

**BLOOMING GROVE TOWNSHIP**

**PIKE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 64**

**AN ORDINANCE OF BLOOMING GROVE TOWNSHIP, PIKE COUNTY PENNSYLVANIA, DESIGNATING THIS TOWNSHIP WHEREBY PROPERTIES ON WHICH NEW COMMERCIAL AND INDUSTRIAL IMPROVEMENTS ARE MADE ARE ELIGIBLE FOR A TAX EXEMPTION PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, AS AMENDED: PROVIDING FOR AN EXEMPTION ON THE ASSESSMENT ATTRIBUTABLE TO THE ACTUAL COST OF SUCH NEW CONSTRUCTION OR IMPROVEMENTS, PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE AND REPEALING ALL PRIOR ORDINANCES OR PARTS OF ORDINANCES THAT ARE INCONSISTENT WITH THIS ORDINANCE.**

**WHEREAS, the** Local Economic Revitalization Tax Assistance Act ("LERTA"), Act. No. 1977-76, as amended authorizes local taxing authorities to exempt from real property taxation, within certain limitations, the assessed valuation of improvements to, and new construction of, industrial, commercial, and other business property in areas designated for such purpose by the governing body of the appropriate city, borough, incorporated town, or township; and

**WHEREAS, the** Board of Supervisors of Blooming Grove Township ("the Board"), being a "municipal governing body" within the meaning of LERTA, proposed to establish an area within the boundaries of this Township as an area in which such tax exemption may be granted by the local taxing authorities; and

**WHEREAS, the** Board, has held a public hearing for the purpose of determining the boundaries to the area to be designated a "deteriorated area" in which such exemptions may be granted by the local taxing authorities; and

**WHEREAS, the** Board, with due consideration having been given to the recommendations and comments made at such public hearing by the local taxing authorities and other knowledgeable and interested public and private agencies and individuals regarding the establishment of the boundaries of an area in the Township within which local taxing authorities may grant tax exemption to new industrial and commercial construction and improvements in accordance with LERTA, has determined that the Township meets one or more of the criteria of a "deteriorated area" under the Act.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED,** and it is enacted and ordained, by the Board of Supervisors of Blooming Grove Township, as follows:

## **ARTICLE 1 – DEFINITIONS**

The following words and phrases shall be defined for purposes of this Ordinance as follows:

Designated Area – The area within the Township of Blooming Grove identified in Article II of this Ordinance as a “deteriorated area” as set forth in LERTA.

Eligible Property – Any property located within the designated area that is lawfully developed or improved for an industrial or commercial purpose of use, regardless of the zoning district in which it is situated.

Improvement – Repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating any property located within the designated area for any industrial or commercial purpose or use.

Local Taxing Authorities – The Township of Blooming Grove and the Wallenpaupack Area School District.

Person – Any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority, or other group or entity created or recognized by law.

School District – The Wallenpaupack Area School District, acting by and through its Board of School Directors or duly authorized representatives.

## **ARTICLE II – DESIGNATED AREA**

The Board of Supervisors of Blooming Grove Township does hereby designate the entire area within the legal boundaries of the Township of Blooming Grove as a “deteriorated area” within the meaning of LERTA, and one in which the local taxing authorities may grant a tax exemption to eligible properties pursuant to the provisions of that act.

## **ARTICLE III – EXEMPTIONS**

Where proper application has been made and approved in accordance with this Ordinance, all portions of the actual costs of new construction upon or improvements to, eligible property are exempt from real property taxation of Blooming Grove Township for five years following completion of all improvements.

a. The schedule of real property taxes to be exempted shall be in accordance with the following percentage of the assessed valuation of new construction or improvements to the eligible property:

<u>Tax Year(s) Following Completion</u>	<u>Exempt Portion of Assessed Valuation</u>
(1)	90%
(2)	80%
(3)	60%
(4)	40%
(5)	20%
(6)	Full Assessment

b. The tax exemptions granted pursuant to this Ordinance shall first apply in the tax year of Blooming Grove Township immediately following the tax year in which the eligible new construction or improvements is or are completed. Notwithstanding this provision, Blooming Grove Township may levy interim real property taxes upon new construction or improvements prior to completion thereof.

c. A tax exemption granted under this Ordinance shall not terminate upon the sale or exchange of the property.

d. Any person who is an owner of eligible property and who desires tax exemption pursuant to this Ordinance with respect to new construction or improvements on an eligible property shall apply in writing for such exemption on a form designated by Blooming Grove Township and must be received by Blooming Grove Township- at its principal address within sixty (60) days following the date of issuance of a building permit for the new construction or improvements with respect to which exemption is desired or, if no building permit is required and no other notification of new construction or improvements is required to be given to the Township, within sixty (60) days following commencement of construction.

e. Blooming Grove Township shall make available to any person desiring to apply for a tax exemption in accordance with this Ordinance an application form, which shall require such person to supply the following information:

- i. The name of the title owner(s) of the eligible property;
- ii. The location of the eligible property, including the tax parcel identification number or numbers assigned to such property for real property tax purposes;
- iii. The type of new construction or improvements to be made to the eligible property;
- iv. The nature of the improvements to be made to the eligible property;
- v. The date on which the relevant building permit was issued or, if no building permit is required, the date on which construction commenced or the estimated date on which it shall commence, as appropriate;
- vi. The cost or estimated cost of the new construction or improvements;
- vii. Such additional information as Blooming Grove Township may reasonably require.

f. Appeals from the reassessment of an eligible property and the amounts eligible for exemption may be taken by the taxpayer or by Blooming Grove Township as provided by law.

g. The cost of new construction or improvements to be exempted and the schedule of taxes exempted at the time of an initial request for tax exemption shall be applicable to that exemption request. Any subsequent amendment to this Ordinance shall not apply to applications filed prior to their adoption.

**ARTICLE IV – EFFECTIVE DATE**

This Ordinance shall become effective five (5) days from the date of adoption.

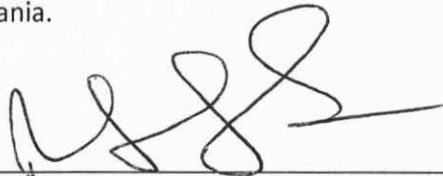
**ARTICLE V – SEVERABILITY**

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of the Ordinance.

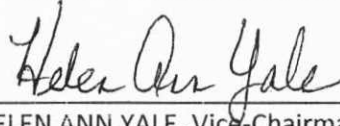
**ARTICLE VI – REPEALER**

All Ordinances or parts of Ordinances and all Resolutions or parts of Resolutions that are inconsistent with this Ordinance are hereby repealed.

**ORDINANCE ORDAINED AND ENACTED** this 3rd day of June, 2013, by the Board of Supervisors of Blooming Grove Township, Pike County, Pennsylvania.



RANDY SCHMALZLE, Chairman

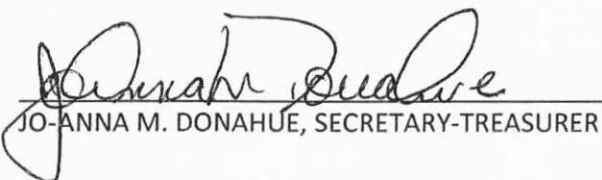


HELEN ANN YALE, Vice-Chairman



NICHOLAS MAZZA, Supervisor

ATTEST:



JO-ANNA M. DONAHUE, SECRETARY-TREASURER