

**DELAWARE TOWNSHIP PIKE
COUNTY, PENNSYLVANIA
ORDINANCE NO. 700**

AN ORDINANCE OF DELAWARE TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, DESIGNATING AN AREA OF 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 Delaware Township ("the Board"), being a "municipal governing body" within the meaning of LERTA, proposes 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 of the area to be designated a "deteriorated area" in which such exemption may be granted by the local taxing authorities; and

WHEREAS, the Board, with the consideration having been given to the recommendations and comments made at such public hearing by the local taxing authorities and other knowledgeable and interest 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 area hereinafter designated meets one or more of the criteria of a "deteriorated area" under this Act.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordinance, by the Board of Supervisors of Delaware Township, as follows:

ARTICLE I—Definitions: The following words and phrases shall be defined for the purposes of this ordinance as follows:

Designated Area-The area within the Township of Delaware 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 purposes or use, regardless of the zoning district in which it is situated.

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

Local Taxing Authorities-The Township of Delaware and the Delaware Valley 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 Delaware Valley School District, acting by and through its Board of School Directors or duly authorized representatives.

ARTICLE II- Designated Area: The Board of Supervisors of Delaware Township does hereby designate the entire land area within the legal boundaries of the Township of Delaware 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 Delaware Township (as set forth in Section 302) 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:

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

b. The tax exemptions granted pursuant to this Ordinance shall first apply in the tax year of Delaware Township immediately following the tax year in which the eligible new construction or improvements is or are completed. Notwithstanding this provision, Delaware 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 desire 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 Delaware Township, and must be received by Delaware 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. Delaware 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:

1. 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 Delaware 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 Delaware 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.

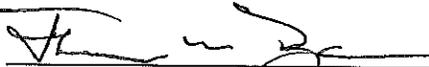
ARTICLE IV- Effective Date: This Ordinance shall become effective five (5) days from the date of adoption.

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 10 day of July, 2013, by the Board of Supervisors of Delaware Township, Pike County, Pennsylvania.

**BOARD OF SUPERVISORS
DELAWARE TOWNSHIP**


THOMAS M. RYAN, CHAIRMAN


ROBERT LUCIANO, VICE-CHAIRMAN


THADDEUS PARSELL, SUPERVISOR

ATTEST:


~~THOMAS M. RYAN~~ TOWNSHIP SECRETARY
Barbara Foss