

ORDINANCE NO. 803-2018

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, COUNTY OF CUMBERLAND, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 24 OF THE TOWNSHIP CODE OF ORDINANCES, DESIGNATING AN AREA OF THE TOWNSHIP IN WHICH NEW CONSTRUCTION OF INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY AND IMPROVEMENTS TO INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY ARE ELIGIBLE FOR A TAX EXEMPTION PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT (“LERTA”) (72 Pa. C.S. Section 4722, *et seq.*), AS AMENDED; PROVIDING FOR AN EXEMPTION ON THE ASSESSMENT ATTRIBUTABLE TO THE ACTUAL COST OF SUCH NEW CONSTRUCTION OR IMPROVEMENTS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND AN AUTOMATIC EXPIRATION OF THIS ORDINANCE OCCURING 15 YEARS AFTER ENACTMENT.

WHEREAS, the General Assembly of Pennsylvania passed Act No. 76 of 1977 (72 Pa.C.S. Section 4722, *et seq.*), known as the Local Economic Revitalization Tax Assistance Act (“LERTA”), which authorizes local taxing authorities to exempt from real property taxation, within certain limitations, the assessed valuation of improvements to, and new construction of, industrial, commercial and other business property in areas designated for such purpose by the governing body of the appropriate, city, borough, Township; and

WHEREAS, the Board of Commissioners of the Township of East Pennsboro, being a “municipal governing body” within the meaning of LERTA, proposes to establish an area within the boundaries of the Township as an area in which such tax exemption may be granted by this local taxing authorities; and

WHEREAS, the Board of Commissioners of the Township of East Pennsboro held a public hearing on December 5, 2018 for purposes of determining the boundaries of the designated area in which such exemption may be granted as a local taxing authority; and

WHEREAS, the Board of Commissioners of the Township of East Pennsboro with due consideration having been given to the recommendations and comments made at such public hearing by the local taxing authority and other knowledgeable and interested public and private agencies and individuals regarding the establishment of the boundaries of an area in the Township within its jurisdiction may grant tax exemption to new construction or improvements to industrial, commercial, or other business property in accordance with LERTA, has determined that the area hereinafter designated meets one or more of the criteria under the Act; and

WHEREAS, following the public hearing held on December 5, 2018 by the Board of Commissioners of the Township of East Pennsboro, at a regular meeting of the Board on December 5, 2018, adopted Resolution NO. 2018-20 which designates and the boundaries of an area in the Township within its jurisdiction regarding which a tax exemption may be granted pursuant to this LERTA Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Commissioners of the Township of East Pennsboro, County of Cumberland, Commonwealth of Pennsylvania that Chapter 24 of the East Pennsboro Township Code of Ordinances is hereby amended to add the following:

Part 7 – LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT (“LERTA”)

§24-701: Definitions. As used in this ordinance, the following words and phrases shall have the meaning set forth below:

ACT or LERTA—Local Economic Revitalization Tax Assistance Act of the Commonwealth, Act No. 1977-76, as amended.

BOARD OF COMMISSIONERS—The Board of Commissioners of East Pennsboro Township

COMMONWEALTH—The Commonwealth of Pennsylvania

COUNTY—County of Cumberland, Commonwealth of Pennsylvania, acting by and through its Board of County Commissioners, or, acting by and through its authorized representatives

DESIGNATED AREA—the area with in the Township identified in this Ordinance

ELIGIBLE PROPERTY—any industrial, commercial or other business property located in the Designated Area

IMPROVEMENT—repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating any industrial, commercial, commercial residential, or thereto business property owned by any individual, association, corporation and located in the Designated Area; “improvements” does not include any ordinary upkeep or maintenance

LOCAL TAXING AUTHORITIES—The Township of East Pennsboro, the County of Cumberland, and the East Pennsboro Area School District

PERSON – any individual, partnership, company association, society, trust, corporation, municipality, municipal authority, or other group or entity

SCHOOL DISTRICT – East Pennsboro Area School District, County of Cumberland, Commonwealth of Pennsylvania, acting by its Board of School Directors, or, in appropriate cases, acting by and through its authorized representatives

TOWNSHIP --- Township of East Pennsboro, County of Cumberland, Commonwealth of Pennsylvania, acting by and through its Board of Commissioners, or acting by and through its authorized representatives

§24-702 DESIGNATED AREA

- (A) The Township does hereby designate the following area within the following boundaries as determined within the meaning of the Act, and one in which the Local Taxing Authorities may grant a tax exemption pursuant to the provisions of the Act:

All that certain tract of land, situate in the CPL Zoning District in the Summerdale Area of East Pennsboro Township, Cumberland County, Pennsylvania, more particularly described and depicted in Exhibit "A" (including map) attached and incorporated herein.

