

ORDINANCE NO. 125

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER ADOPTING THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA) PROGRAM FOR DESIGNATED AREAS WITHIN THE BOROUGH OF MANHEIM.

On motion of Commissioner Parsons, seconded by Commissioner Lehman;

WHEREAS, The County of Lancaster, Pennsylvania ("County") is a local taxing authority, authorized by the Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1977, P.L. 237, No. 76, (72 P.S. §4722 et seq.) to provide tax exemption for new construction in deteriorated areas of economically depressed communities and for improvements to certain deteriorated industrial, commercial and other business properties; and

WHEREAS, The Board of Commissioners of Lancaster County ("Board of Commissioners") desires to encourage building façade improvement, new industrial, commercial and business development, and redevelopment in these deteriorated areas through the use of tax exemptions and abatements; and

WHEREAS, The Board of Commissioners seeks to provide regulations, standards and qualifications for tax exemption and abatement programs;

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA, as follows:

SECTION 1. Definitions. The following words and phrases when used in this article shall have the following meanings:

"Board of Commissioners" – The Board of Commissioners of Lancaster County, Pennsylvania.

"Deteriorated Area" – An 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 a deteriorating area, 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, ordinance 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" – The Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1977, P.L. 237, No. 76, 72 P.S. §4722 et seq.

"County" – County of Lancaster, Commonwealth of Pennsylvania.

SECTION 2. Eligible Areas. The Board of Commissioners determines that the entire Borough of Manheim, shall be designated as a deteriorated area and that all properties therein are eligible for tax exemption under this Ordinance.

SECTION 3. Exemption.

- A. The amount to be exempted from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of new construction or improvements to deteriorated property in accordance with the exemption schedule established herein.
- B. The minimum cost of the new construction or improvements to qualify for the exemption is \$25,000.00.
- B. The exemption from real estate taxes shall be limited to that improvement for which an exemption has been requested in the manner set forth in this article and for which a separate assessment has been made by the Lancaster County Board of Assessment Appeals.

SECTION 4. Exemption Schedule.

- A. The schedule of County real estate taxes to be exempted shall be in accordance with the below portion of improvements to be exempted each year.

For Improved/Developed Properties:

<u>Length (Year)</u>	<u>Portion (Percent)</u>
First	100%
Second	90%
Third	80%
Fourth	70%
Fifth	60%
Sixth	50%
Seventh	40%
Eighth	30%
Ninth	20%
Tenth	10%

For Unimproved/Undeveloped Properties:

<u>Length (Year)</u>	<u>Portion (Percent)</u>
First	100%
Second	80%
Third	60%
Fourth	40%
Fifth	20%
Sixth	0%

- B. If an eligible property is granted a tax exemption pursuant to this article, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.
- C. 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 5. Procedure for Obtaining Exemption.

- A. Any person desiring tax exemption under this article shall notify the Manager and Treasurer of the Borough, as well as the Business Manager of the Manheim Central School District, in writing on a form provided to the Applicant at the time he/she secures a building permit for the new construction or improvement. A copy of the exemption request shall be forwarded to the Lancaster County Assessment Office. The Lancaster County Assessor shall, upon notice by Applicant and after completion of the new construction or improvement, assess separately the new construction or improvement and calculate the amount of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance and shall notify the taxpayer, the Borough, and the School District of the reassessment and the amount of the assessment eligible for the exemption. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the local taxing authority as provided by law.
- B. The cost of the new construction or improvements to be exempted and the schedule of taxes exempted existing at the time of initial request for tax exemption shall be applicable to that exemption request, and subsequent amendment to this article, if any, shall not apply to the adoption of such amendment.

SECTION 6. Termination Date. An application for exemption may be made at any time within five (5) years from the effective date of this article. All qualified applications under this Ordinance are eligible for the entire ten (10) year exemption schedule.

SECTION 7. Extension. The County may, by ordinance enacted from time to time, extend the time for filing an application for exemption. However, in no event shall any one (1) extension period exceed five (5) years.

SECTION 8. Revocation of LERTA Exemption. The exemption from the real estate taxes provided for herein shall be forfeited by the taxpayer 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 the notice of nonpayment of nonexempt real estate taxes, the County shall discontinue the LERTA exemption.

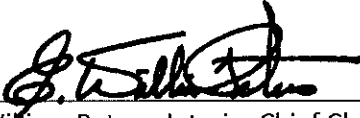
SECTION 9. Conflict. All other sections, parts, and provisions of Ordinances of the County of Lancaster shall remain in full force and effect as previously enacted and amended.

SECTION 10. Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Commissioners that the remainder of the Ordinance shall be and shall remain in full force and effect.

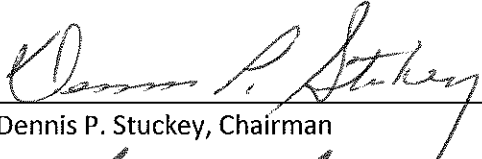
SECTION 11. Effective Date. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Commissioners of Lancaster County as provided by law.

DULY ORDAINED AND ENACTED this 28th day of December, 2016, by the Board of Commissioners of Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:



E. William Peters, Interim Chief Clerk
County of Lancaster, PA
Date:



Dennis P. Stuckey, Chairman



Joshua G. Parsons, Vice Chairman



Craig E. Lehman

**Board of Commissioners of
Lancaster County, Pennsylvania**

12/28/2016