

**BOROUGH OF WELLSBORO
TIOGA COUNTY, PENNSYLVANIA**

ORDINANCE NO.

AN ORDINANCE

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

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;

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

WHEREAS, the Borough of Wellsboro advertised and conducted a public hearing that took place on Monday, February 25, 2008, and thereafter determined that it is in the best interest

of the Borough to provide a tax incentives for the retention, rehabilitation and development of certain areas and properties within the Borough.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED, by the Borough Council of the Borough of Wellsboro, Tioga County, Pennsylvania, as follows:

SECTION 1. SHORT TITLE:

This Ordinance shall be known as the "Wellsboro 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 Wellsboro which are presently zoned as Central Business, Commercial Manufacturing and Highway Commercial, and those areas in the Borough which may, at some future date, be determined to be deteriorated areas by resolution of the Wellsboro 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 or 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 affects 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.

SECTION 11. EFFECTIVE DATE:

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

ENACTED AND ORDAINED as an Ordinance of the Borough of Wellsboro, Tioga County, Pennsylvania, at a duly assembled public meeting this 9th day of June, 2008.

**BOROUGH COUNCIL OF
THE BOROUGH OF WELLSBORO**
Tioga County, Pennsylvania

ATTEST

Susan Stephens
Secretary

By: David J. [Signature]
Council President

(SEAL)

Examined and approved this 12th day of June 2008.

By: James Dougherty
Mayor