- (B) Any discrepancy between the description of the Designated Area in this section and the area designated in the LERTA District Resolution shall be resolved in favor of the LERTA District Resolution, it being the intent of the Township to grant exemption to all new construction and improvements to Eligible Property within the area designated by Resolution 2018-20.

§24-703 EXEMPTION AMOUNT

- (A) There is hereby exempted from all real estate property taxes that portion of additional assessment attributable only to the actual costs of new construction or improvements to Eligible Property for which proper application has been made in accordance with this Ordinance.
- (B) The exemption authorized by this Ordinance shall be in accordance with the provisions and limitations hereinafter set forth
- (C) No exemption shall be granted if the property owner does not secure the necessary and proper permits for the new construction or Improvements.
- (D) The schedule of real property taxes to be exempted shall be in accordance with the following percentage of the assessed valuation of new construction or Improvements to Eligible Property:

<u>Tax Year(s) Following Completion of Construction</u>	<u>Exemption Portion of Assessed Valuation of New Construction or Improvements</u>
1 st Year	100%
2 nd Year	90%
3 rd Year	80%
4 th Year	70%
5 th Year	60%
6 th Year	50%
7 th Year	40%
8 th Year	30%
9 th Year	20%
10 th Year	10%

After the 10th year, the exemption shall terminate.

- (E) A tax exemption under this Ordinance shall become effective for a ten (10) year period from the date of issuance of a Certificate of Occupancy for any Improvements. However, all tax exemptions under this Ordinance shall expire and terminate absolutely per the date of expiration of this Ordinance as defined in §24-705.
- (F) A tax exemption granted under this Ordinance shall not terminate upon the sale or exchange of the property.
- (G) Any person who is an owner of Eligible Property and who desires tax exemption pursuant to this Ordinance shall apply in writing for such exemption on a form to be provided by the Township at the principle office of the Township, and must be received by the Township within sixty (60) days following the date of issuance of a building permit for any new construction or Improvements.
- (H) Appeals for the reassessment and for the exemption eligibility may be taken by the local taxing authorities or by the taxpayer as provided by law.
- (I) In the event there is a county-wide assessment of all real property located within Cumberland County, the tax exemption granted hereunder shall remain in effect in accordance with the terms of this article notwithstanding any such reassessment. All real property or portions of real property, and all assessments or percentages of assessments, not enjoying exemption hereunder shall be subject to such reassessment.
- (J) The Township shall make available to any Person desiring to apply for a tax exemption in accordance with this Ordinance an application form (the "Application") which shall require such Person to supply the following information:
 - (1) The name of the owner or owners of the Eligible Property;
 - (2) The location of the Eligible Property, including the tax parcel identification number assigned to such property for real property tax purposes;
 - (3) The type of new construction or Improvements to be made on the Eligible Property;
 - (4) The nature of the Improvements or New Construction to be made on the Eligible Property;
 - (5) The date on which the relevant building permit was issued, the date on which construction commenced or the estimated date on which it shall commence;
 - (6) The cost or estimated cost of the new construction or Improvements; and
 - (7) Such additional information as the Township may require.

- (K) The appropriate official of the Township shall forward a copy of such completed Application to the County and School District within Forty-Five (45) days following the date on which such Application is filed.
- (L) Only the cost of new construction or Improvements to be exempted and the schedule of taxes exempted at the time of an initial request for tax exemption made in accordance with the provision of this Ordinance shall be applicable to that exemption request, and any subsequent amendment to this Ordinance, if any, shall not apply to Applications filed with the Township prior to their adoption.
- (M) The tax exemptions granted pursuant to this Ordinance shall first apply in the tax year of East Pennsboro Township immediately following the tax year in which the eligible new construction or improvements is or are completed. Notwithstanding this provision, East Pennsboro Township may levy interim real property taxes upon new construction or improvements prior to completion thereof.

§24-704—REVOCAION OF LERTA EXEMPTION

The exemption from real estate taxes provided for herein shall be forfeited by the applicant and/or 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. Upon receipt of the notice of nonpayment of nonexempt real estate taxes, the Township Manager shall discontinue the LERTA exemption.

§24-705—EXPIRATION

This Ordinance shall expire upon the fifteenth (15th) anniversary of its effective date, unless extended by ordinance duly adopted.

