

ORDINANCE NO. 418

AN ORDINANCE OF THE BOROUGH OF BLOSSBURG, TIOGA COUNTY, PENNSYLVANIA, ADOPTING THE BLOSSBURG BOROUGH LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE PROGRAM TO PROVIDE FOR TAX EXEMPTIONS FOR CERTAIN PROPERTIES IN DETERIORATED AREAS OF THE BOROUGH OF BLOSSBURG, TIOGA COUNTY, PENNSYLVANIA.

PURPOSE

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania passed Act 76 of 1977 (72 P.S. §4722 et seq.), known as the "Local Economic Revitalization Tax Assistance Act" (LERTA), which authorizes local taxing authorities to exempt new construction in deteriorated areas as defined herein; and,

WHEREAS, the Tioga County Board of Commissioners enacted Ordinance 2005-01, as amended, to provide tax incentives consistent with LERTA for Tioga County; and,

WHEREAS, the Borough of Blossburg advertised and conducted a public hearing that took place on Monday, April 14, 2008, and thereafter determined that it is in the best interest of the Borough to provide a tax incentive for the retention, rehabilitation and development of certain areas and properties within the Borough.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

SECTION 1. SHORT TITLE:

This Ordinance shall be known as the "Blossburg Borough Local Economic Revitalization Tax Assistance Ordinance."

SECTION 2. DEFINITIONS:

As used in this chapter:

- (a) "Deteriorated Property" means any industrial, commercial or other business property, owned by an individual, association or corporation, and located in a "Deteriorated Area", as hereinafter defined, 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.

- (b) "Improvement" means 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.
- (c) "Deteriorated Area" means those areas in the Borough of Blossburg which are presently zoned as C-1 Central Commercial District, C-2 Highway Commercial District, I-1 Light Industrial District and I-2 Heavy Industrial District and those areas in the Borough which may, at some future date, be determined to be deteriorated areas by resolution of the Blossburg Borough Council in accordance with the standards as set forth in the LERTA.

SECTION 3. EXEMPTION:

There is hereby exempted from real property taxation the assessed valuation of improvements to deteriorated properties in the amounts and in accordance with the provisions and limitations set forth in Sections 4 and 5 below.

SECTION 4. LIMITATIONS:

The tax exemption set forth in Section 3 shall be limited to a tax exemption on the actual increase in assessed valuation attributable to the actual cost of the improvements, provided that such improvements are in compliance with all applicable laws, ordinances and regulations during the entire period of exemption.

SECTION 5. SCHEDULES:

The following schedule of taxes exempted shall apply to all properties satisfying the provisions and limitations hereinbefore and hereinafter set forth:

Schedule A

<u>Eligible Tax year</u>	<u>Percentage of Tax Exemption on Eligible Assessment</u>
Year 1	90%
Year 2	80%
Year 3	60%

Year 4	40%
Year 5	20%

After Year 5 the exemption shall terminate and the property shall be taxed at 100% of the total assessment at the applicable property tax rate then in effect.

SECTION 6. APPLICABILITY:

- (a) The exemption hereinbefore authorized shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.
- (b) The cost of improvements to be exempted in the schedule of taxes exempted existing at the time of the initial request for tax exemption shall be applicable to that exemption request, and subsequent amendments to this chapter, if any, shall not apply to requests initiated prior to the adoption of such an amendment.

SECTION 7. PROCEDURE:

- (a) Any person desiring a tax exemption pursuant to this chapter shall notify the Borough, or its designated officer, in writing on a form provided by such office, at the time such person secures his building permit, or if no building permit or other notification of improvement is required in a particular instance, at the time of commencement of construction.
- (b) A copy of such exemption request shall be forwarded by the Borough, or its designated officer, to the Tioga County Board of Assessment and Revision of Taxes. Thereafter, such Board shall, after completion of the improvement, assess the improvement separately, calculate the amount of the assessment eligible for tax exemption in accordance with the limits established in this chapter and notify both the taxpayer and the Borough of the reassessment and of the amounts of the assessment eligible for an exemption. Appeals from the reassessment and the amounts eligible for the exemption may be taken by the taxpayer or by the Borough as provided by general law.
- (c) The form hereinbefore prescribed shall require the following verified information:
 - (1) the date the building permit or alteration permit was issued for such improvements, if applicable;
 - (2) the type and scope of improvement;

- (3) a summary of the plan of the improvement;
 - (4) the estimated cost of the improvement;
 - (5) the person or persons performing the work on the improvements;
 - (6) the location of the property being improved;
 - (7) a statement as to whether or not the property has been condemned by any governmental body and the date of condemnation and, if so, the name of the governmental body and the date of condemnation; and,
 - (8) any additional information that the County Assessment Office of the Borough may require for the application of the provisions of this chapter.
- (d) The application requirement set forth in subsection (a) hereof shall be deemed to be mandatory. Failure of any person desiring a tax exemption to comply with the application requirements contained therein shall be conclusively presumed to be a waiver of any right to claim a real estate exemption as provided by this chapter.

