

ORDINANCE NO. 5-16**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SOUTH BUFFALO, ARMSTRONG COUNTY, PENNSYLVANIA AUTHORIZING TAX ABATEMENTS FOR PROPERTY TAX ON THOSE INDUSTRIAL/COMMERCIAL PROPERTIES LOCATED WITHIN NORTHPOINTE PURSUANT TO 72 P.S. 4722 ET SEQ. THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE LAW (LERTA)**

WHEREAS, the General Assembly of Pennsylvania passed Act 76 of 1977 (72 P.S. 4722, et seq.) known as the Local Economic Revitalization Tax Assistance Law (LERTA), which authorized local taxing authorities to provide tax abatements for certain deteriorated commercial, industrial, retail and other business property; and

WHEREAS, the Township of South Buffalo (the "Township") recognizes the need to encourage the rehabilitation of deteriorating industrial, commercial and other business properties located in the County; and

WHEREAS, on April 14, 2011, the South Buffalo Township Board of Supervisors (the "Supervisors") held a public meeting (the "Meeting") to discuss the setting of the boundaries of the deteriorated areas; and

WHEREAS, at the Meeting, the Armstrong County Department of Economic Development, the South Buffalo Township Planning Commission and various residents of South Buffalo Township presented to the Board of Supervisors recommendations concerning the location of boundaries of the deteriorated areas, which recommendations included a consideration of the criteria set forth in the Urban Redevelopment Law for the determination of "blighted areas" and the Neighborhood Assistance Act for the determination of "impoverished areas" as well as the following criteria: unsafe, unsanitary and overcrowded buildings; vacant, overgrown and unsightly lots of ground; a disproportionate number of tax delinquent properties; excessive land coverage, defective design or arrangement of buildings, street or lot layouts; economically and socially desirable land uses; and

WHEREAS, based on information obtained at the Meeting, the Supervisors hereby make a determination that certain areas of the Township are deteriorated areas based on the fact that they contain unsafe, unsanitary and overcrowded buildings; vacant, overgrown and unsightly lots of ground; a disproportionate number of tax delinquent properties, excessive land coverage, defective design or arrangement of buildings, street or lot layouts; economically and socially undesirable land uses; and

WHEREAS, the Supervisors hereby designate the areas which are industrial/commercial development property located within Northpointe Industrial Park as the "Improvement Area".

NOW, THEREFORE, be it Ordained and Enacted by the Supervisors of the Township of South Buffalo, Armstrong County, Pennsylvania, an Ordinance as follows:

SECTION I. DEFINITIONS

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

- (a) **“Board of Assessment”** The Armstrong County Board of Assessment.
- (b) **“Supervisors”** The Township Supervisors of South Buffalo Township, Armstrong County, Pennsylvania.
- (c) **“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 law, ordinances or regulations.
- (d) **“Improvement”** The repair, construction or reconstruction, including alterations or 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 for purposes of this Ordinance.
- (e) **“Improvement Area”** Those areas within South Buffalo Township, Armstrong County, Pennsylvania, the boundaries of which are delineated as the industrial/commercial properties located within Northpointe Industrial Park as a deteriorated area or otherwise designated as deteriorated property, and, in which Improvements to Deteriorated Property are eligible for tax exemption.
- (f) **“Local Taxing Authority”** Armstrong County, the Freeport Area School District and the Township of South Buffalo.
- (g) **“Municipal Governing Body”** The Township of South Buffalo.

SECTION II. ABATEMENT

- (a) The Township hereby approves the Abatement of real property described as the industrial/commercial development property located within the boundary of Northpointe Industrial Park for improvements to eligible deteriorated properties pursuant to the conditions and limitations set forth herein (the “Abatement”).

- (b) The Abatement shall be limited to the valuation attributable to 100% of the actual costs of the Improvement of eligible property for a period of ten (10) years.
- (c) The Abatement shall only apply to the Deteriorated Property located in the Improvement area.
- (d) The Abatement shall not terminate upon the sale, transfer or exchange of the Property.

SECTION III. ABATEMENT AMOUNT

The amount to be abated shall be limited to the assessment attributable to the actual cost of the new construction or improvements to eligible deteriorated property in the Improvement Area and shall be percentage of the assessed value as discussed in Section IV hereof.

SECTION IV. ABATEMENT SCHEDULE

(a)	First year	100%
(b)	Second year	90%
(c)	Third year	80%
(d)	Fourth year	70%
(e)	Fifth year	60%
(f)	Sixth year	50%
(g)	Seventh year	40%
(h)	Eighth year	30%
(i)	Ninth year	20%
(j)	Tenth year	10%

SECTION V. PROCEDURE FOR OBTAINING ABATEMENT

Any person desiring an abatement of real estate taxes pursuant to this Ordinance shall notify each of the local taxing authorities of its desire to obtain the abatement by submitting a written request on the form provided by South Buffalo Township.. The form must be submitted at the time the owner secures the building permit. A copy of the abatement request form shall be forwarded to the Board of Assessment. The Board of Assessment shall, after completion of the Improvement assess separately the Improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with Section IV, hereof. The Board of Assessment shall then notify the taxpayer and the local taxing authorities in writing of the reassessment and the amounts eligible for the abatement.

SECTION VI. TERMINATION/CONTINUANCE

- (a) Unless otherwise repealed by the Supervisors, this Ordinance shall terminate five (5) years after the adoption date.

- (b) Any property tax abatements granted under this Ordinance shall be permitted to continue according to the abatement schedule even if this Ordinance expires or is repealed.
- (c) This Ordinance may be renewed or modified after the termination date, by resolution of the Supervisors, describing the renewal or modification terms.
- (d) Any amendment to the Ordinance shall not apply to abatement requests initiated prior to the adoption of the amendment.

SECTION VII. SEVERABILITY

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

SECTION VIII. REPEALER

The provisions of any Ordinance that is inconsistent to the terms of this Ordinance and specifically Ordinance No. 9-07 be and hereby is repealed.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall become effective immediately upon ordination and enactment.

ORDAINED AND ENACTED by the South Buffalo Township Supervisors, this 16th day of May, 2011.

TOWNSHIP OF SOUTH BUFFALO

BY: *Tony Vasko*
CHAIRMAN

ATTEST:

Michelle Bestenky
SECRETARY (SEAL)

Thomas Borawski
Dave Bresky