

ORDINANCE NO. 1177

AN ORDINANCE OF THE BOROUGH OF NEW BRIGHTON, BEAVER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 1118 AS CODIFIED IN PART 7 OF CHAPTER 24 OF THE CODE OF ORDINANCES OF THE BOROUGH OF NEW BRIGHTON ADOPTED ON DECEMBER 27, 1982 BY ORDINANCE NO. 1065 AS AMENDED, WHICH PROVIDES FOR A LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA) ORDINANCE PROVIDING FOR EXEMPTION FROM REAL ESTATE TAXATION, THE ASSESSED VALUATION OF IMPROVEMENTS TO CERTAIN DETERIORATING PROPERTIES IN THE AMOUNTS AND IN ACCORDANCE WITH THE PROVISIONS AND LIMITATIONS SET FORTH HEREIN PURSUANT TO PENNSYLVANIA ACT NO. 42 OF 1977 AND ACT 76 OF 1977, DEFINING CERTAIN EXEMPT PROPERTIES, PROVIDING FOR AN EXEMPTION PERIOD, AND ESTABLISHING A SCHEDULE OF PERCENTAGE EXEMPTION FOR THAT TIME PERIOD.

WHEREAS, on December 1, 1977, as Act No. 76 of 1977, the Pennsylvania Legislature adopted the Local Economic Revitalization Tax Assistance Act (LERTA), 72 Pa. C.S.A. 4722, et seq., which authorizes local taxing authorities to exempt improvements to certain deteriorated industrial, commercial, and other business property thereby implementing Article XIII, Section 2 (b) (iii) of the Constitution of Pennsylvania; and

WHEREAS, the Borough Council of the Borough of New Brighton in accordance with said Acts held a public hearing to determine the boundaries of certain deteriorated areas.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of New Brighton, and it is hereby ordained and enacted by virtue of the authority of the same as follows:

Section 1. That Part 7 of Chapter 24 of Ordinance No. 1065 is hereby amended to read as follows:

**Part 7
LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE**

§701. Definitions

DETERIORATED PROPERTY – means any industrial, commercial, retail or other non-residential business property, owned by an individual, association or corporation and located in areas as hereinafter provided, that has fallen into a state of degeneration, decline or disrepair causing a downward turn and consequent loss in quality, physical character, vitality, or energy in the designated areas.

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 government such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

DETERIORATED AREA - means that area in the Borough bounded and described generally, as follows:

1. All Borough lots zoned for industrial, commercial or business office use.

§702. Exemptions Schedule - the Borough of New Brighton hereby grants a tax exemption for LERTA purposes on the assessment attributable to the actual cost of improvements to all eligible deteriorated property located within a deteriorated area as above defined.

The Borough of New Brighton hereby establishes the following schedule of taxes exempted, which shall apply to all property satisfying the provisions and limitations set forth in this Ordinance:

SCHEDULE

<u>Eligible Tax Year</u>	<u>Portion of Improvement To Be Exempted Each Year</u>
1	100%
2	100%
3	100%
4	0%

The exemption from taxes herein granted shall be limited to the additional assessment valuation attributable to the actual costs of improvements.

The exemption from taxes herein granted shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

Any exemption granted herein on any improvement to any deteriorated property

shall not be considered in any assessment appeal on any other property.

§703. Procedure For Obtaining Exemption - Any person desiring tax exemption pursuant to this Ordinance shall notify the Borough Manager of the Borough of New Brighton, at the time such person secures his building permit, or if no building permit or other notification of improvements is required in the particular instance, at the time of commencement of construction.

Such person shall also comply with the application procedures then in effect under the pertinent ordinances and resolutions of the and the County of Beaver which provide for the reassessment and exemption of improvements under LERTA.

Such person shall provide copies of all application forms as may be required by the Chief Assessor of the County of Beaver under the provisions of Beaver County Resolution No. 091587-4.

The application requirements set forth in this Ordinance shall be deemed to be mandatory. Failure of any person desiring a tax exemption to comply with the application requirements contained herein and in the pertinent resolution of the County of Beaver shall be conclusively presumed to be a waiver of any right to claim a real estate exemption as provided in this ordinance.

§704. Termination - Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule set forth above, even if this Ordinance is amended or repealed.

§705. Severability - The provisions of this Ordinance are severable. If any of the sections, clauses, or sentences contained herein shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses, or sentences. It is hereby declared to be the intent of the Council of the Borough of New Brighton that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, or sentence had not been included herein.

§706. Effective Date - This ordinance shall take effect upon adoption and shall be retroactive only for pending LERTA applications filed after January 1, 2004.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 19th day of February, 2004.

ATTEST:

Thomas E. Albanese
President of Council

Larry R. Morley
Borough Manager/Secretary

EXAMINED AND APPROVED this ____ day of _____, 2004.

Paul H. Spickerman
Mayor