

**COUNTY OF TIOGA, COMMONWEALTH OF PENNSYLVANIA**

*AN ORDINANCE AMENDING TIOGA COUNTY PREFERENTIAL TAX  
ASSESSMENT PLAN ORDINANCE 2005-01*

***AUTHORIZING TAX EXEMPTIONS FROM PROPERTY TAX FOR  
CERTAIN DETERIORATED INDUSTRIAL, COMMERCIAL OR  
OTHER BUSINESS PROPERTY, SETTING A MAXIMUM  
EXEMPTION AMOUNT AND EXEMPTION SCHEDULE,  
AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION***

WHEREAS, the general assembly of Pennsylvania passed Act 76 of 1977 (72 P.S. Section 4722, et seq.), known as the “Local Economic Revitalization Tax Assessment Law” (LERTA), which authorized local taxing authorities to provide tax exemption for certain deteriorated, industrial, commercial and other business property;

WHEREAS, on the 10<sup>th</sup> day of May, 2005, the Board of Commissioners of Tioga County enacted Ordinance Number 2005-01 establishing the Tioga County Preferential Tax Assessment Plan pursuant to LERTA;

WHEREAS, the Board of Commissioners believe that it is in the best interest of the County to provide tax incentives for the rehabilitation and development of qualified industrial, commercial or other business property, thereby encouraging revitalization and development of deteriorated areas to the benefit of all concerned; and

WHEREAS, the Board of Commissioners believe that Ordinance 2005-01 should be amended to insure that its terms and provisions are consistent with LERTA.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the County of Tioga that the provisions of Ordinance 2005-01 are superseded as follows:

I. Definitions.

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

- a. “Deteriorated area” means those areas within Tioga County that are determined to be deteriorated areas by action

of any municipal governing body pursuant to Section 4725 of Act 76 of 1977 (72 P.S. Section 4725).

b. “Deteriorated property” means any industrial, commercial or other business property owned by an individual, association or corporation, and located in a deteriorating area of the County of Tioga, or any such property that has been the subject of an order of a government agency requiring the unit to be vacated, condemned or demolished by reason of non-compliance with laws, ordinances or regulations.

c. “Improvement” means 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.

d. “Local taxing authority” means the County of Tioga, the 39 boroughs and townships and/or the three school districts within the County of Tioga.

e. “Municipal governing body” means the 39 boroughs and townships within the County of Tioga.

## II. Application of this Ordinance.

Upon receipt of notification from any municipal governing body that it has determined the boundaries of a deteriorated area or areas, the Board of Commissioners of the County of Tioga shall then consider whether to extend the provisions herein to said deteriorated area or areas by resolution or ordinance. The provisions herein shall not apply to any deteriorated area of the County unless and until such resolution or ordinance is enacted.

## III. Exemption Amount:

a. The amount to be exempted shall be limited to the additional assessment attributed to the actual costs of improvements to deteriorated property or new construction.

b. In no case shall any tax exemption be granted pursuant to the provisions of this ordinance if the property owner has not secured, or does not secure, all necessary and proper zoning, building, health, housing, electrical, plumbing or any other permits required for the improvements or new construction.

#### IV. Exemption schedule.

a. The amount to be exempted will be in accordance with the following:

1. For the first year for which improvements would otherwise be taxable, 90% of the eligible assessment shall be exempted;

2. For the second year for which improvements would otherwise be taxable, 80% of the eligible assessment shall be exempted;

3. For the third year for which improvements would otherwise be taxable, 60% of the eligible assessment shall be exempted;

4. For the fourth year for which improvements would otherwise be taxable, 40% of the eligible assessment shall be exempted;

5. For the fifth year for which improvements would otherwise be taxable, 20% of the eligible assessment shall be exempted;

6. After the fifth year, the exemption hereunder shall terminate.

b. The exemption from property taxes pursuant to this ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

c. If an eligible property is granted a tax exemption pursuant to this ordinance, the improvements shall not, during

the exemption, be considered as a factor in assessing other properties.

V. Notice to taxpayers and distribution:

a. Upon adoption and approval of this ordinance, County of Tioga shall make provisions to distribute this ordinance to the County of Tioga Assessment Office, each of the 39 boroughs and townships, and the three school districts.

b. Upon adoption and approval of any resolution or ordinance under Section II above, County of Tioga shall make provision to distribute said resolution or ordinance to the applicable municipal governing body and school district.

VI. Procedures for obtaining exemptions:

a. The taxpayer shall apply for the exemption at the time of obtaining a building permit or, if no building permit is required, at the time of commencement of any improvements or new construction and shall comply with all procedures established by the municipal governing body where the property is located.

b. Application shall be made on a form issued by the municipal governing body, setting forth the following information:

i. The date that the building permit (if acquired) was applied for and issued;

ii. The location of the property;

iii. The type of improvements or new construction to be made;

iv. The cost of improvements or new construction;

v. That the property has been inspected and approved for improvements or new construction by the building official or other designated official of the municipal governing body.

c. Copies of the application for exemption and building permit, if any, shall be forwarded to the Tioga County Assessment Office.

d. Upon completion of the improvements or new construction, the taxpayer shall provide the Tioga County Assessment Office with a certificate of completion issued by the owner or an independent architect or professional engineer. In the absence of any such certificate, the Tioga County Assessor may determine the date of completion.

e. The assessor shall then separately assess the improvement and then calculate the amount of the assessment that is eligible for tax exemption in accordance with this ordinance and the assessment office shall notify the taxpayer and local taxing authorities of the reassessment and the amount of assessment eligible for exemption.

#### VII. Termination:

This ordinance shall remain in effect until such time as it is repealed or superseded by subsequent ordinances. Any property exemption granted under the provisions of this ordinance shall continue in accordance with the schedule provided hereunder, even if this ordinance is repealed or superseded within said exemption period.

#### VIII. 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 provision shall not affect or impair any of the remaining provisions of this ordinance.

#### IX. Repealer:

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency.

#### X. Effective date:

Adopted as an ordinance of the County of Tioga,  
Commonwealth of Pennsylvania, at a meeting of the Board of  
Commissioners, held on the 9th day of October, 2007. The  
terms and provisions of this ordinance amending Ordinance  
Number 2005-1 shall be applied prospectively and not  
retroactively.

COUNTY OF TIOGA  
BOARD OF COMMISSIONERS:

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Mark Hamilton

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Sue Vogler

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Erick J. Coolidge

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Derek D. Williams, Chief Clerk