

ORDINANCE NO. 2020 - 6

AN ORDINANCE OF THE BOROUGH OF LEWISTOWN, MIFFLIN COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF LEWISTOWN, CHAPTER 225, TAXATION, BY THE ADDITION OF ARTICLE V, EXEMPTION FROM TAXES ON NEW IMPROVEMENTS, AND CONTAINING SEVERABILITY, SAVINGS AND REPEALER PROVISIONS.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, as follows:

SECTION 1: Amendment to the Code of Ordinances, Chapter 225, Taxation. Chapter 225, Taxation, of the Code of Ordinances of the Borough of Lewistown is hereby amended by the addition of Article V, Exemption from Taxes on New Improvements, as follows:

ARTICLE V

Exemption from Taxes on New Improvements

§ 225-65. Policy and Intentions

A. It is the purpose of this article and the policy of the Council of the Borough of Lewistown, in order to protect and promote the public health, safety and welfare of its citizens and residents, to promote economic development by upgrading, rehabilitating or adding to existing business and residential property and provide incentives to upgrade existing residential property in the Borough of Lewistown. This article shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this article, the Borough of Lewistown makes the findings set forth immediately hereinafter.

B. The Local Economic Revitalization Tax Assistance Act, 72 P.S. § 4722 *et seq.*, as amended, authorizes local taxing authorities to exempt new construction and improvements to certain commercial and business property from taxation on a schedule for a period of no more than ten (10) years as adopted by the local taxing authority.

C. The Improvement of Deteriorating Real Property or Areas Tax Exemption Act, 72 P.S. § 4711-101 *et seq.*, as amended, authorizes local taxing authorities to exempt improvements to certain residential properties from taxation on a schedule for a period of no more than ten (10) years as adopted by the local taxing authority.

D. After public hearing, the Borough of Lewistown finds that the following areas of the Borough should be designated as deteriorated areas, as that term is used in the Local Economic Revitalization Tax Assistance Act and the Improvement of Deteriorating Real Property or Areas

Tax Exemption Act of an economically depressed community / deteriorated neighborhood, and should be subject to tax exemption on improvements to real estate:

The entire Borough of Lewistown.

§ 225-66. Exemption

- A. There is hereby exempted from all real property taxation assessed by the Borough of Lewistown the assessed valuation of improvements to real property in deteriorated areas of the Borough. For purposes of this Article, the term "improvement" is defined as that term is defined in the Local Economic Revitalization Tax Assistance Act or the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, as applicable.
- B. The exemption authorized by this section shall be in the amounts and in accordance with the provisions and limitations herein provided.
- C. The exemption from real estate property taxes assessed by the Borough of Lewistown shall be to that portion of the additional assessment attributable to the actual cost of improvement.
- D. The date of Improvement shall be the date of issuance of the building permit or other required notification of construction.
- E. In all cases the exemption from taxes shall be limited to that portion of the additional assessment attributable to the Improvement, and for which a separate assessment has been made by the County Board of Assessment Appeals and for which an exemption has been separately requested.
- F. No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to making an Improvement of the property.
- G. No tax exemption shall be granted if the entire property including any improvement as completed does not comply with the minimum standards of the Codes of the Borough of Lewistown as set forth in Chapter 110, Codes.
- H. The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.
- I. The exemption from taxes hereunder shall be forfeited by the applicant and/or any subsequent owner of the real estate for failure to pay nonexempt real estate taxes including real estate taxes on other properties within the Borough by their due date, i.e. the last date upon which taxes may be paid without penalty.
- J. 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 assessing other properties.

§ 225-67. Exemption Schedule

A. The schedule of Real Estate taxes to be exempted for improvement to deteriorated industrial, commercial or other business property in the C-Commercial District and the M&I-Manufacturing and Industrial District shall be in accordance with the below portion of improvement to be exempted each year:

<u>Length</u>	<u>Portion</u>
1st year	100%
2nd year	100%
3rd year	100%
4th year	100%
5th year	100%
6th year	50%
7th year	40%
8th year	30%
9th year	20%
10th year	10%

After the tenth year the exemption shall terminate.

