

ORDINANCE NO. 2014-831
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP
CODE, CHAPTER 7, "BUSINESS IMPROVEMENT DISTRICTS," BY
RENEWING THE KING OF PRUSSIA BUSINESS IMPROVEMENT
DISTRICT FOR A SECOND FIVE-YEAR TERM**

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. 65101, *et seq.*, Upper Merion Township (the "Township") is authorized to make and adopt Ordinances it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens that are consistent with the Constitution and the laws of the Commonwealth;

WHEREAS, in 2010, by Upper Merion Township Ordinance No. 2010-791, the Upper Merion Township Board of Supervisors created the King of Prussia Business Improvement District (the "KOP BID") pursuant to the Community and Economic Improvement Act, 53 P.S. § 18101, *et seq.* (the "Act");

WHEREAS, the KOP BID is a Neighborhood Improvement District under the Act and was established with an initial five (5) year term of existence ("Sunset Provision" under the Act);

WHEREAS, following a review of the KOP BID and the programs and services provided by its Neighborhood Improvement District Management Association, the King of Prussia Business Improvement District, Inc., the Upper Merion Township Board of Supervisors desires to renew the five (5) year Sunset Provision for the KOP BID pursuant to § 18103 of the Act, extending its term of existence through 2020;

WHEREAS, the Township, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of Upper Merion Township will be served by the renewal of the KOP BID for an additional five (5) years; and

WHEREAS, the Upper Merion Township Board of Supervisors has met the procedural requirements of the Act, for the renewal of the KOP BID.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for Upper Merion Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION I. CODE AMENDMENT.

- A. THE UPPER MERION TOWNSHIP CODE, CHAPTER 7, "BUSINESS IMPROVEMENT DISTRICTS," IS HEREBY AMENDED TO READ AS FOLLOWS:**
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CHAPTER 7. BUSINESS IMPROVEMENT DISTRICTS

§ 7-1. District Establishment and Renewal.

In accordance with the Community and Economic Improvement Act, 53 P.S. § 18101 *et seq.* (the "Act"), the King of Prussia Business Improvement District ("KOP BID") was established by the Township in the adoption of Ordinance No. 2010-791 on May 27, 2010, with a five (5) year sunset provision, and subsequently renewed for an additional five (5) year term effective May 27, 2015, extending its term of existence through May 27, 2020.

§ 7-2. Neighborhood Improvement District Management Association Designated.

The King of Prussia Business Improvement District, Inc., a Pennsylvania nonprofit corporation with offices at 234 Mall Boulevard, Suite 150, King of Prussia, Pennsylvania 19406, is the Neighborhood Improvement District Management Association for the KOP BID under both the initial five (5) year term of the KOP BID and the five (5) year renewal term set forth in § 7-1.

§ 7-3. Preliminary Plan Approved; Assessment Fee.

The Board of Supervisors has approved the preliminary renewal plan for the KOP BID, and having made no revisions pursuant to public comment or objection at the public hearing on the preliminary plan held on June 26, 2014 or during the forty five (45) day period subsequent to said public hearing, the plan has been made final. The final plan is attached hereto as Exhibit "A." Pursuant to the final plan, the King of Prussia Business Improvement District, Inc. is granted the power to assess property owners within the KOP BID a special property assessment fee.

§ 7-4. Collection Authority.

- A. The King of Prussia Improvement District Inc. shall be responsible for the collection of annual assessment fees, unless the organization requests that those responsibilities be handled by the Township. Any necessary liens for nonpayment of property assessment fees shall be imposed as set forth in the Act.
- B. In the event the Township undertakes the responsibility for the collection of annual assessment fees pursuant to subsection A above, the Board of Supervisors may appoint a Collection Authority to manage the collection of the property assessment fees and to enter into an agreement with the King of Prussia Business Improvement District, Inc., in the form approved by the Township Solicitor, which agreement shall include the following:
 - (1) A detailed description of the respective duties and responsibilities of the Township and the King of Prussia Business Improvement District, Inc., with respect to the KOP BID as set forth in the final plan approved under § 7-3 of this article.

- (2) An agreement that the Township will maintain within the KOP BID the same level of municipal programs and services that were provided within the KOP BID before establishment.
- (3) A “sunset provision,” providing for the termination of the agreement, effective upon the expiration of the renewal term of the KOP BID, as set forth in § 7-1 of this article, and that the agreement may not be renewed unless the KOP BID is continued beyond that date in accordance with the sunset provisions of § 7-5 of this article.
- (4) The Collection Authority will be responsible for the collection of all property assessment fees levied within the KOP BID and disbursing the funds to the King of Prussia Business Improvement District, Inc.
- (5) The Township shall file any necessary liens for nonpayment of property assessment fees as set forth in the Act at 53 P.S. § 18107(A)(10). Additionally, if the property assessment fee is paid in advance or not paid when due, the Collection Authority shall issue discounts and penalties consistent with current Upper Merion Township bill and tax collection procedures.

§ 7-5. Termination.

The KOP BID shall terminate on May 27, 2020. The KOP BID may be continued beyond that date if the Township reenacts this article following a review of the KOP BID and the programs and services provided by King of Prussia Business Improvement District, Inc., within the KOP BID.

§ 7-6. Documents on File.

The Township Manager’s office shall keep on file the document referred to as Exhibit “A” in §7-3 of this chapter, and all accompanying documents referenced in Exhibit “A,” and shall make them available for inspection by the public during regular office hours.

SECTION II. REPEALER.

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION III. REVISIONS.

The Upper Merion Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION IV. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION V. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of adoption.


SECTION VI. FAILURE TO ENFORCE NOT A WAIVER.

The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

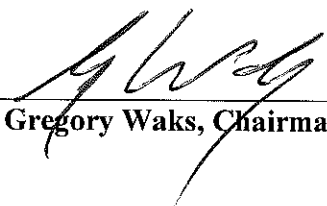
ORDAINED AND ENACTED by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this 18th day of September, 2014.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS:**



David Krainik, Township Manager

By: 

Gregory Waks, Chairman

Advertised Proposed Ordinance in Times Herald on September 3, 2014.
Proof of Publication: September 3, 2014.
Hearing Held: September 18, 2014.
Ordinance Adopted September 18, 2014 as Township Ordinance 2014-831.
Ordinance Entered: September 18, 2014.

EXHIBIT A

**Final Plan for the King of Prussia Business Improvement District
Renewal Term Effective May 27, 2015 through May 27, 2020**