§24-706—SEVERABILITY

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impact any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

§24-707—REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

§24-708—EFFECTIVE DATE

This Ordinance shall become January 1, 2019.

ORDAINED AND ENACTED this _____ day of _____, 20__.

**BOARD OF COMMISSIONERS
EAST PENNSBORO TOWNSHIP**

Attest:

A. John Pietropaoli, Secretary

By: _____

John W. Kuntzelman, President

EXHIBIT "A"

LEGAL DESCRIPTION OF GEORGRAPHICAL BOUNDARIES FOR LERTA ORDINANCE NO. 803-2018

All that certain tract of land, situate in East Pennsboro Township, Cumberland County, Pennsylvania, more particularly described as follows:

BEGINNING at a point, said point lying in the northerly right-of-way line of N. Enola Road (U.S. Routes 11/15) and being a corner of the lands now or formerly of the Commonwealth of Pennsylvania Department of Transportation (Commonwealth) and lands now or formerly of the Cumberland County Industrial Development Authority (CCIDA); thence along said right-of-way line of N. Enola Road the following bearings and distances:

1. S 12°46'31" W, a distance of 83.49 feet to a point;
2. S 77°13'29" E, a distance of 30.00 feet to a point;
3. S 12°46'31" W, a distance of 180.00 feet to a point;
4. S 49°38'43" W, a distance of 30.78 feet to a point, said point being a corner of the lands now or formerly of the Commonwealth and lands now or formerly of the CCIDA;
5. S 49°38'43" W, a distance of 69.22 feet to a point;
6. S 12°46'31" W, a distance of 240.00 feet to a point;
7. S 77°13'29" E, a distance of 20.00 feet to a point;
8. S 12°46'31" W, a distance of 510.82 feet to a point;
9. A curve to the right, having a radius of 3,639.72 feet, an arc length of 119.00 feet, a chord bearing S 13°42'43" W, and chord distance of 118.99 feet to a point, said point being a corner of the lands now or formerly of 200 First Street Associates, LLC and lands now or formerly of the CCIDA;
10. A curve to the right, having a radius of 3,639.72 feet and an arc length of 220.92 feet to a 5/8" rebar;
11. S 52°09'33" W, a distance of 292.74 feet to a 3/4" bolt;
12. N 69°50'46" W, a distance of 180.63 feet to a 5/8" rebar;
13. S 43°34'33" W, a distance of 15.00 feet to a PK nail in the right of way of First Street (LR 21096 and SR 1019);

Thence along said right of way line of First Street the following bearings and distances:

1. N 46°25'27" W, a distance of 100.00' to a 5/8" rebar, said rebar being a corner of the lands now or formerly of 200 First Street Associates, LLC and lands now or formerly of the CCIDA;
2. N 46°23'37" W, a distance of 114.69 feet to a point;

3. N 46°14'12" W, a distance of 1,308.54 feet to a point, said point being a corner of the lands now or formerly of the Capital Area Intermediate Unit (CAIU) and lands now or formerly of the CCIDA;
4. N 46°26'13" W, a distance of 100.00 feet to a point, said point being a corner of the lands now or formerly of the Commonwealth and lands now or formerly of the CCIDA;

Thence along the lands of the Commonwealth the following bearings and distances:

1. N 43°33'46" E, a distance of 161.74 feet to a point;
2. A curve to the left, having a radius of 318.73 feet and an arc length of 207.60 feet to a point;
3. N 43°25'31" E, a distance of 134.76 feet to a point;
4. N 26°53'28" W, a distance of 544.42 feet to a point, said point being along the southern right-of-way of Interstate 81 (LR 1005 and SR 0081);

Thence along said right-of-way of Interstate 81 the following bearings and distances:

1. N 63°15'26" E, a distance of 741.36 feet to a point;
2. A curve to the right, having a radius of 2,984.55 feet and an arc length of 247.75 feet to a point;

Thence along the lands now or formerly of the Commonwealth the following bearings and distances:

1. S 53°02'19" E, a distance of 657.79 feet to a point, said point being a corner of the lands now or formerly of the CAIU and lands now or formerly of the CCIDA;
2. S 53°55'10" E, a distance of 646.36 feet to a point lying in the northerly right-of-way line of N. Enola Road (U.S. Routes 11/15);

Thence along said right-of-way line of N. Enola Road a bearing S 12°46'31" W and distance of 175.06 feet to point, being the place of **BEGINNING** and as more generally depicted in the map attached hereto and included in this Exhibit "A".

