

ORDINANCE NO. 2010 – 201- 2

**AN ORDINANCE OF THE TOWNSHIP OF HARBORCREEK,
ERIE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE
2010 – 201 AND 2010 -201 – 1, ELIMINATING REAL ESTATE
TAX ABATEMENT FOR INDUSTRIAL PROPERTIES IN LERTA
DISTRICT WITHIN THE TOWNSHIP AND EXTENDING THE
EFFECTIVE DATE OF THIS ORDINANCE UNTIL DECEMBER
31, 2015**

WHEREAS, the Board of Supervisors of Harborcreek Township recognizes that the conditions which existed at the time of the passage of the Ordinance 2010 – 201 have continued to evolve insofar as certain areas should no longer qualify for tax relief and abatement; and

WHEREAS, the Board of Supervisors recognizes that any real property tax relief offered in Ordinance No. 2010 – 20, and its amendments, must also be approved by the governing bodies of the Harbor Creek School District and the County of Erie.

NOW THEREFORE, be it enacted by the Harborcreek Township Board of Supervisors that Ordinance No. 2010 -201 and its amendment, No. 2010 – 201 – 1 are hereby amended as follows:

Section One. Purpose. This amendment is enacted to eliminate real estate tax abatement and relief for industrial properties in the LERTA district within the Township and to extend the effective date of this Ordinance until December 31, 2015.

Section Two. Definitions. The definition of (b) “Deteriorated Property Non-Residential” shall be modified as follows:

(b) “Deteriorated Property Non-Residential” means any commercial or business property owned by an individual, association or corporation, or like entity located in an Investment Opportunity Zone, as defined in Ordinance No. 2010 – 201, or any such property, other than industrial Property within the LERTA District, which has been the subject of an order by a government agency requiring the unit to be vacated, condemned, or demolished by reason of non-compliance with laws, ordinances, or regulations.”

The definition of (e) “improvement” shall be modified as follows:

(e) “Improvement” means repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitation of a deteriorated property, either commercial, business, industrial or residential so that its assessed value increases more than \$25,000, and one of the following: 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; or is new residential construction in an Investment Opportunity Zone. Ordinary upkeep and maintenance shall not be deemed an 'improvement'."

Section Three. Exemption. The provisions of Section Three of Ordinance 2010-201 shall be amended as follows:

"(a) There is hereby exempted from real property taxation, the assessed valuation of real property, the increase of which is directly attributable to:

** * * * **

2. Improvements to any commercial or business property, without regard to whether such properties qualify as "Deteriorated Property Non-Residential", anywhere in the Township."

3. Improvements to any industrial properties, without regard to whether such properties qualify as "Deteriorated Property Non-Resident", other than in the LERTA District.

Section Seven. Sunset Provisions. The provisions of Section Seven of Ordinance No. 2010 -201, and its amendment, No. 2010 -201 – 1, shall be amended as follows:

"The provisions of this Comprehensive Tax Abatement Ordinance and its amendments, shall expire on the 31st day of December, 2015, unless extended by ordinance duly adopted. Any applicant for tax abatement must have a building permit to be eligible for tax abatement treatment hereunder, with that permit having been issued on, or before, the 31st day of December, 2015."

BE IT ENACTED, THIS _____ DAY OF JANUARY, 2014.

Timothy J. May, Chairperson

Dean S. Pepicello, Supervisor

Joseph D. Peck, Supervisor

ATTEST:

A copy of this Ordinance was duly advertised in the Erie Times News on the 23rd day of December 2013.

The motion to adopt this Ordinance was made by _____, and seconded by _____. The vote with respect to this ordinance was unanimous.