

**LOWER PROVIDENCE TOWNSHIP**  
**Montgomery County, Pennsylvania**

**ORDINANCE NO. 651**  
**(Duly Adopted January 2, 2018)**

**AN ORDINANCE OF LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING ITS CODE OF ORDINANCES BY CREATING A NEW CHAPTER 130, ARTICLE XI "LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE"; DESIGNATING A PROPERTY WITHIN THE TOWNSHIP IN WHICH NEW CONSTRUCTION OF INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS IMPROVEMENTS ARE ELIGIBLE FOR A TAX EXEMPTION PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT ("LERTA") ACT NO. 76 OF 1977, AS AMENDED; PROVIDING FOR AN EXEMPTION ON THE ASSESSMENT ATTRIBUTABLE TO THE ACTUAL COST OF SUCH NEW CONSTRUCTION OR IMPROVEMENTS; AND PROVIDING FOR THE PROCEDURES NECESSARY FOR OBTAINING SUCH TAX EXEMPTION.**

**WHEREAS**, the General Assembly of Pennsylvania passed Act No. 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 from real property taxation, within certain limitations, the assessed valuation of improvements to, and new construction of, industrial, commercial and other business property in deteriorated areas of economically depressed communities as designated for such purpose by the governing body; and

**WHEREAS**, the Lower Providence Township Board of Supervisors, being a "municipal governing body" within the meaning of LERTA, proposes to designate a property within the Township as an area within which such tax exemption may be granted by the local taxing authorities; and

**WHEREAS**, the Board of Supervisors of Lower Providence Township intends to hold a public hearing for the purpose of determining the property within which such exemptions may be granted by the local taxing authorities; and

**WHEREAS**, the Lower Providence Township Board of Supervisors, upon recommendation of the Lower Providence Township staff and upon due consideration of the comments made at public hearing by the local taxing authorities and other interested public and private agencies and individuals regarding the establishment of the boundaries of an area in the Township within which tax exemptions for new construction or improvements to industrial, commercial, and other business property in accordance with LERTA, has determined that the area hereinafter designated meets one or more of the criteria under the Act.

**NOW, THEREFORE**, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Lower Providence Township, Montgomery County as follows:

## **ARTICLE I.**

Chapter 130, Article XI, Local Economic Revitalization Tax Assistance is hereby established and shall read as follows:

### **ARTICLE XI LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE**

#### **§130-80 Definitions.**

##### **ACT or LERTA**

Local Economic Revitalization Tax Assistance Act of the Commonwealth, 72 P.S. §4722 et seq. as amended.

##### **BOARD OF SUPERVISORS**

The Lower Providence Township Board of Supervisors.

##### **COMMONWEALTH**

The Commonwealth of Pennsylvania.

##### **COUNTY**

County of Montgomery, Pennsylvania, acting by and through its Board of County Commissioners, or acting by and through its authorized representatives.

##### **ELIGIBLE PROPERTY**

The property within the Township identified in this Ordinance and attached as Exhibit A.

##### **IMPROVEMENT**

Repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating an industrial, commercial or other business located on the Eligible Property and owned by an individual, association or corporation 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; "Improvements" does not include any ordinary upkeep or maintenance.

##### **LOCAL TAXING AUTHORITIES**

Lower Providence Township, Montgomery County, and the Methacton School District.

**PERSON**

Any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority, or other group or entity.

**SCHOOL DISTRICT**

Methacton School District, Montgomery County, Pennsylvania, acting by its Board of School Directors, or, in appropriate cases, acting by and through its authorized representatives.

**TOWNSHIP**

Lower Providence Township, Montgomery County, Pennsylvania, acting by and through its Board of Supervisors, or acting by and through its authorized representatives.

**§130-81 Eligible Property.**

The Township hereby designates the following property as a “deteriorated area” determined within the meaning of the Act, and one in which the Local Taxing Authorities may grant a tax exemption pursuant to the provisions of the Act: 950 Rittenhouse Road, Audubon PA, 19403 as shown on the map and folio number attached hereto as “*Exhibit A*”.

**§130-82 Exemption Amount.**

- A. The Eligible Property is hereby exempted from all real estate property taxes, that portion of additional assessment attributable to the actual costs of new Improvements to the Eligible Property for which proper application has been made in accordance with this Ordinance.
- B. The exemptions authorized by this Ordinance shall be in accordance with the Standard Exemption Schedule under §130-82C. subject to provisions and limitations hereinafter set forth.
- C. The schedule of real property taxes to be exempted shall be in accordance with the following percentage of the assessed valuation of new Improvements to the Eligible Property:

**STANDARD EXEMPTION SCHEDULE**

<u>Tax Year(s) Following Completion of Construction</u>	<u>Exemption Portion of Increased Assessed Valuation</u>
1	100%
2	90%
3	80%
4	70%

5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

- D. A tax exemption granted under this Ordinance shall not terminate upon the sale or exchange of the Eligible Property.

