

RICHLAND TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 297

AN ORDINANCE OF RICHLAND TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, PROVIDING FOR A QUESTION TO BE PLACED BEFORE THE VOTERS OF RICHLAND TOWNSHIP BY A REFERENDUM AT THE PRIMARY ELECTION TO BE HELD ON MAY 16, 2023, ASKING WHETHER THE ELECTORS OF RICHLAND TOWNSHIP FAVOR THE CONTINUED IMPOSITION OF THE PREVIOUSLY IMPOSED AND EXISTING EARNED INCOME TAX FOR THE PURPOSES OF: (1) FINANCING THE FUTURE ACQUISITION OF OPEN SPACE, HISTORIC, AND RECREATION LANDS, (2) FINANCING THE FUTURE ACQUISITION OF AGRICULTURAL, CONSERVATION, AND FOREST PROTECTION EASEMENTS, (3) UTILIZING UP TO TWENTY FIVE PERCENT (25%) OF THE ANNUAL REVENUE COLLECTED TO DEVELOP, IMPROVE, DESIGN, ENGINEER, AND MAINTAIN OPEN SPACE, RECREATION, AND HISTORIC LANDS AND PROPERTIES ACQUIRED BY THE TOWNSHIP WITH OPEN SPACE FUNDS, AND (4) PAYMENT OF THE ATTENDANT TRANSACTIONAL COSTS ASSOCIATED WITH SUCH ACTIONS; AT A RATE OF 0.1% (ONE TENTH OF ONE PERCENT) ON AN ANNUAL BASIS FOR AN ADDITIONAL FOUR AND ONE-HALF (4.5) YEARS UNTIL DECEMBER 31, 2027; SAID ORIGINAL TAX HAVING BEEN IMPOSED FOR A TERM OF FIFTEEN (15) YEARS WHICH TERM EXPIRED ON JUNE 30, 2018, AND HAVING BEEN RE-IMPOSED FOR AN ADDITIONAL FIVE (5) YEARS UNTIL JUNE 30, 2023.

WHEREAS, Richland Township (hereinafter “Township”) is a Township of the Second Class, located in Bucks County, Commonwealth of Pennsylvania; and

WHEREAS, The Township is authorized to acquire interests 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 historical lands pursuant to the provisions of the Open Space Lands Acquisition and Preservation Act (“The Open Space Act”) 32 P.S. §5001, et seq., as amended; and

WHEREAS, Township is authorized to place a ballot question before the electors of Richland Township relative to the continued imposition of the existing open space portion of the 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 Richland Township Board of Supervisors has determined that the acquisition, preservation, protection 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 the Township of Richland; and

WHEREAS, the Board of Supervisors of Richland Township now desires to place a ballot question before the electors of Richland Township at the Primary Election to be held on May 16, 2023, asking the voters if they favor the continued imposition of the existing open space portion of the Earned Income Tax, in the amount of 0.1% (One Tenth of One Percent) for the purposes herein stated; and

WHEREAS, the Township previously imposed the open space portion of the Earned Income Tax, in the same amount stated herein, pursuant to a previous referendum, which tax will expire on June 30, 2023.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Richland Township, Bucks County, Pennsylvania, as follows:

SECTION 1.

The question to be placed before the voters of Richland Township at the May 16, 2023 Primary Election, shall read as follows:

“Do you favor the continued imposition of the existing Open Space portion of the Earned Income Tax at the rate of 0.1% (one tenth of one percent) on an annual basis by Richland Township for an additional four and one-half (4.5) years following the expiration of the previously approved and enacted open space Earned Income Tax, which expires on June 30, 2023, for the purpose of financing the acquisition of open space, historic and recreation lands; for the purpose of acquiring agricultural conservation and forest easements; for the purpose of acquiring property development rights; for the purpose of using up to 25% of the annual revenue collected to develop, improve, design, engineer, and maintain open space, recreation, and historic lands acquired with Open Space funds; and for the purpose of paying the transactional costs associated with such acquisitions and actions?”

YES or NO”

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

“The ballot question asks the voters of Richland Township whether the Township should continue to impose the existing Open Space portion of the Earned Income Tax at the rate of 0.1% (one tenth of one percent) on an annual basis for the next four and one-half (4.5) years following the expiration of the current additional Earned Income Tax on June 30, 2023 to be used for the purchase, improvement, and maintenance of

open space, recreation, and historic lands or for the purchase of preservation, forest, conservation, and open space easements in Richland Township.”

SECTION 2.

The Township shall use the revenue raised by the additional Earned Income Tax 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 undeveloped land in the Township in order to protect sensitive natural areas such as woodland, stream valleys or other unique resources or habitats.
- (c) Finance the acquisition of recreation or historic land. The Township could purchase land in the Township for the purpose of protecting and developing additional recreation facilities for residents or for historic preservation purposes.
- (d) Acquire Property Development Rights. Under this option, a landowner could sell the development rights of a property to the Township. The landowner would retain the property, but the property could not be developed.
- (e) Improvement and Maintenance of open space and historic lands/properties. The Township could use up to twenty-five percent (25%) of the annual revenue collected to develop, improve, design, engineer, and maintain open space, recreation, and historic lands and properties acquired with Open Space funds.
- (f) Payment of Associated Transactional Costs. The Township could use the revenue collected to pay the transactional costs associated with the acquisition of open space, historic, and recreation lands.

SECTION 3.

A vote of “YES” to the aforementioned ballot question approves the continued imposition of the existing Open Space portion of the Earned Income Tax at a rate of 0.1% (one tenth of one percent) on an annual basis for an additional four and one-half (4.5) years, until December 31, 2027, upon Township residents for the foregoing purposes after the expiration of the existing open space tax on June 30, 2023.

A vote of “NO” to the aforementioned ballot question would result in the existing Open Space portion of the Earned Income Tax (0.1%) expiring on June 30, 2023, with no additional tax revenue being collected and set aside for the acquisition of open space interests in real property.

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 14th day of November, 2022.

ATTEST

**RICHLAND TOWNSHIP
BOARD OF SUPERVISORS**

Leslie Huhn
Township Manager

Kathleen M. Doyle
Chairperson

Tim Arnold
Vice Chair

Christopher Vanelli
Board Member