

**BERWICK TOWNSHIP, ADAMS COUNTY
PENNSYLVANIA**

ORDINANCE NO. 2023-05

AN ORDINANCE PROVIDING FOR TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO DESIGNATED DETERIORATED PROPERTIES PURSUANT TO PENNSYLVANIA ACTS NO. 42 OF 1977 AND 76 OF 1977, DEFINING CERTAIN EXEMPT PROPERTY, PROVIDING FOR AN EXEMPTION PERIOD, AND ESTABLISHING A SCHEDULE OF PERCENTAGE EXEMPTION FOR THAT TIME PERIOD.

WHEREAS, the Berwick Township (the "Township"), Adams County, Pennsylvania, is a local taxing authority authorized by the Local Economic Revitalization Tax Act (72 P.S. §4722 et seq.) (hereinafter, the "LERTA Act") to provide tax exemption relief for the assessed valuation of improvements to certain deteriorated properties; and

WHEREAS, the Board of Supervisors of the Berwick Township (the "Board"), in accordance with the LERTA Act, held a duly advertised public hearing on July 10, 2023 to determine the boundaries of a deteriorated area, comprised of certain deteriorated areas, to be eligible for tax exemption relief; and

WHEREAS, at said public hearing, the Board received public comments relative to the determination of the boundaries of the deteriorated area taking into account the criteria set forth in the act of May 24, 1945 (P.L. 991, No. 385), known as the "Urban Redevelopment Law," for the determination of "blighted areas," and the criteria set forth in the act of November 29, 1967 (P.L. 636, No. 292), known as the "Neighborhood Assistance Act," for the determination of "impoverished areas," and 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 undesirable land uses; and

WHEREAS, property adjacent to areas meeting the criteria set forth above, but which would not otherwise qualify, may be included within the deteriorated area designated if the local taxing authority determines that new construction on such property would encourage, enhance or accelerate improvement of the deteriorated properties within economically depressed communities; and

WHEREAS, consistent with the recommendations and comments, the Board passed Resolution No. 2023-10 on August 14, 2023, which determined that the real property parcels identified herein meet the criteria of a deteriorated area as set forth in the LERTA Act and constitute an area within the Township that would benefit from a financial incentive in the form of real property tax exemption relief aimed at incentivizing investment and encouraging economic development within said deteriorated area; and

WHEREAS, the deteriorated area eligible for the LERTA Program, as defined by the tax exemption schedules provided herein, includes the properties identified as follows: Adams County Tax Parcel ID Nos. 04L12-0096-000, 04L12-0144-000 and 04L12-0144A-000.

NOW THEREFORE, the Board of Supervisors of Berwick Township hereby ordains as follows:

Section 1. Definitions

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

- (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 determined by the Board, or any such property which has been the subject of an order by the Township 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) "Local taxing authority" means Berwick Township, the Conewago Valley School District, the County of Adams or any other governmental entity having the authority to levy real property taxes within Berwick Township.

Section 2. Exemption

The Township hereby exempts from real property taxation the assessed valuation of improvements to deteriorated properties in the deteriorated area in the amounts and in accordance with the provisions and limitations hereinafter set forth.

Section 3. Exempted Area

The Board, by Resolution No. 2023-10 adopted on August 14, 2023, designated the following real properties as the deteriorated area: Adams County Tax Parcel ID Nos. 04L12-0096-000, 04L12-0144-000 and 04L12-0144A-000.

Section 4. Exemption Amount

- (a) The amount to be exempted shall be limited to the additional assessment attributable to the actual cost of improvements.

- (b) The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Tax Assessment Office of Adams County.

Section 5. Exemption Schedule

- (a) The percentage of real property taxes to be exempted for improvements to deteriorated properties in the deteriorated area is as follows:

Year	Percent of Real Property Tax Exempted
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

- (b) 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.
- (c) If an eligible property is granted tax exemption pursuant to this Ordinance, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.
- (d) Without exception, the eligible tax exemption shall not exceed a total of ten (10) years.

Section 6. Notice to Taxpayers

- (a) There shall be on the application form for building, zoning and alterations permits, the following notice:

"Notice to Taxpayer"

Under the provisions of Ordinance No. 2023-05, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An application for exemption may be secured from a Code Enforcement Officer and must be filed with Berwick Township at the time the building or alteration permit is secured."

- (b) At the time a building or alteration permit is secured for the construction of an improvement for which an exemption is requested, the taxpayer shall apply to the Code Enforcement Officer or any successor officer for the exemption provided in

this ordinance. Request for the exemption must be in writing on a form provided by the Township setting forth the following information:

- (1) The date the building or alteration permit was issued for said Improvements;
- (2) The type of improvement;
- (3) A summary of the plan of the improvement;
- (4) The cost of the improvement;
- (5) Any or all such additional information the Township may require.

Section 7. Procedure for Obtaining Exemption

A copy of the Request for Exemption shall be forwarded by the Township to the Board of Assessment and Revision of Taxes or other appropriate assessment agency. Upon completion of the improvement, the taxpayer shall notify the Township and the assessment agency so that such agency may assess the improvements separately for the purpose of calculating the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance. The Township will then obtain from the assessment agency the amount of the assessment eligible from for exemption and will notify the taxpayer. Appeals from the reassessment and the amounts eligible for the exemption may be taken by the taxpayer or the Township as provided by law.

Section 8. Severability

The provisions of this Ordinance are severable, and if any of its sections, sentences, or clauses shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, sentences or clauses. It is hereby declared to be the intent of Supervisors that this Ordinance would not have been adopted if such illegal, invalid or unconstitutional section, sentence or clause had not been included herein.

Section 9. Effective Date

This ordinance shall take effect in accordance with the provisions of the Second Class Township Code.

ENACTED, ORDAINED, AND APPROVED this 14th day of August, 2023.

ATTEST:

BERWICK TOWNSHIP


Secretary


Peter L. Socks, Jr., Chairman