**§130-83 Procedure for Obtaining Exemption.**

- A. If the owner of the Eligible Property desires tax exemption pursuant to this Ordinance, said owner shall apply in writing for such exemption on a form to be provided by the Township at the principal office of the Township, and must be received by the Township within sixty (60) days following the date of issuance of a building permit for any new Improvements.
- B. The Township shall make available to the owner of said Eligible Property desiring to apply for tax exemption in accordance with this Ordinance an application form (the "Application") which shall require such Person to supply the following information:
- (1) The name of the owner or owners of the Eligible Property;
  - (2) The location of the Eligible Property, including the tax parcel identification number assigned to such property for real property tax purposes;
  - (3) The type of new Improvements to be made on the Eligible Property (industrial, commercial or other business);
  - (4) The nature of the Improvements to be made on the Eligible Property;
  - (5) The date on which the relevant building permit was issued, the date on which construction commenced or the estimated date on which it shall commence;
  - (6) The cost or estimated cost of the new Improvements;
  - (7) Whether the Eligible Property has been condemned by any governmental body for non-compliance with laws or Ordinances; and
  - (8) Such additional information as the Township may reasonably require.

- C. The appropriate official of the Township shall forward a copy of such completed Application to the County and School District within thirty (30) days following the date on which such Application is filed.
- D. The cost of new Improvements to be exempted and the schedule of taxes exempted at the time of an initial request for tax exemption made in accordance with the provisions of this Ordinance shall be applicable to that exemption request, and any subsequent amendment to this Ordinance, if any, shall not apply to Applications filed with the Township prior to their adoption.
- E. The Township may reject an Application that is incomplete or fails to provide any of the information required under this Ordinance.

#### **§130-84 Disqualification.**

- A. If the property owner of the Eligible Property elects to appeal the assessed value of the property under LERTA during any exemption period granted, said property shall be disqualified from participation in the LERTA Program upon the filing of such an appeal to the Board of Assessment.
- B. If the property owner of the Eligible Property fails to pay when due any and all non-exempt real estate taxes together with water/sewer rents relating the property's participation in the LERTA Program, said failure shall result in the property's disqualification from participation in the LERTA Program.
- C. Any other matter that is determined by the Township to be in contravention of this Ordinance shall result in disqualification from participation in the LERTA Program.

#### **§130-85 Expiration.**

The provisions of this Ordinance shall expire upon the fifth (5<sup>th</sup>) anniversary of its enactment, unless extended by ordinance duly adopted. Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule even if this Ordinance expires or is repealed.

#### **§130-86 Appeals.**

Appeals from the reassessment and the amounts eligible for exemption under this Ordinance may be taken by the taxpayer or the Local Taxing Authorities as provided by law.

**ARTICLE II.**        **Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**ARTICLE III.**        **Severability.**

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

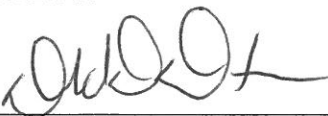
**ARTICLE IV.**        **Effective Date.**

This Ordinance shall become effective five (5) days after final enactment.

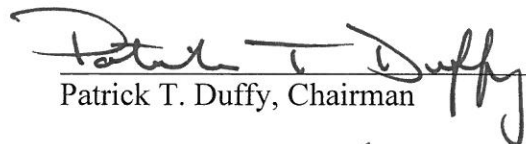
**ENACTED** and **ORDAINED** this 2<sup>nd</sup> day of January, 2018.

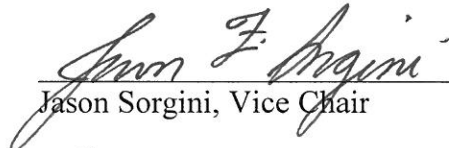


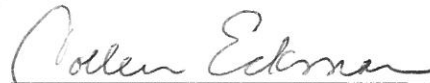
ATTEST:

  
\_\_\_\_\_  
Don D. Delamater, Township Manager

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Patrick T. Duffy, Chairman

  
\_\_\_\_\_  
Jason Sorgini, Vice Chair

  
\_\_\_\_\_  
Colleen Eckman

  
\_\_\_\_\_  
Gary Neights

  
\_\_\_\_\_  
Peter MacFarland

Exhibit A