B. The schedule of Real Estate taxes to be exempted for improvement to dwelling units located in deteriorated neighborhoods and deteriorated industrial, commercial or other business property in any deteriorated area other than the C-Commercial District and the M&I-Manufacturing and Industrial District, shall be in accordance with the below portion of improvement to be exempted each year:

<u>Length</u>	<u>Portion</u>
1st year	100%
2nd year	90%
3rd year	80%
4th year	70%
5th year	60%
6th year	50%
7th year	40%
8th year	30%
9th year	20%
10th year	10%

After the tenth year the exemption shall terminate.

§ 225-68. Administration

A. Any person desiring tax exemption pursuant to this Ordinance should apply to the Borough of Lewistown at the time that a building permit is secured for construction of the improvement. The application must be in writing upon forms specified by the Borough setting forth the following information:

1. The date the Building Permit was issued for said improvement;
2. The location of the property to be improved;
3. The nature of the property to be improved;
4. The type of improvement (commercial, mixed use, or residential);
5. The summary of the plan of the improvement;
6. The cost of the improvement; and
7. Such additional information as the Borough may require.

B. There shall be on the application form for a building permit, the following notice: Notice to Taxpayer. Under the provisions of Chapter 225, Taxation, Article V, Exemption from Taxes on New Improvements, of the Code of Ordinances of the Borough of Lewistown you may be entitled to exemption from tax on your contemplated improvement by reassessment. An application for exemption may be secured from the Codes Office or other properly designated official of the Borough and must be filed at the time the building permit is secured.

C. A copy of the exemption request shall be forwarded to the County Board of Assessment Appeals by the Borough Codes Office. The Board shall determine whether the exemption shall be granted and shall, upon completion of the improvement, and notification from the City Borough Codes Office that the improvement complies with all applicable Codes, assess separately the improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance and notify the taxpayer and the local taxing authorities of the reassessment and amounts of the assessment eligible for exemption.

D. The cost of improvement 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 requests initiated prior to their adoption.

SECTION 2: Amending of the Table of Contents. The Table of Contents Chapter 233, Vehicles and Traffic, is hereby amended by the addition of the following:

Chapter 225 – Taxation

Article I - Per Capita Tax

- § 225-1. Short title; legal authority.
- § 225-2. Levy of tax.
- § 225-3. Tax Collector; duties; compensation; oath; bond; reimbursement for expenses.
- § 225-4. Entry and issuance of duplicate.
- § 225-5. Notice of tax due.
- § 225-6. Collection of delinquent per capita tax by wage attachment.
- § 225-7. Collection of delinquent per capita tax by distress and sale of goods and chattels.
- § 225-8. Taxes to be remitted by tax collector to Borough.
- § 225-9. Failure to receive notice not to relieve taxpayer from payment of tax.
- § 225-10. Discounts and penalties.
- § 225-11. Receipts to be furnished.
- § 225-12. Addition of names to duplicate.
- § 225-13. Penalty for failure or neglect to pay tax.

Article II - Real Estate Transfer Tax

- § 225-14. Short title.
- § 225-15. Authority.
- § 225-16. Definitions.
- § 225-17. Imposition of tax.
- § 225-18. Exempt parties.
- § 225-19. Excluded transactions.
- § 225-20. Documents relating to associations or corporations and members, partners, stockholders or shareholders thereof.
- § 225-21. Acquired company.
- § 225-22. Credits against tax.
- § 225-23. Extension of lease.
- § 225-24. Proceeds of judicial sale.
- § 225-25. Duties of Recorder of Deeds.
- § 225-26. Statement of value.
- § 225-27. Civil penalties.
- § 225-28. Lien.
- § 225-29. Regulations.
- § 225-30. Refunds.
- § 225-31. Unlawful acts and penalty.
- § 225-32. Enforcement.
- § 225-33. Intent and interpretation.

