

**ORDINANCE NO. 2026-4
NORTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

AN ORDINANCE OF NORTH WHITEHALL TOWNSHIP PROVIDING FOR A QUESTION TO BE SUBMITTED TO THE ELECTORS OF NORTH WHITEHALL TOWNSHIP BY REFERENDUM AT THE GENERAL ELECTION OF NOVEMBER 3, 2026, ASKING WHETHER THE ELECTORS FAVOR THE IMPOSITION OF AN ADDITIONAL EARNED INCOME TAX AT THE RATE OF 0.15% TO BE USED FOR FINANCING THE PRESERVATION OF OPEN SPACE AS AUTHORIZED BY THE ACT OF JAN. 19, (1968) 1967, P.L. 992, NO. 442, AS AMENDED

SECTION 1 – LEGISLATIVE FINDINGS.

WHEREAS, North Whitehall Township, Lehigh County, Pennsylvania (the “Township”) is a township of the second class organized and existing under and pursuant to the Second Class Township Code and various other laws of the Commonwealth of Pennsylvania and governed by a three (3) member Board of Supervisors (the “Board”); and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania has adopted an Act authorizing the Commonwealth of Pennsylvania and local government units thereof to preserve, acquire, or hold land for open space uses, Act of Jan. 19, (1968) 1967, P.L. 992, No. 442, as amended, 32 P.S. § 5001 *et seq.* (the “Open Space Act”); and

WHEREAS, it is the purpose of the Open Space Act to authorize local government units, including the Township, to preserve land in, or acquire land for, open space uses; and

WHEREAS, the Open Space Act provides for the acquisition of certain interests in real property including, without limitation, fee simple interests, easements, leases, and restrictive covenants; and

WHEREAS, Section 7.1 of the Open Space Act (32 P.S. § 5007.1) authorizes the Board to enact an ordinance authorizing a referendum on the question of the imposition of a specific rate of additional earned income tax to, *inter alia*, retire debt or otherwise pay for interests in real property acquired for purposes authorized by the Open Space Act; and

WHEREAS, the Board concurs with the legislative intent and findings contained in Section 1 of the Open Space Act (53 P.S. § 5001); and

WHEREAS, the Board desires to submit to the electors of North Whitehall Township a referendum on the question of the imposition of a 0.15% additional earned income tax to generate funds to be used in accordance with the purposes authorized by the Open Space Act; which tax shall remain in effect unless repealed in accordance with the Open Space Act no earlier than five (5) years from the date of imposition of the tax.

SECTION 2 – AUTHORIZATION OF REFERENDUM.

1. In accordance with Subsection 7.1(a.3) of the Open Space Act (32 P.S. § 5007.1(a.3)), the following ballot question shall be placed upon the ballot for the November 3, 2026, General Election:

“Do you favor the imposition of an additional earned income tax at the rate of 0.15% by North Whitehall Township to be used to finance the acquisition of interests in real property to preserve open space?”

2. The Township Manager or his or her designee shall file an attested copy of this Ordinance with the Lehigh County Board of Elections no later than Monday, August 3, 2026.

SECTION 3 – SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts thereof. It is hereby declared as the intent of the North Whitehall Township 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.

SECTION 4 – EFFECTIVE DATE. In accordance with Subsection 1601(a.1) of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, § 1601(a.1), as reenacted and amended, 53 P.S. § 66601(a.1), this Ordinance shall become effective immediately upon enactment by the Board of Supervisors of North Whitehall Township.

DULY ENACTED AND ORDAINED, this 11th day of May, 2026, by the Board of Supervisors of North Whitehall Township, Lehigh County, Pennsylvania, in lawful session duly assembled.

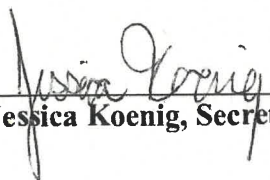
BOARD OF SUPERVISORS NORTH WHITEHALL TOWNSHIP

By: 
Dennis Klusaritz, Chairman

By: 
Alfred Geosits, Vice Chairman

By: 
Richard Semmel, Supervisor

ATTEST


Jessica Koenig, Secretary