

**TOWNSHIP OF LOWER MAKEFIELD
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 178, "SUBDIVISION AND LAND
DEVELOPMENT," TO MODIFY THE PROVISIONS OF TREE PROTECTION
STANDARDS RELATED TO THE TREE BANK BY CLARIFYING THE
PERMISSIBLE USES OF THE FUNDS, TO MODIFY THE AMOUNT OF
CONTRIBUTION, AND TO ESTABLISH SEVERABILITY AND EFFECTIVE DATE**

WHEREAS, the Township of Lower Makefield, Bucks County, is a township of the second class, organized and existing in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township, in the exercise of its corporate powers, has the authority to enact, amend, repeal and establish ordinances and regulations governing subdivision and land development projects and plans within the Township's territorial boundaries; and

WHEREAS, the Township, after due consideration and review, finds it would be in the best interest of the Township to amend its regulations for subdivision and land development provisions regarding the use of Tree Bank funds. Use of these funds shall be expanded to include native shrubs. Adding shrubs will serve as a complement to trees in establishing a robust vegetative community and a healthy environment.

NOW, THEREFORE, be it ORDAINED and ENACTED as follows:

§ 178-85.H(4)(d)[1] which states:

A replacement tree capital account ("tree bank") will be established by the Township where fees in lieu of on-site improvement shall be deposited. These funds shall be used for the purpose of planting replacement trees at approved locations in the Township.

SHALL BE DELETED IN ITS ENTIRETY AND REPLACED WITH:

A replacement tree capital account ("tree bank") will be established by the Township where fees in lieu of on-site improvement shall be deposited. These funds shall be used for the purpose of purchasing and planting native trees and native shrubs at approved locations in the Township.

§ 178-85.H(4)(d)[2] which states:

The contribution by the developer to the tree bank will be \$374 per replacement tree. Annually, the contribution per replacement tree will be adjusted to reflect the annual change in the Consumer Price Index for All Urban Consumers (CPI-U) for the twelve-month period ending each October as reported by the U.S. Bureau of Labor Statistics. Any increase in the amount of the tree bank contribution shall be memorialized by the approval of a resolution by the Board of Supervisors.

SHALL BE **DELETED** IN ITS ENTIRETY AND **REPLACED** WITH:

The contribution by the developer to the tree bank will be no less than \$450 per replacement tree. Annually, the contribution per replacement tree will be adjusted to reflect the annual change in the Consumer Price Index for All Urban Consumers (CPI-U) for Philadelphia-Camden-Wilmington for the twelve-month period ending each October as reported by the U.S. Bureau of Labor Statistics rounded up to nearest whole dollar. Any future increase in the amount of the tree bank contribution shall be memorialized by the approval of a resolution by the Board of Supervisors.

General Provisions

A. All other provisions of § 178-85 not specifically modified herein shall remain in full force and effect.

B. The provisions of this Ordinance are severable. If any section, clause, sentence part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township of Lower Makefield that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence or part of a provision had not been included herein.

C. This Ordinance shall be effective five (5) days after enactment by the Board of Supervisors of Lower Makefield Township, Bucks County, Pennsylvania.

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD

THIS _____ DAY OF _____, 2025.

**BOARD OF SUPERVISORS
TOWNSHIP OF LOWER MAKEFIELD**

**BY: _____
Chair**

ATTESTED TO:

Township Manager