

**BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 139

AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR A QUESTION TO BE PLACED BEFORE THE VOTERS OF BARRETT TOWNSHIP BY A REFERENDUM AT THE GENERAL ELECTION OF NOVEMBER 8, 2005, ASKING WHETHER THE ELECTORS OF BARRETT TOWNSHIP FAVOR THE IMPOSITION OF AN ADDITIONAL EARNED INCOME TAX AT THE RATE OF ONE-HALF MILL BY BARRETT TOWNSHIP TO BE USED FOR FINANCING THE ACQUISITION OF OPEN SPACE PROPERTY; FOR THE PURPOSE OF ACQUIRING FOREST AND AGRICULTURAL CONSERVATION EASEMENTS; FOR THE PURPOSE OF ACQUIRING PROPERTY DEVELOPMENT RIGHTS; AND FOR THE PURPOSE OF ACQUIRING RECREATION OR HISTORICAL LANDS.

WHEREAS, the Board of Supervisors of Barrett Township ("Supervisors") deems it to be in the best interests, and for the general welfare, of the citizens and residents of Barrett Township ("Township") to acquire land for open space and to meet needs for recreation, amenity, and conservation of natural resources, for the advancement of the public health, safety, morals and general welfare of the citizens; and

WHEREAS, Act No. 153 of 1996, enacted December 18, 1996, P.L. 994, codified at 32 P.S. § 5001 *et seq.* provides that a local government unit may impose, in addition to the earned income tax rate limit set forth in the "Local Tax Enabling Act," a tax on the earned income of residents of that local government unit, if so approved by the electors in a referendum, at a rate not exceeding the rate authorized by the referendum; and

WHEREAS, the said Act 153 of 1996 further provides that the local taxing option authorized therein shall not be exercised unless the governing body of the local government unit shall be ordinance first provide for a referendum on the question of the imposition at a specific rate of the additional tax to be imposed and a majority of those voting on the referendum question vote in favor of the imposition of the tax; and

WHEREAS, the referendum is to be governed by the provisions of the Act of June 3, 1937, P.L. 1333, No. 320, codified at 25 P.S. 2600 *et seq.*, and known as the Pennsylvania Election Code; and

WHEREAS, Section 1506 of the Second Class Township Code authorizes the Board of Supervisors to make and adopt and ordinances necessary for the proper management,

care and control of the Township, and for the maintenance of health and welfare of the Township and its citizens.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: Title. This Ordinance shall be known and may be cited as the "Barrett Township Open Space Referendum Ordinance."

SECTION 2: Provision Authorizing Referendum Question Vote on Imposition of Additional Earned Income Tax for Open Space. The Board of Supervisors of Barrett Township hereby directs and provides for a referendum on the question of the imposition of an additional earned income tax at the rate of one-half mill for open space at the next general election. The referendum shall be governed by the provisions of the Act of June 3, 1937 (P.L. 1333, No. 320), known as the "Pennsylvania Election Code" and by those relevant provisions of 32 P.S. §5007.1, *et seq.* The Monroe County Board of Elections is hereby authorized and directed to cause the question hereinafter set forth to be submitted to the electors of Barrett Township at the next election following the filing of the within ordinance with the County Board of Elections. The question to be placed upon the ballot shall be framed substantially in the following form:

"Do you favor the imposition of an additional Earned Income Tax at the rate of one-half mill on an annual basis by Barrett Township to be used for financing the acquisition of open space, the purpose of acquiring agricultural conservation easements, and for the purpose of acquiring recreation lands?"

YES or NO

Plain English Version

The ballot question asks the voters of Barrett Township whether the Township should impose an additional Earned Income Tax at the rate of one-half mill on an annual basis to purchase land or interests in land for preservation and conservation of open, undeveloped land in Barrett Township. The Township would use the money to 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 or 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. Finance the acquisition of recreation or historic land. The Township could purchase undeveloped land from landowners in the Township for the purpose of developing additional recreation facilities for residents or for historic preservation purposes.
4. 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. The development rights could be transferred to a more appropriate site.

A vote of "YES" to the ballot question approves the imposition of an additional Earned Income Tax at the rate of one-half mill upon Barrett Township residents for the foregoing purposes.

SECTION 3: Ordinance to be Filed with Monroe County Board of Elections.

Immediately upon enactment, a certified copy of this Ordinance shall be filed with the Monroe County Board of Elections, which is hereby authorized to cause the referendum question to be submitted to the voters of Barrett Township as in accordance with the Pennsylvania Election Code and those relevant provisions of 32 P.S. §5007.1, *et seq.*

SECTION 4: Severability. The provisions of this Ordinance shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause or phrase not been included herein. Furthermore, it is the intent of this ordinance to be supplementary to and not contrary to any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.

SECTION 5. Repealer. All ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this Ordinance are hereby repealed but only insofar as same are in direct conflict or directly inconsistent with this Ordinance.

SECTION 6. Effective Date. This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 2nd day of August, 2005.

**BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP**

Phil Dente, Chairman

(Township Seal)

John Seese, Vice Chairman

Rick Scrudato, Secretary/Treasurer