

**AN ORDINANCE AMENDING CHAPTER 325 OF THE YORK COUNTY CODE TO
ADD ARTICLE VIII WHICH SHALL BE ENTITLED "LOCAL ECONOMIC
REVITALIZATION TAX ASSISTANCE PROGRAM."**

WHEREAS, the County of York is a local taxing authority authorized by the Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1977, P.L. 237, No. 76, (72 P.S. §4722 et seq) to provide tax exemption for new construction in deteriorated areas of economically depressed communities and for improvements to certain deteriorated industrial, commercial and other business properties; and

WHEREAS, the Board of Commissioners for the County of York desire to continue to encourage new industrial, commercial, and business development in these deteriorated areas through the use of tax exemptions;

NOW, THEREFORE, the York County Board of Commissioners hereby enacts as follows: Chapter 325 of the York County Code shall be amended to add Article VIII which shall be entitled "Local Economic Revitalization Tax Assistance Program." Article VIII shall include the following sections.

SECTION 325-28. Definitions. The following words and phrases when used in this Ordinance shall have the following meaning:

Deteriorated Property - any industrial, commercial or other business property owned by an individual, association, or corporation, and located in a deteriorating area, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinance, or regulations.

Improvement - 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.

SECTION 325-29. Eligible Areas. The Board of Commissioners for the County of York shall conduct a hearing pursuant to 72 P.S. Section 4725(a) for the purpose of determining the boundaries of the Deteriorated Properties which are eligible for tax exemption under this Ordinance. The Commissioners shall set an exemption schedule for the particular area at the conclusion of the hearing.

SECTION 325-30. Exemption.

a. The amount to be exempted from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of improvements in accordance with the exemption schedule established by this Ordinance.

b. The exemption from real estate taxes shall be limited to that improvement for which an exemption has been requested in the manner set forth in this Ordinance and for which a

separate assessment has been made by the Board of Assessment Appeals.

SECTION 325-31. Exemption Schedule.

- a. The length of the schedule of taxes exempted shall not exceed ten (10) years.
- b. If an eligible property is granted a tax exemption pursuant to this Ordinance, the improvement shall not, during the exemption period, be considered as a comparable in assessing other properties.
- c. The exemption from taxes granted pursuant to this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

SECTION 325-32. Procedure for Obtaining Exemption.

- a. Any applicant must own or have an equitable interest in real estate located within the boundaries of Deteriorated Properties.
- b. Any property owner qualifying under subsection (a) immediately above must obtain and fill out an application form. The application form shall be available at the York County Assessment Office. The application shall be submitted at the time the applicant secures the building permit or as otherwise provided for in 72 Pa. C.S.A. Section 4727(a).
- c. After the application is filled out, it shall be delivered to the York County Commissioners' Office (28 East Market Street, 2nd Floor, York, PA).
- d. The exemption schedule for the property at issue shall not deviate from the schedule adopted at the time of the hearing.
- e. After the motion is passed or the resolution is adopted, the application shall be transferred to the York County Assessment Office. The Assessment Office shall verify that the property at issue is within the boundaries of Deteriorated Properties. The Assessment Office shall notify the applicant of the property's acceptance into the LERTA program.
- f. The York County Assessment Office shall then perform a new assessment of the property. The new assessed value shall be used to determine the exemption under LERTA. (See Section 325-30).
- g. York County Assessment Office shall notify the property owner and taxing authorities of the new assessment. Appeals from the new assessed value may be taken by any party with standing as provided by law.
- h. The cost of the improvements to be exempted and the schedule of taxes exempted existing at the time of the initial request for tax exemption shall be applicable to that exemption request, and subsequent amendment to this Ordinance, if any, shall not apply to the adoption of any such amendment.

SECTION 325-33. Revocation of LERTA exemption. The exemption from real estate taxes provided for herein shall be forfeited by the Applicant and/or any subsequent owner of the real estate for the failure to pay any nonexempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. For the purpose of this Section, taxes must be paid

by the end of the calendar year to be paid in the penalty period. Upon receipt of the notice of nonpayment of nonexempt real estate taxes, the York County Treasurer shall discontinue the LERTA exemption, and shall notify the York County Tax Assessment Office of such discontinuance.

SECTION 325-34. Conflict. Any previously adopted Ordinance or part thereof which conflicts with the provisions of this Ordinance is hereby repealed.

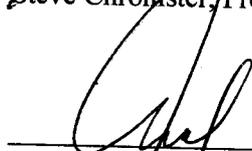
SECTION 325-35. Severability. The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses, or sentences.

ENACTED, this 4th day of June, 2008.

YORK COUNTY BOARD OF COMMISSIONERS



Steve Chronister, President



Christopher B. Reilly, Vice President Commissioner



Doug Hoke, Commissioner



Charles R. Noll
Administrator/Chief Clerk

DATE: 6-4-08

(SEAL)

The above Ordinance was ordained, enacted, and adopted this 4th day of June 2008 at a regular meeting of the Board of Commissioners of the County of York duly advertised and assembled upon motion of Commissioner Hoke and seconded by Commissioner Reilly and passed with a vote of 3 yes and 0 no.