCHASING INTERESTS IN REAL ESTATE OR MAKING ACQUISITIONS OF REAL PROPERTY FOR PURPOSES OF SECURING OPEN SPACE BENEFITS.

AND NOW, this _____ day of _____, 202_____, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Uwchlan Township, Chester County, Commonwealth of Pennsylvania, as follows:

WHEREAS, the Township of Uwchlan ("Township") is a municipality organized and existing under the Second Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. § 65101 *et seq.*; and

WHEREAS, the Second Class Township Code provides that the Board of Supervisors ("Board") may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601); and

WHEREAS, the Township is authorized to acquire interest in open space for the purpose of protecting and conserving, among other things: (1) undeveloped open spaces and areas; (2) forest and agricultural or farm lands; (3) natural and scenic resources; and (4) recreational and historic lands pursuant to the provisions of the Open Space Lands Acquisition and Preservation Act ("The Open Space Act" – 32 P.S. § 5001 *et seq.*); and

WHEREAS, the Township is authorized to place a ballot question before the electors of Uwchlan 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 The Open Space Act; and

WHEREAS, the Board has determined that the acquisition, preservation, and conservation of open space lands and benefits, as described and set forth in The Open Space Act, is in the best interests of the residents of Uwchlan Township; and

WHEREAS, the Board seeks to authorize a referendum to be conducted during the November 2024 general election for the registered voters of the Township to vote whether they are in favor of the imposition of an increase in the Township Earned Income Tax in an amount of up to one quarter of one percent to be used by the Township to raise revenue for the purposes of securing open space benefits; and

WHEREAS, the Board amends Chapter 230, "Taxation," of the Code of the Township of Uwchlan to authorize said referendum by the following ordinance.

NOW, THEREFORE IT IS HEREBY ORDAINED AND ENACTED, by the Township Board of Supervisors, as follows:

I. Add to Chapter 230, "Taxation," a new Article V entitled "Open Space Tax."

The Township Board hereby adopts and establishes a new Article V entitled "Open Space Tax" under Chapter 230 of the Township Code as follows:

Article V. Open Space Tax

§ 230-47. General provisions.

A. As provided for in 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 2024 general election for the registered voters of Uwchlan Township to vote whether they are in favor of the imposition of an increase in the Earned Income Tax at a rate not to exceed one quarter of one percent to be used by the Township to raise revenue for the purposes of securing open space benefits.

B. This referendum will be governed by the provisions of the Pennsylvania Election Code (25 P.S. § 2601 *et seq.*).

C. The question to be placed on the ballot shall be substantially framed in the following form:

"Do you favor the imposition of an increase in the earned income tax at a rate not to exceed one quarter of one percent by the Township of Uwchlan 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 open space benefits?"

D. The "Plain English" version of the question to be placed on the ballot shall be substantially framed in the following form:

The ballot question asks the voters of Uwchlan Township whether the Township should impose an additional Earned Income Tax at the rate of one quarter of one percent to be used for financing the acquisition of open

space and recreational lands?

- E. The Township shall use the revenue raised by the additional Earned Income Tax to do one (1) or more of the following:
- (1) Acquire agricultural conservation easements. The Township may 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 may purchase real property interests and/or conservation easements in undeveloped land in the Township in order to protect sensitive natural areas such as woodlands, stream valleys, or other unique natural resources or habitats, and preserve and protect existing open spaces.
 - (3) Finance the protection of recreation or historic lands. The Township may 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 the lands, by developing additional or new recreational facilities, or to preserve sites of historic, geologic, or botanical interest.
 - (4) Pay the attendant costs associated with such actions. The Township may use the revenue generated to pay the costs associated with the acquisition, protection, conservation, and preservation of open space interests, including but not limited to: appraisals, engineering or field surveys, preparation of baseline reports, and closing costs associated with transactions. The revenue generated may also be used to develop, improve, design, and maintain open space and recreational facilities.
- F. 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.
- II.** All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed to the extent of such conflict. The Township reserves the right at any time by ordinance to amend or otherwise modify or repeal this chapter.
 - III.** If any sentence, clause, section, term or provision of this ordinance is for any reason determined by a court possessed of subject-matter jurisdiction to be unconstitutional, illegal, invalid, or unenforceable, then the said determination shall not affect or impair any of the remaining sentences, clauses, sections, terms or provisions hereof. It is here declared to be the intent of the governing body of the Township that this ordinance would have been enacted without the unconstitutional, illegal, invalid, or unenforceable sentence, clause, section, term or provisions.
 - IV.** This Ordinance shall be effective five (5) days from enactment.

ENACTED and ORDAINED this _____ day of _____, 202_ by the Board of Supervisors of Uwchlan Township.

BOARD OF SUPERVISORS
UWCHLAN TOWNSHIP

Laura Obenski, Chairperson

Bill Miller, Vice Chairperson

Mayme Baumann, Supervisor

Attest:

Township Secretary