

STEWARTSTOWN BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-05

AN ORDINANCE PROVIDING FOR TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO DETERIORATED PROPERTY IN THE BOROUGH PURSUANT TO THE PENNSYLVANIA LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT (LERTA), DEFINING DETERIORATED PROPERTY, PROVIDING FOR AN EXEMPTION PERIOD, AND ESTABLISHING A SCHEDULE OF PERCENTAGE EXEMPTION FOR THAT TIME PERIOD.

WHEREAS, the Borough Council has determined that a portion of Stewartstown Borough (the "Borough") has attributes that constitute it as an eligible area as defined within the meaning of the Local Economic Revitalization Tax Assistance Act of the Commonwealth of Pennsylvania (the "Act"), and that there exist commercial, industrial, and other business property within such portion of the Borough, the revitalization of which could benefit from the enactment of this Tax Abatement Ordinance; and

WHEREAS, the Council of the Borough has reviewed the boundaries of the deteriorating areas within the Borough and has determined the boundaries of the Tax Abatement District to be covered by this Tax Abatement Ordinance (the "LERTA Area"); and

WHEREAS, the Borough, therefore does hereby enact this Tax Abatement Ordinance upon the terms and conditions contained herein.

BE IT ORDAINED AND ENACTED by the Borough Council of Stewartstown ("Borough Council"), York County, Pennsylvania, as is hereby ordained and enacted by the authority of the same as follows:

Section 1. Definitions

DETERIORATED AREA: Any area meeting the requirements of the Local Economic Revitalization Tax Assistance Act, 72 P.S. § 4722 et seq.

DETERIORATED PROPERTY: Any industrial, commercial or other business property owned by an individual, association, or corporation, and located in deteriorated areas, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances, or regulations. Ordinary upkeep and maintenance shall not be deemed an Improvement and should not result in an increased assessed value and taxation.

IMPROVEMENT: Repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an Improvement.

LERTA: Abbreviation for the Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1977, P.L. 237, No. 76, 72 P.S. § 4722 et seq.

Section 2. Eligible Areas.

The Deteriorated Properties found in the Deteriorated Area. The properties included within the Deteriorated Area and subject to the benefits of this Ordinance are as follows:

Any industrial, commercial or other business property located in the Commercial Village Zone or the Industrial Zone, as defined by the Stewartstown Borough Zoning Ordinance and Zoning Map

Section 3. Exemption.

- A. There is hereby exempted from all real property taxation assessed by the Borough the assessed valuation of Improvement to Deteriorated Property.
- B. The exemption authorized by Subsection A, this Section 3 shall be in the amounts and in accordance with the provisions and limitations herein provided.

Section 4. Maximum Exemption.

- A. The exemption from real estate property taxes assessed by the Borough shall be that portion of the additional assessment attributable to the actual cost of Improvement to Deteriorated Property. The date of Improvement shall be the date of issuance of the building permit, Improvement record or other required notification of construction.
- B. In any case, after the effective date of this Ordinance where Deteriorated Property is damaged, destroyed or demolished, by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of said damage, destruction or demolition, the exemption from real property taxation authorized by this Ordinance shall be limited to that portion of new assessment attributable to the actual cost of Improvement that is in excess of the original assessment that existed prior to damage, destruction or demolition of the property.

Section 5. Exemption Schedule.

A. The schedule of Real Estate taxes to be exempted for Improvement to Deteriorated Property shall be in accordance with the below portion of Improvement to be exempted each year:

Length (Year)	Portion (%)
1	100
2	90
3	80
4	70
5	60
6	50
7	40
8	30
9	20
10	10

After the tenth year the exemption shall terminate.

B. The exemption from taxes granted under this Ordinance shall be upon Improvements constructed on the real property, and not on the value of real property itself, and shall not terminate upon the sale or exchange of the property.

C. 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. Upon receipt of notice of nonpayment of nonexempt real estate taxes, the Borough shall discontinue the exemption provided for hereunder.

Section 6. Procedure for Obtaining Exemption.

A. An application for exemption may be secured from the Borough Office, 6 North Main Street, Stewartstown, PA 17363 and must be filed with the Borough at the time a building or alteration permit is secured, or, if no building or alteration permit is required, then at the time that construction commences.

B. At the time a building or alteration permit is secured for the construction of an Improvement for which an exemption is requested, or at the time construction commences if no permit is required, the taxpayer shall apply to the Borough for the exemption provided for in this Ordinance. Request for the exemption must be in writing certified in full setting forth the following information:

(1) The date the building permit or alteration permit was issued for said Improvements.

- (2) The location of the Property to be improved.
- (3) The nature of the Property to be improved.
- (4) The type of Improvement.
- (5) The summary of the plan of the Improvement.
- (6) The cost of the Improvement incurred by the owner.
- (7) Any and all additional information the Borough may require.

C. A copy of the application for exemption shall be forwarded to the York County Assessment and Tax Claim Office to the attention of the Chief Assessor (the "York County Tax Assessor") by the Borough. Upon completion of the Improvements, the taxpayer shall notify the Borough and the York County Tax Assessor, so that the York County Assessment and Tax Claim Office can assess the Improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Ordinance. The Borough will then obtain from the York County Assessment and Tax Claim Office the amount of the assessment eligible for exemption, and will notify the taxpayer. Appeals from the assessments and the amount eligible for the exemption may be taken by the taxpayer or the Borough as provided by law. However, after the initial assessment, the applicant waives the right to appeal the assessment for the term of the program or exemption.

D. The Borough may, by Ordinance adopted from time to time, extend the time for filing an application for exemption. However, in no event shall any one (1) extension period exceed three (3) years.

E. No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to making an Improvement to the property.

F. No tax exemption shall be granted for any property which has outstanding any notice of violation, citation or similar notice of violation, of any Borough property of building code unless such violation is to be remedied in connection with the work constituting the Improvement.

Section 7. Effective Date.

This Ordinance shall become effective immediately as prescribed by law.

Section 8. Amendments.

No amendments to this Ordinance shall be effective unless consented to by Ordinance or resolution of each local taxing authority who has consented to be bound by the terms of this Ordinance.

Section 9. Termination Date.

This Ordinance shall automatically terminate in ten (10) years following the effective date hereof; provided, however, that any taxpayer who has received or applied for the exemption granted by this Ordinance prior to the expiration date herein provided, shall, if said exemption is granted, be entitled to the full exemption authorized herein.

Section 10. Severability.

The provisions of this Ordinance are not severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the Court shall invalidate the entire Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would not have been enacted but for the inclusion of the section, sentence, clause, part or provision found to be illegal, invalid or unconstitutional.

ENACTED AND ORDAINED this 6th day of May 2024, by the Borough Council of Stewartstown, York County, Pennsylvania in lawful session duly assembled.

Attest:

COUNCIL

STEWARTSTOWN BOROUGH

Megan M. Bittner
Secretary

By: Paul A. Bittner
President

Approved this the 6 day of May, 2024.

By: D. Bittner
Mayor