

**BILL NO.: 2**

**INTRODUCED: JULY 20, 2021**

**BY: GREG LINCOLN**

**ENACTED: AUGUST 17, 2021**

**ORDINANCE NO.: 1554**

**AN ORDINANCE**

REAUTHORIZING TAX EXEMPTIONS FROM PROPERTY TAX FOR CERTAIN DETERIORATED INDUSTRIAL, COMMERCIAL, OR OTHER BUSINESS PROPERTY; DEFINING ELIGIBLE DETERIORATED AREAS; SETTING A MAXIMUM EXEMPTION AMOUNT AND AN EXEMPTION SCHEDULE; AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION, AND TO SCHEDULE AND ADVERTISE ALL NECESSARY PUBLIC HEARINGS.

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 provide for tax exemption for certain deteriorated industrial, commercial, and other business property; and

WHEREAS, at a public hearing the Planning Commission of the City of Connellsville, the Redevelopment Authority of the City of Connellsville, and other agencies and individuals presented to the City Council their recommendations concerning the location of the boundaries of deteriorated areas; and

WHEREAS, the City of Connellsville's LERTA program became effective on February 10, 1982, upon the adoption of a resolution by the Connellsville Area School District and the Fayette County Board of Commissioners exempting from real property taxation improvements to properties in accordance with the terms of Ordinance No. 1213, enacted December 14, 1981; and

WHEREAS, said Ordinance No. 1213 automatically expired and terminated February 10, 1985, and was re-enacted for two (2) additional three (3) year periods and most recently expired on April 10, 1992; and

WHEREAS, Ordinance No. 1327 re-enacted Ordinance No. 1213 for an additional period of five (5) years which most recently expired April 10, 1997; and

WHEREAS, Ordinance No. 1376 re-enacted Ordinance No. 1213 for an additional period of five (5) years which most recently expired on May 23, 2003; and

WHEREAS, Ordinance No. 1522 re-enacted Ordinance No. 1213 for an additional period of five (5) years which most recently expired on August 26, 2021; and

WHEREAS, the City Council of the City of Connellsville has determined that a need exists to have the provisions of the Local Economic Revitalization Tax Assistance Act (LERTA) re-enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONNELLSVILLE:

Section 1. Definitions.

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

(1) “Deteriorated property” means any industrial, commercial, or other business property owned by an individual, association, or corporation, and located in a deteriorating area, as provided by Resolution of Council, or any such property which has been the subject of an order by the City of Connellsville requiring the unit to be vacated, condemned, or demolished by reason of non-compliance with laws, ordinances, or regulations.

(2) “Improvement” means repair, construction, or reconstruction, including alterations or 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.

(3) “Local taxing authority” means the City of Connellsville, Connellsville Area School District, or Fayette County.

(4) “Local governing body” means the City of Connellsville.

Section 2. Exemption Area.

The Council of the City of Connellsville has designated the following areas as deteriorated areas:

- (1) C-1 Downtown Commercial zoning district (current zoning ordinance)
- (2) C-2 Highway Commercial zoning district (current zoning ordinance)
- (3) C-3 Corridor Commercial zoning district (current zoning ordinance)
- (4) I- Industrial zoning district (current zoning ordinance)

- (5) M- Mixed Use zoning district (current zoning ordinance)

All commercial, industrial, or local business properties located in these deteriorated areas are deteriorated properties and may be eligible to participate in this tax exemption program.

Section 3. Exemption Amount.

- (1) The amount to be exempted shall be limited to the additional assessment valuation attributable to the actual costs of improvements to deteriorated property.
- (2) 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 local taxing authority.

Section 4. Exemption Schedule.

- (1) For the five (5) years immediately following the year upon which the improvement becomes assessable, 100% of the eligible assessment shall be exempted. After the fifth year, the exemption shall terminate.
- (2) The exemption from the taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

Section 5. Notice to Taxpayers.

- (1) There shall be placed on the form application for building, zoning, and alteration permits the following:

Notice to Taxpayers

Under the provisions of the City of Connellsville Ordinance No. 1522, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An application for exemption may be secured from the City Clerk and must be filed with the City at the time a building or alteration permit is secured.

- (2) At the time a building or alteration permit is secured for construction of an improvement for which an exemption is requested, the taxpayer shall apply for the City Clerk or any successor thereto for the exemption provided for in this Ordinance. Requests for the exemption must be in writing certified in full as prescribed by the City setting forth at least the following information:

- (a) Address of property for which exemption is being requested.
- (b) Name and address of property owner.
- (c) The date the building permit or the alteration permit was issued for said improvement.
- (d) The nature of improvements, construction, or reconstruction.
- (e) The summary of the plan of the improvement.
- (f) The cost of the improvement.
- (g) Any and all such additional information the City may require.

Section 6. Procedure for Obtaining Exemption.

A copy of the request for exemption shall be forwarded to the Fayette County Assessment Office by the City. Upon completion of the improvement or new construction the taxpayer shall notify the City Council so that the Council may have the County Assessor assess the improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Ordinance. The City will then obtain from the County Assessor the amount of the assessment eligible for exemption and will notify the taxpayer. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the City as provided by law.

Any person desiring tax exemption must comply with the standards established in the Connellsville Main Street Building and Design Guidelines.

Section 7. Effective Date.

This Ordinance shall become effective ten (10) days after adoption by the City Council of the City of Connellsville.

Section 8. Amendments.

No amendment to this Ordinance shall be effective unless by ordinance or resolution of the City Council of the City of Connellsville.

Section 9. Termination Date.

This Ordinance shall automatically expire and terminate five years after the effective date; provided, however, that any taxpayer who has received or applied for the exemption granted by this Ordinance prior to the expiration date herein provided shall, if said exemption is granted, be entitled to the full exemption authorized herein.

ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF CONNELLSVILLE this 17TH day of AUGUST, 2021.

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Mayor

Attest:

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City Clerk