

**LACKAWAXEN TOWNSHIP**

PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 98

AN ORDINANCE PROVIDING FOR PROPERTY TAX ASSISTANCE FOR CERTAIN INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY; DEFINING ELIGIBLE COMMERCIAL AND INDUSTRIAL AREAS; SETTING A MAXIMUM EXEMPTION AMOUNT AND AN EXEMPTION SCHEDULE; PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION; AND PROVIDING FOR TERMINATION OF TAX EXEMPTIONS UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted legislation known as the "Local Economic Revitalization Tax Assistance Act" (LERTA) (Act 76 of 1977, 72 P.S. Section 4722 et seq.) amended July 11, 1998 (PL 518,90) which authorizes local taxing authorities to provide for tax exemption for certain industrial, commercial and other business property for a period of up to ten (10) years; and

WHEREAS, the Supervisors of Lackawaxen Township, in accordance with said Act, held a public hearing to determine the boundaries of economically deteriorated/distressed areas, which hearing was duly advertised; and

WHEREAS, at said public hearing, agencies and individuals had the opportunity to present to the Supervisors of the Township their recommendations concerning the location of the boundaries of deteriorated areas and the advocacy of implementation for the LERTA Program.

NOW THEREFORE, BE IT ORDAINED BY THE SUPERVISORS OF LACKAWAXEN TOWNSHIP, AS FOLLOWS:

**SECTION I. DEFINITIONS:**

As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

DETERIORATED/DISTRESSED PROPERTY - any industrial, commercial or other business property owned by an individual, association or corporation, and located in the ND and RU Zoning Districts, as designated herein, or any such property which has been the subject of an order by the Court of Common Pleas of the County of Pike requiring the building or buildings

thereon to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.

IMPROVEMENT - repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated/distressed or historic property so that it becomes habitable, or attains higher standards of safety, health, economic use or amenity, or restores or preserves a building of historic importance, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

MUNICIPAL GOVERNING BODY – the Township of Lackawaxen, Pike County, PA.

## SECTION II. EXEMPTION AREAS

The following zoned area in LACKAWAXEN TOWNSHIP is hereby specifically designated as being a Deteriorated or Distressed Area: the ND – Neighborhood and Rural Zoning Districts. All commercial, industrial, or local business properties located in the ND and RU Zoning Districts are eligible to participate in this tax exemption program, so long as they meet the prerequisites for the program as hereinafter described.

## SECTION III. EXEMPTION AMOUNT.

- a) The amount of property tax to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of Improvements.
- b) The exemption shall be limited to that Improvement or Improvements for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Pike County Tax Assessment Office.

## SECTION IV. EXEMPTION SCHEDULE.

All exemptions available hereunder shall be based upon the aggregate cost of each improvement as follows:

- (a) For the First year immediately following the date upon which the improvement becomes assessable, ninety (90%) percent of the assessed valuation of the eligible improvements shall be exempted.

(b) For the Second year immediately following the date upon which the improvement becomes assessable, eighty percent (80%) of the assessed valuation of the eligible improvement shall be exempted.

(c) For the Third year immediately following the date upon which the improvement becomes assessable, sixty percent (60%) of the assessed valuation of the eligible improvement shall be exempted.

(d) For the Fourth year immediately following the date upon which the improvement becomes assessable, forty percent (40%) of the assessed valuation of the eligible improvement shall be exempted.

(e) For the Fifth year immediately following the date upon which the improvement becomes assessable, twenty percent (20%) of the assessed valuation of the eligible improvement shall be exempted.

(f) After the Fifth year, the exemption shall terminate.

(g) The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

#### SECTION V. APPLICATION BY TAXPAYERS AND PROCEDURE FOR OBTAINING EXEMPTION.

The Taxpayer shall have the obligation to apply for the exemption set forth herein.

At the time a building or alteration permit is secured for the construction of an improvement for which an exemption is requested, the Taxpayer shall apply to the Pike County Assessor and the Township, or any successor agency thereto, for the exemption provided for in this Ordinance.

Request for the exemption must be on a form issued by municipal governing body setting forth the following information:

- a. The date the building permit or alteration permit was issued for said improvements.
- b. The location of the property.
- c. The type of improvement.
- d. The summary of the plan of the improvement.
- e. The cost of the improvement.

- f. That the property has been inspected and verified by the Building Code Official.
- g. Any or all such additional information that the Township may require.

#### SECTION VI. TERMINATION.

a) Nonpayment of Taxes. The exemption from real estate taxes provided for herein shall be forfeited by the Applicant and/or any subsequent owner of the real estate for the failure to pay any nonexempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. For the purpose of this Section, taxes must be paid by the end of the calendar year to be paid in the penalty period. Upon receipt of the notice of nonpayment of nonexempt real estate taxes, the Pike County Tax Claim Bureau shall notify the Pike County Tax Assessment Office and the Township, which shall discontinue the LERTA exemption and the property owner shall be notified of such discontinuance.

b) Assessment Appeal. In the absence of a county wide reassessment, any applicant that is accepted into the Pike County LERTA program is not eligible to appeal the assessed value with regard to the parcel that is the subject of the LERTA application. Any appeal on the assessed value for the parcel at issue filed by the LERTA participant shall result in immediate removal from the LERTA program. The Pike County Tax Assessment Office shall notify the Municipal Governing Body, which shall discontinue the LERTA exemption and the property owner shall be notified of such discontinuance.

#### SECTION VII. SEVERABILITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall be in effect as of July 1, 2013.

ADOPTED at a regular meeting of the Lackawaxen Township held on June 17, 2013,  
2013.

LACKAWAXEN TOWNSHIP SUPERVISORS:

  
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Attest:

  
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Secretary