

**TOWNSHIP OF FRANKLIN
FAYETTE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1-10-17**

**AN ORDINANCE EXEMPTING NEW CONSTRUCTION IN DETERIORATED
AREAS OF THE TOWNSHIP AND IMPROVEMENTS TO CERTAIN
DETERIORATED INDUSTRIAL COMMERCIAL AND OTHER BUSINESS
PROPERTIES FOR DEFINED PERIODS AND IN SPECIFIED AMOUNTS
FROM LOCAL REAL ESTATE TAXES.**

IT IS HEREBY ORDAINED by the Township of Franklin, Fayette County,

Pennsylvania, as follows:

WHEREAS, the Local Economic Revitalization Tax Assistant Act (Act of December 1, 1977 P.L/ 237 No. 76 as amended and revised; 72 P.S. § 4722 et seq.) herein after referred to as “LERTA” authorizes local taxing authorities to provide tax exemptions to certain deteriorated industrial, commercial and other business properties and for new industrial, commercial and other business construction, in deteriorated areas of economically depressed communities, and;

WHEREAS, the Board of Supervisors of Franklin Township believes this community to be economically depressed as evident by unsafe and unsanitary buildings, vacant, overgrown and unsightly lots of ground, a disproportionate number of tax delinquent properties, defective design and arrangement of buildings, economically and socially undesirable land uses, high unemployment, high welfare benefit participation and low revenues to Franklin Township, and;

WHEREAS, the Board of Supervisors of Franklin Township likewise, believes some of the areas subject to this Ordinance are depressed and deteriorated as the same have been unoccupied and undeveloped despite having all the necessary amenities and requisites for favorable development, and;

WHEREAS, the Board of Supervisors of Franklin Township, after public hearing held on the 2nd day of September 2004; determined that all property contained within the geographic confines of Franklin Township were depressed and/or deteriorated and should be eligible for the exemptions hereafter outlined.

WHEREAS, on September 2, 2004, the Board of Supervisors of Franklin Township enacted Ordinance No. 1-9-04 outlining and authorizing the exemptions as hereinafter outlined through August 31, 2009 and by Ordinance No. 1-7-09 extended said exemptions until August 31, 2014 but failed to further extend said exemptions thereafter necessitating the enactment now of this Ordinance.

WHEREAS, the Township desires to set terms and conditions of said exemptions as set hereinafter in Section 4.

AND NOW, THEREFORE, be it **ORDAINED**; by the Supervisors of the Township of Franklin, Fayette County, Pennsylvania, that exemption shall be provided from real estate property taxation for the assessed valuation of the improvements to deteriorated properties and new construction in deteriorated areas of the Township, in the amounts and in accordance with the following schedules, limitations, terms and conditions:

SECTION 1. Definitions.

The following words and phrases, when used in this act shall have the following definitions:

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

b. "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.

c. "NEW CONSTRUCTION." The construction of new buildings or structures that are to be used primarily for industrial, commercial, or other business use in the deteriorated areas of the Township.

d. "LOCAL TAXING AUTHORITY." The Township of Franklin.

e. "MUNICIPAL GOVERNING BODY." The Township of Franklin.

SECTION 2. Exempted Area.

A. The following property is specifically included and immediately eligible for the exemptions provided for herein subject to the other requirements of this Ordinance:

(a) All property contained within the geographic confines of Franklin Township.

SECTION 3. Exempted Construction.

The Township shall exempt from taxation the following:

a. "IMPROVEMENTS" Exemptions from taxes shall be limited to the additional assessment valuation attributable to the actual cost of the improvement. The date of the construction shall be the date of the issuance of the building or alteration permit. No tax exemption shall be granted if the property owner does not secure any necessary and proper zoning, sewage or other required permits prior to improving the property and the necessary LERTA documentation prior to permits being issued.

b. "NEW CONSTRUCTION" The exemption shall commence in the tax year immediately following the year in which the building permit is issued and LERTA approval is properly secured.

SECTION 4. Schedule of Exemptions.

