

UPPER PROVIDENCE TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 613 OF 2025

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING A REFERENDUM PURSUANT TO ACT 153 OF 1996 ON THE QUESTION OF THE IMPOSITION OF AN ADDITIONAL TAX AT A SPECIFIC RATE TO BE IMPOSED TO RAISE REVENUE TO PURCHASE OPEN SPACE PROPERTY; AND MISCELLANEOUS OTHER RULES AND REGULATIONS.

WHEREAS, the Board of Supervisors of Upper Providence Township (the “Board”) is duly empowered by Section 65607 of the Second Class Township Code, 53 P.S. § 65607, to enact regulations that protect and advance the health, safety, and welfare of the citizens of the Township; and

WHEREAS, the Board wishes to expand the Townships trail and recreation systems, mitigate flood damage, and preserve clean water and wildlife habitats, among other goals related to natural resource protection, open space preservation, and public recreation; and

WHEREAS, Act 153 of 1996, as amended, authorizes all local government units to, by ordinance, impose an addition to the statutory limits on real estate taxes set forth in the Second Class Township Code an open space tax on real property and to impose, in addition to the earned income tax rate limit set forth in “The Local Tax Enabling Act,” an open space tax on the earned income of the residents of the Township; and

WHEREAS, the Board desires to exercise this authority by providing for a referendum on the question of imposing such an open space tax on real estate and an open space tax on the earned income of the residents of the Township; and

NOW THEREFORE, be it ORDAINED and ENACTED, by the Board of Supervisors of Upper Providence Township, Montgomery County, Commonwealth of Pennsylvania, as follows:

1. As provided by Act 153 of 1996, as amended, a referendum shall be conducted during the November, 2025 election for the registered voters of Upper Providence Township to vote whether they are in favor of the imposition of an additional tax on earned income tax at the rate of six one hundredths ($6/100^{\text{th}}$) of one percent (0.06%) and an increase in the real property tax at the rate of .5 mills (\$0.50 per \$1,000 assessed valuation) for the Township to secure open space benefits.

2. The referendum shall be governed by the provisions of the Act of June 3, 1937 (P.L. 1333, NO. 230) known as the “Pennsylvania Election Code” (25 P.S. §2600 et seq.).

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

Do you favor the imposition of an increase in the earned income tax at the rate of six one hundredths ($6/100^{\text{th}}$) of one percent (0.06%) and an increase in the real property tax at the rate of .50 mills (\$0.50 per \$1,000 assessed valuation) by the Township of Upper Providence to be used to expand the Township’s trail and recreation systems; mitigate flood damage; preserve clean water and wildlife habitats; acquire interests in real property for purposes of securing open space benefits and for transactional fees incidental to such acquisitions; to retire indebtedness incurred in acquiring open space; and for the expenditure of funds for any purpose relating to the acquisition, planning for acquisition, preservation, improvement, and maintenance of open space or for an open space benefit?

4. Within 60 days of passage of the referendum the Board shall by ordinance or resolution establish an Open Space Review Board who shall be responsible for establishing the procedure for reviewing open space property interests considered for acquisition, for rating the relative desirability of interests in particular parcels of real estate, and for establishing the price the Township will pay.

5. The appropriate officers of the Township are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

6. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

7. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

8. This Ordinance shall become effective immediately following enactment by the Board of Supervisors.

ENACTED AND ORDAINED this 21st day of July, 2025.

Board of Supervisors
Upper Providence Township

Secretary

Chairman

Supervisor

Supervisor