

ORDINANCE NO. 5 of 2017

SHENANGO TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF SHENANGO, LAWRENCE COUNTY, PENNSYLVANIA, DEFINING AND AUTHORIZING TAX EXEMPTIONS FROM REAL PROPERTY TAX IN ORDER TO STIMULATE INVESTMENT AND DEVELOPMENT OF INDUSTRIAL PROPERTIES IN CERTAIN AREAS OF SHENANGO TOWNSHIP; ESTABLISHING AN EXEMPTION SCHEDULE AND PROCEDURES FOR OBTAINING EXEMPTIONS; PROVIDING FOR NON-PERMISSIBLE EXEMPTIONS; AND DETERMINING THE TERMINATION DATE HEREOF AND LIMITING AMENDMENTS HERETO.

SECTION 1. Title

This Ordinance shall be known as and may be cited as the Shenango Township Industrial Abatement Ordinance.

SECTION 2. Authority for Enactment

This Ordinance is enacted pursuant to the authority contained in the Local Economic Revitalization Tax Assistance Act 72 P.S. § 4722, et seq., and pursuant to the Adoption of the Lawrence County Tax Abatement Program.

SECTION 3. Definitions

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

DETERIORATED PROPERTY – shall mean any industrial property owned by an individual, partnership, association or corporation and located in the I-P Industrial Park District, as defined in the Shenango Township Zoning Ordinance.

IMPROVEMENT – shall mean repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it attains higher standards of safety, health, economic use, or is brought in compliance with laws, ordinances, or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement. No residential homes, apartments or other living establishments are included within this definition or within the terms of this Ordinance.

LOCAL TAXING AUTHORITY – means the Township of Shenango, Lawrence County, Pennsylvania, and any other governmental entity having the authority to levy real property taxes within the Township of Shenango.

MUNICIPAL GOVERNMENT BODY – means the Township of Shenango, Lawrence County, Pennsylvania.

SECTION 4. Exemptions

1. The exemption from real property taxes shall be limited:
 - a. To the exemption schedule as established within this Ordinance;
 - b. To that portion of the additional assessment attributable to the actual costs of improvements to the deteriorated property; and
 - c. To the assessment valuation attributable to the cost of construction of a new industrial business unit.
2. In all cases, the exemption from taxes shall be limited to that portion of the additional assessment attributable to the improvement or new construction which exceeds the value of \$25,000.00, and for which a separate assessment has been made by the Lawrence County Board of Assessment Appeals and for which an exemption has been separately requested.
3. No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property.
4. In any case, after the effective date of this Ordinance, when deteriorated property is damaged, destroyed or demolished, by any cause for any reason, and the assessed valuation of the property affected has been reduced as a result of the said damage, destruction or demolition, the exemption from real property taxation authorized by this Ordinance, shall be limited to that portion of new assessment attributable to the actual cost of improvements or construction that is in excess of the original assessments that existed prior to the damage, destruction or demolition of the property.

SECTION 5. Exemption Schedule

1. The following real estate tax exemption schedule shall become effective when the owner or lessee shall occupy and commence use of said property. For five (5) years immediately following completion of new construction or completion of an

improvement to an existing structure, the following real estate tax exemption schedule shall be in effect:

<u>Length</u>	<u>Portion Exempt</u>
1st year	100%
2nd year	80%
3rd year	60%
4th year	40%
5th year	20%
6th year	0%

After the fifth (5th) year, the exemption shall terminate.

2. The exemption from taxes granted under this Ordinance shall be upon the property exempted and shall not terminate upon the sale or exchange of the property but shall continue for the full time originally granted.
3. If an eligible property is granted tax exemption pursuant to this Ordinance, the improvement shall not, during the exemption period, be considered as a factor in assessment of other properties.
4. If the use of the property at the time the exemption is granted is modified, terminated, or changed during the five (5) year period in any way which would have affected the exemption if the property had been so used when the exemption was granted, then at the election of the Shenango Township Supervisors, the exemption shall terminate as of the date the use was modified or terminated if the Shenango Township Supervisors determine that continuation of the exemption would be inconsistent with the purposes of this Ordinance.

SECTION 6. Criteria Necessary to Apply for Abatement

1. Industrial real estate located within the designated I-P Industrial Park District of the Township of Shenango.
2. The lot or parcel shall be vacant from any industrial use.
3. Construction of industries upon said proposed lot or parcel must have the effect of rehabilitating said lot or parcel so that it attains higher standards of safety, health, economic use or is brought into compliance with laws, ordinances or regulations governing such standards.

SECTION 7. Standards for Meeting the Criteria for Abatement

May include, but are not limited to the following:

- a. Significant job development;
- b. Substantial investment in construction and investment capital;
- c. Intended use must meet all applicable zoning requirements;
- d. Whether development is likely to occur without abatement;
- e. Whether said property has been the subject of an order by a government agency requiring the property to be vacated, condemned or demolished by reason of non-compliance with laws, ordinances or regulations, including any such property declared to be a public nuisance.