SECTION 8. INTERPRETATION:

Unless specifically defined otherwise, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

SECTION 9. REPEALER:

All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 10. SEVERABILITY:

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

**NOTICE OF INTENT TO ENACT
THE BOROUGH OF BLOSSBURG ECONOMIC
REVITALIZATION TAX ORDINANCE**

NOTICE is hereby given that the Borough of Blossburg, Tioga County, Pennsylvania, intends, pursuant to Act No. 76 of 1977, which authorizes local taxing authorities to exempt new construction in deteriorated areas, to enact an Ordinance known as the "Borough of Blossburg Economic Revitalization Tax Ordinance".

The purpose of this Ordinance is to allow the Borough of Blossburg to participate in the Local Economic Revitalization Tax Assistance Act authorized by the Legislature and by the Tioga County Commissioners. A Public Hearing was held by the Borough of Blossburg on April 14, 2008 and the Borough of Blossburg determined that the deteriorated areas of the Borough would be the Central Commercial District, the Highway Commercial District, the Light Industrial District and the Heavy Industrial District. The Borough of Blossburg reserves the right to add other areas to this in the future. The Ordinance defines deteriorated properties and improvements, sets exemptions and limitations and sets a schedule to exempt taxes the same as the County Ordinance starting Year 1 at 90%, Year 2 at 80%, Year 3 at 60%, Year 4 at 40%, Year 5 at 20% with full assessment beginning in Year 6. It repeals all Ordinances that are inconsistent with all Ordinances.

A full and complete copy of the proposed Ordinance is available for inspection at the Borough Office, 245 Main Street, Blossburg, Pennsylvania during regular business hours from 8:00 a.m. to 4:00 p.m., Monday through Friday, and at the offices of the Wellsboro Gazette, 25 East Avenue, Wellsboro, Pennsylvania and the County Law Library.

A summary of the Ordinance is as follows:

- Section 1: Short Title: "Borough of Blossburg Economic Revitalization Tax Ordinance":
- Section 2: Definitions: contains definitions applicable to the Ordinance, establishes the deteriorated area for a tax rebate as all commercial districts and industrial districts and reserves the right to add additional areas at a future date.
- Section 3: Exemption: provides for a procedure to set exemptions and limitations and set a schedule to exempt taxes the same as the County Ordinance starting Year 1 at 90%, Year 2 at 80%, Year

3 at 60%, Year 4 at 40%, Year 5 at 20% with full assessment beginning in Year 6..

- Section 4. Limitations: provides for a procedure to set limitations in this Ordinance.
- Section 5. Schedules: provides for a procedure to set schedules in this Ordinance.
- Section 6. Applicability: provides that the Ordinance is not applicable beyond the legal power of the Borough to impose the tax.
- Section 7. Procedure: provides for a procedure in the Ordinance.
- Section 8. Interpretation: provides for specifically defined words and phrases.
- Section 9. Repealer: repeals the Borough's Occupation Privilege Tax and the Occupation Assessment Tax.
- Section 10. Severability: sets forth that the provisions of the Ordinance are severable.
- Section 11. Effective Date: provides that the Ordinance is effective thirty (30) days after enactment.

Patrick J. Barrett, III, Esquire
21 Troy St., P.O. Box 157
Canton, PA 17724
Solicitor for Borough of Blossburg

SECTION 11. EFFECTIVE DATE:

This Ordinance shall become effective immediately after its final passage and adoption by the Council of the Borough of Blossburg.

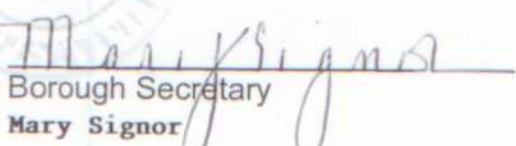
ORDAINED AND ENACTED this 9th day of June, 2008.

By: 
Jerome L. Ogden, Council President

Examined and approved this 9th day of June, 2008.

By: 
John E. Backman, Mayor

Attested by:


Borough Secretary
Mary Signor