The amounts exempted from taxation shall be as follows:

a. IMPROVEMENTS

The actual amount of taxes exempted attributable to qualifying improvements, for which the improvements would otherwise be taxable shall be as follows:

1. 100% for the first year
2. 80% for the second year
3. 60% for the third year
4. 40% for the fourth year
5. 20% for the fifth year

After the fifth year the tax exemption shall terminate.

b. NEW CONSTRUCTION

The actual amount of taxes exempted attributable to qualifying new construction, for which the newly constructed building(s) or building addition(s) would otherwise be taxable shall be as follows:

1. 100% for the first year
2. 80% for the second year
3. 60% for the third year
4. 40% for the fourth year
5. 20% for the fifth year

After the fifth year the tax exemption shall terminate.

c. The exemption from real property taxes granted by this Ordinance shall be upon the property and shall not be terminated upon the sale or exchange of the property.

d. If an eligible property is granted a tax exemption pursuant to this Ordinance, the improvements shall not, during the exemption period, be considered as a factor in assessing that property.

e. If a property was granted an exemption for a cumulative period of five (5) years under this and/or any predecessor Ordinance it is ineligible for further tax exemption under this Ordinance.

SECTION 5. Procedure.

a. At the time a building or alteration permit is secured for the construction or alteration of a building for which an exemption is requested, the taxpayer shall apply to the Township Supervisors for the exemption provided for in this Ordinance. The request for

exemption must be in writing, certified in full as prescribed by the Township setting forth the following information and the application for exemption must be made at or before the date of building permit issuance and include but not be limited to the following information:

1. The date the building permit was issued for said improvements or new construction;
2. The type of improvement or new construction;
3. A summary of the plan for the improvement or new construction;
4. The cost of the improvement or new construction;
5. Any such additional information the Township or County may require;
6. Any exemption previously granted by this or predecessor Ordinance and the terms of the exemption.

b. A copy of the request for exemption shall be forwarded by the requestor to the Fayette County Assessment Office and to the Uniontown Area School District at or simultaneously before or simultaneously with the request of the building permit. Upon completion of the improvement or new construction the taxpayer shall notify the Township so that the improvements or new construction may be assessed for the purposes of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Ordinance. The Township will then obtain from the assessor the amount of the assessment eligible for exemption and will notify the taxpayer. Appeals from the reassessment and the amount eligible for exemption may be taken by the taxpayer of the Township as provided by law.

SECTION 6. Contingency.

a. Notwithstanding any other provision of this Ordinance, this Ordinance shall remain in full force and effect conditioned on the enactment by the Uniontown Area School Board and the County of Fayette of similar Ordinances which allow for the exemptions herein outlined within the deteriorated area as designated in Franklin Township. If said Board and/or County fail to enact such legislation then this Ordinance shall be repealed without further action.

SECTION 7. Severability.

The provisions of this Ordinance are severable and if any sections, clauses or sentences shall be deemed illegal, invalid or unconstitutional, such provisions shall not effect or impair any of the remaining sections, clauses or sentences. The provisions of any Ordinance which conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8. Effective Date and Duration.

This Ordinance shall be effective five (5) days subsequent to enactment and shall remain in full force and effect until otherwise repealed; the contingency of Section 6A occurs, or until September 30, 2017, whichever sooner occurs. The tax exemptions as hereinbefore outlined may be extended by appropriate Resolution of the Supervisors of Franklin Township.

This Ordinance is enacted the 5th day of October, 2017.

**THE BOARD OF SUPERVISORS OF
FRANKLIN TOWNSHIP**

By: W. Thomas McCracken
W. THOMAS McCRACKEN, Chairman

By: Joseph Marcinek
JOSEPH MARCINEK, Secretary

By: Timothy Kelly
TIMOTHY KELLY, Vice Chairman

ATTEST:

Janet Guthrie

Janet Guthrie
Assistant Secretary

(Seal)

I, the undersigned assistant secretary of Franklin Township, Janet Guthrie, hereby certify that the within is a true and accurate copy of the Ordinance enacted by the Franklin Township Supervisors by unanimous vote of the Franklin Township Supervisors, at a meeting on the 5th day of October, 2017.

Janet Guthrie
Janet Guthrie, Assistant Secretary