

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE FOR THE BOROUGH OF TULLYTOWN, BUCKS COUNTY, PENNSYLVANIA, PROVIDING FOR APPROPRIATION AND EXPENDITURES TO OWNERS OF IMPROVED PROPERTY TO ENCOURAGE THE AESTHETIC APPEARANCE AND ECONOMIC GROWTH OF THE BOROUGH OF TULLYTOWN**

**B A C K G R O U N D:**

**A.** Tullytown Borough Council (the “Council”), the governing body of Tullytown Borough (the “Borough”), as authorized by the Pennsylvania Borough Code, as amended, 8 Pa C.S. §101 *et seq.* (the “Borough Code”), has exercised its power to make, authorize, and ratify expenditures for lawful purposes from funds available therefore.

**B.** The Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes and empowers the Council to make such appropriations as it may see fit for carrying out the powers and duties conferred by the Borough Code and the MPC.

**C.** The Council has previously found and determined that appropriation of, and payment from available funds of the Borough to the owner(s) of improved residential, commercial, industrial, institutional, and educational real property in the Borough, will encourage and promote optimum use, positive development and improvement of land and economic growth in the Borough by, among other things, furthering goals and objectives set forth in the Statement of Community Goals and Objectives adopted at the time of the original enactment of the Tullytown Borough Zoning Ordinance, as amended (the “Zoning Ordinance”).

**D.** Attaining those qualities will further enhance the Borough’s value as a place to live and reside in, promoting civic pride and general maintenance of land parcels and neighborhoods, making a wide range of goods and services available to residents of the Borough by providing for a variety of uses in the Borough and supporting the Borough’s industrial base by encouraging local activity with an interest of providing employment for residents of the Borough and generating tax revenue for the Borough, such appropriation and expenditures consistent with the purposes of the MPC, the Borough Code, the Zoning Ordinance, and the Tullytown Borough Subdivision and Land Development Ordinance, as amended (the “SALDO”).

**E.** The Council has from time to time made the annual allocations for property improvement.

**F.** Ample funds are available for this purpose, and the Council, by and through the adoption of this Ordinance by the affirmative vote of majority of the members of the Council now holding office, and in order to promote the health, safety and welfare of the public, desires to provide for the appropriation of and expenditure from available funds of the Borough an amount as set forth hereinafter to the owner(s) of improved residential, commercial, industrial, institutional or educational real property located in the Borough.

**G.** The purposes of the allocation for property improvement are not served, nor in the public interest, where the property owner has not maintained the property during the preceding year, either by allowing its condition to deteriorate, and therefore detract from the aesthetics of the surrounding neighborhood, and/or to require it be condemned as unsafe or vacant as a structure, in either event becoming a danger to public safety, and detracting from the character of the surrounding neighborhood.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, and it is hereby **ENACTED and ORDAINED**, by the Council of the Borough of Tullytown, Bucks County, Pennsylvania, as follows:

**Section 01:** There is hereby appropriated from available funds of the Borough in the fiscal year ending December 31, 2018 an amount sufficient to pay **SIX THOUSAND and 00/100 Dollars (\$6,000.00)** to the owner(s) of an improved lot located in the Borough that is zoned for residential, commercial, industrial, institutional or educational use. For the purposes of this Ordinance, an improved lot is defined as a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit and that is individually assessed by the Bucks County Board of Assessment upon which has been erected a building or structure for residential, commercial, industrial, institutional or educational use, and shall not include vacant or unimproved lot or lots used or developed for any other use or purpose.

**Section 02:** The proper officers are hereby authorized, empowered and directed to cause the payment from funds available to the Borough in the fiscal year ending December 31, 2018 **SIX THOUSAND and 00/100 Dollars (\$6,000.00)** to each owner(s) of improved residential, commercial, industrial, institutional or educational property located in the Borough. Payment shall be made for improved residential, commercial, industrial, institutional or educational property to owner(s) as of the date of this Ordinance. No owner(s) and/or parcel shall receive more than one payment of **SIX THOUSAND and 00/100 Dollars (\$6,000.00)**.

**Section 03:** No property owner shall receive an annual check for improvement from the Borough of Tullytown, where the property has received official action to condemn a vacant structure, or has been condemned as unsafe, both in accordance with Chapter 126, *Property Maintenance*, as amended, of the Code of Ordinances of the Borough of Tullytown. In either event, no allocation or payment shall be made by the Borough of Tullytown to a property owner for that year(s) such action(s) has been taken, and/or remains of record.

**Section 04:** In the absence of an action to condemn, in the event the Borough of Tullytown is required to expend funds for the necessary maintenance of a property during the course of the prior year, in order to assure public safety, welfare, and character of the neighborhood, all such amounts paid during the immediate previous year shall be deducted from the property improvement check otherwise payable to the owner the following year. All such amounts expended by the Borough of Tullytown shall be recorded by the Treasurer of the Borough of Tullytown and an accounting of same provided with the balance of the property improvement check otherwise payable for a given year.

**Section 05:** This Ordinance is adopted pursuant to the Borough Code, the Statutes of the Commonwealth of Pennsylvania, and the Constitution of the Commonwealth of Pennsylvania. The recitals set forth in the preamble are hereby approved and incorporated herein as if recited at length, and the Council, after careful consideration, makes the findings therein set forth and determined and declare that each and every matter and thing provided for herein is necessary, desirable or proper to promote the public health, safety, morals and general welfare and to carry out and effectuate the public purposes of the Borough in accordance with such laws.

**Section 06:** All inconsistent provisions of all other Ordinances and Resolutions of the Borough of Tullytown, Bucks County, Pennsylvania are hereby repealed to the extent of the inconsistency. All other provisions of the Ordinances and Resolutions of the Borough of Tullytown, Bucks County, Pennsylvania shall remain in full force and effect.

**Section 07:** In the event that any one or more of the provisions contained in this Ordinance shall for any reason be held to be illegal, invalid, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this Ordinance, and this Ordinance shall be construed and enforced as if such invalid, illegal, or unenforceable provision had never been contained herein.

**Section 08:** This Ordinance will be effective upon enactment.

ORDAINED and ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

TULLYTOWN BOROUGH COUNCIL

By: \_\_\_\_\_  
Nina Chrzanowski  
Council President

Attest: \_\_\_\_\_  
Nancy Conner, Secretary

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
J. David Cutchineal, Mayor