Article III - Earned Income and Net Profits Tax

- § 225-34. Title.
- § 225-35. Definitions.
- § 225-36. Imposition and levy of earned income and net profits tax.
- § 225-37. Returns and payments by individual taxpayers.

- § 225-38. Employer withholding, remittance and tax returns.
- § 225-39. Tax officer.
- § 225-40. Interest, penalties, costs and fines.
- § 225-41. Deductions; credits; losses; exemptions.
- § 225-42. Nonapplicability.
- § 225-43. Purpose.
- § 225-44. Applicable law.
- § 225-45. Effective date.

Article IV - Local Services Tax

- § 225-46. Short title.
- § 225-47. Definitions.
- § 225-48. Levy of tax.
- § 225-49. Duty of employers.
- § 225-50. Returns.
- § 225-51. Employee's responsibility for filing return and paying tax.
- § 225-52. Dates for determination of tax liability and payment.
- § 225-53. Individuals engaged in more than one occupation.
- § 225-54. Self-employed individuals.
- § 225-55. Employers and self-employed individuals residing beyond corporate limits of Borough.
- § 225-56. Administration of tax.
- § 225-57. Interest and suits for collection.
- § 225-58. Collection of delinquent local services tax by wage attachment.
- § 225-59. Collection of delinquent local services tax by distress and sale of goods and chattels.
- § 225-60. Violations and penalties.
- § 225-61. Exemption.
- § 225-62. Applicability to employment.
- § 225-63. Savings clause.
- § 225-64. Effective date.

Article V - Exemption from Taxes on New Improvements

- § 225-65. Policy and Intentions.
- § 225-66. Exemption.
- § 225-67. Exemption Schedule.
- § 225-68. Administration

SECTION 3: Severability. If any sentence, clause or section or any 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 Borough Council that this Ordinance would have been adopted if such unconstitutional, illegal and invalid sentence, clause, section or part thereof had not been included therein.

SECTION 4: Repealer and Savings. Any Ordinance or part of any Ordinance, or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting or not inconsistent herewith are confirmed and incorporated herein by reference as if fully set forth.

SECTION 5: Location, Renumbering and Relettering. The location and numerical or alphabetical designation of this Ordinance and the sections and subsections included therein shall be delegated to the discretion of then appointed Codifier of the Code of the Borough of Lewistown (presently the Codifier is "General Code") which may renumber and/or reletter this Ordinance and the sections and subsections therein as are necessary to accommodate this Ordinance in the Code of the Borough of Lewistown. The Codifier shall make no substantive changes to this Ordinance. Any such rearranging, renumbering, relettering and editing shall not affect the validity of this Ordinance or the provisions of the Code affected thereby.

SECTION 6: Effective Date. This Ordinance shall take effect immediately.

ORDAINED AND ENACTED by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, in public session assembled, this 10 day of August, 2020.

BOROUGH OF LEWISTOWN,
Pennsylvania

Attest:

Dorine Walter
Borough Secretary
(SEAL)

By Kenneth Shade
(Vice) President of
Borough Council

This Ordinance was read and is hereby approved by me this 10th day of August, 2020.

William H. Barco
Mayor
(SEAL)



CERTIFICATE AND ATTESTATION

I do hereby certify and attest that I am the Borough Secretary of the Borough of Lewistown and in that capacity I have custody of the official Minute Book of the said Borough and the official Ordinance Book of the said Borough; and I hereby certify and attest that the annexed Ordinance No. 2020- 6 was duly adopted at a meeting of the Borough Council of said Borough held on August 10, 2020, of which notice of said meeting was duly given as required by law and a quorum of the Council Members was present; and that the said Ordinance was duly recorded among the official minutes of the Borough of Lewistown and in the official Ordinance Book of the Borough of Lewistown and that the same has not been altered, amended or rescinded but remains in full force and effect.

Certified this 10th day of August, 2020.



Dianna Walter
Borough Secretary
Borough of Lewistown
Mifflin County, Pennsylvania

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