SECTION 8. Procedure for Obtaining Exemption

1. Any person desiring tax exemption pursuant to this Ordinance shall apply to Shenango Township at the time a building permit is secured for construction of the improvement. The application shall be in writing upon forms specified by Shenango Township setting forth the following information.
 - a. The location of the property to be improved;
 - b. The anticipated, specific industrial use of the property to be improved;
 - c. The type of improvement;
 - d. The summary of the plan of the improvement;
 - e. The cost of the improvement;
 - f. That the property has been inspected and verified by the Shenango Township Supervisors or their agents; and
 - g. Such additional information as Shenango Township may require.
2. A copy of the exemption requests shall be forwarded to the Lawrence County Board of Assessment by the Shenango Township Secretary. The Board of Assessment shall determine and shall assess separately the improvements and calculate the amounts of the assessment eligible for the tax exemption in

accordance with the limits established by this Ordinance and notify the taxpayer and local taxing authorities of the reassessment and amounts of the assessment eligible for tax exemption. In the case of new construction, the Board shall assess separately the unit and the land upon which the new construction stands and shall otherwise perform its duties as above provided for construction of improvements to properties.

3. The cost of 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 extension of or amendment to this Ordinance, if any, shall not apply to requests initiated prior to their adoption.
4. Appeals from the reassessment and the amount eligible for the exemption may be taken by Shenango Township or by the taxpayer as provided by law.

SECTION 9. Industrial Park District

The exemption permitted under this Ordinance is limited to properties within the I-P Industrial Park District which are located on Commerce Avenue, Progress Avenue, and County Line Road. A Map of the Industrial Park District is attached hereto and marked as Exhibit "A".

SECTION 10. Amendments

No amendment to this Ordinance shall be effective unless consented to by resolution or ordinance of each local taxing authority which has consented to be bound by the terms of this Ordinance.

SECTION 11. Termination Date

This Ordinance shall automatically terminate ten (10) years following the effective date hereof; providing, however, 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. This section shall not prevent the Shenango Township Supervisors, however, from repealing this Ordinance or any section thereof before ten (10) years upon proper action of the Shenango Township Supervisors.

SECTION 12. Non-permissible Exemptions

Any exemption made permissible under this Ordinance shall not be applied to any non-industrial use of any eligible property unless such use is specifically or conditionally permissible under the Shenango Township Zoning Ordinance.

SECTION 13. Repealer

All ordinances or part of ordinances which are inconsistent herewith are hereby repealed. This Ordinance shall not in any way repeal, affect, alter or diminish the application or terms Ordinance No. 3 of 2015, the Shenango Township Abatement Ordinance, which applies only to commercial properties located in the Central Business District, as defined therein.

SECTION 14. Severability

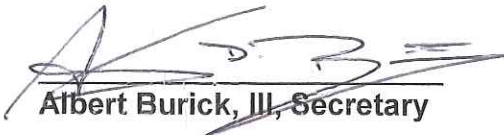
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Shenango Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 15. Effective Date

This Ordinance shall become effective upon adoption by the Shenango Township School District of a resolution exempting from real property taxation, properties in accordance with the terms of this Ordinance.

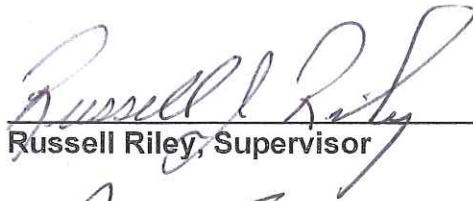
Ordained and Enacted this 26th day of JULY, 2017.

ATTEST:

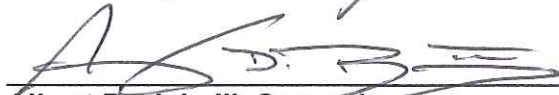

Albert Burick, III, Secretary

**BOARD OF SUPERVISORS OF
SHENANGO TOWNSHIP**

 = ABSTAIN
Frank Augustine, Chairman

A handwritten signature in cursive script, appearing to read "Russell Riley", written over a horizontal line.

Russell Riley, Supervisor

A handwritten signature in cursive script, appearing to read "Albert Burick, III", written over a horizontal line.

Albert Burick, III, Supervisor

**SHENANGO TOWNSHIP and
SHENANGO TOWNSHIP SCHOOL DISTRICT
TAX ABATEMENT**

APPLICANT: _____

MAILING ADDRESS: _____

SITE ADDRESS: _____

BUILDING PERMIT # AND DATE ISSUED: _____

USE OF SITE BEING IMPROVED: _____

TYPE OF IMPROVEMENT: _____

ZONING OFFICER COMMENTS: _____

PROPERTY INSPECTION BY: _____

SHENANGO TOWNSHIP ZONING OFFICER

DATE INSPECTED

COPY OF ORDINANCE GIVEN TO APPLICANT ON: _____

DATE

APPLICANT'S SIGNATURE: _____

