

TOWNSHIP OF NORTHAMPTON  
BUCKS COUNTY, PENNSYLVANIA

Ordinance Number 571

AN ORDINANCE OF THE TOWNSHIP OF NORTHAMPTON, BUCKS COUNTY, PENNSYLVANIA, DESIGNATING AN AREA OF THE TOWNSHIP IN WHICH NEW CONSTRUCTION OF INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY AND IMPROVEMENTS TO INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY ARE ELIGIBLE FOR A TAX EXEMPTION PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, AS AMENDED; PROVIDING FOR AN EXEMPTION ON THE ASSESSMENT ATTRIBUTABLE TO THE ACTUAL COST OF SUCH NEW CONSTRUCTION OR IMPROVEMENTS; AND PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE

WHEREAS, the General Assembly of Pennsylvania passed Act No. 76 of 1977 (72 P.S. §4722 et seq.), known as the Local Economic Revitalization Tax Assistance Act (LERTA), which authorizes local taxing authorities to exempt from real property taxation, within certain limitations, the assessed valuation of improvements to, and new construction of, industrial, commercial and other business property in areas designated for such purpose by the governing body of the appropriate city, borough, incorporated town or township; and

WHEREAS, the Board of Supervisors of the Township of Northampton, being a "municipal governing body" within the meaning of LERTA, proposes to establish an area within the boundaries of the Township as an area in which such tax exemption may be granted by the local taxing authorities; and

WHEREAS, the Board of Supervisors of the Township of Northampton held a public hearing for the purpose of determining the boundaries of the designated area in which such exemptions may be granted by the local taxing authorities; and

WHEREAS, the Board of Supervisors of the Township of Northampton with due consideration having been given to the recommendations and comments made at such public hearing by the local taxing authorities and other knowledgeable and interested public and private agencies and individuals regarding the establishment of the boundaries of an area in the Township within its jurisdiction may grant tax exemption to new construction or improvements to industrial, commercial, and other business property in accordance with LERTA, has determined that the area hereinafter designated meets one or more of the criteria under the Act.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of the Township of Northampton, Bucks County, Pennsylvania that Chapter 24 of the Northampton Township Code of Ordinances is hereby amended to add the following:

**Part 4 – Local Economic Revitalization Tax Assistance Act (LERTA)**

**§24-401 Definitions.** As used in this ordinance, the following words and phrases shall have the meaning set forth below:

“Act” or “LERTA” - Local Economic Revitalization Tax Assistance Act of the Commonwealth, Act No. 1977-76, as amended;

“Board of Supervisors” – The Board of Supervisors of Northampton Township

“Commonwealth” – the Commonwealth of Pennsylvania;

“County” – County of Bucks, Pennsylvania, acting by and through its Board of County Commissioners, or, acting by and through its authorized representatives

“Designated Area” – the area within the Township identified in this Ordinance;

“Eligible Property” – any industrial, commercial or other business property located in the Designated Area;

“Improvement” – repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating any industrial, commercial or other business property owned by any individual, association or corporation and located in the Designated Area; “Improvements” does not include any ordinary upkeep or maintenance;

“Local Taxing Authorities” – the Township of Northampton, the County of Bucks, and the Council Rock School District

“Person” – any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority, or other group or entity;

“School District” – Council Rock School District, Bucks County, Pennsylvania, acting by its Board of School Directors, or, in appropriate cases, acting by and through its authorized representatives

“Township” – Township of Northampton, Bucks County, Pennsylvania, acting by and through its Board of Supervisors, or acting by and through its authorized representatives

**§24-402 Designated Area.**

- (A) The Township does hereby designate the area within the following boundaries as determined within the meaning of the Act, and one in which the Local Taxing Authorities may grant a tax exemption pursuant to the provisions of the Act: All properties within the I-1 zoning district; the areas bounded by the Richboro Village Overlay District; the areas bounded by the Holland Village Overlay District; and the Spring Mill Country Club property as shown on the map attached hereto as “Exhibit A”.

- (B) Any discrepancy between the description of the Designated Area in this section and the area designated in the LERTA District Resolution shall be resolved in favor of the LERTA District Resolution, it being the intent of the Township to grant exemption to all new construction and Improvements to Eligible Property within the area designated by the Resolution.

**§24-403 Exemption Amount.**

- (A) There is hereby exempted from all real estate property taxes that portion of additional assessment attributable to the actual costs of new construction or Improvements to Eligible Property for which proper application has been made in accordance with this Ordinance.
- (B) The exemption authorized by this Ordinance shall be in accordance with the provisions and limitations hereinafter set forth.
- (C) The schedule of real property taxes to be exempted shall be in accordance with the following percentage of the assessed valuation of new construction or Improvements to Eligible Property:

<u>Tax Year(s) Following Completion of Construction</u>	<u>Exemption Portion of Assessed Valuation</u>
1	100%
2	100%
3	100%
4	100%
5	100%

- (D) A tax exemption granted under this Ordinance shall become effective for a five (5) year period from the date of issuance of a Certificate of Occupancy for any Improvements.
- (E) A tax exemption granted under this Ordinance shall not terminate upon the sale or exchange of the property.
- (F) Any Person who is an owner of Eligible Property and who desires tax exemption pursuant to this Ordinance shall apply in writing for such exemption on a form to be provided by the Township at the principal office of the Township, and must be received by the Township within sixty (60) days following the date of issuance of a building permit for any new construction or Improvements.
- (G) The Township shall make available to any Person desiring to apply for a tax exemption in accordance with this Ordinance an application form (the "Application") which shall require such Person to supply the following information:

- i. The name of the owner or owners of the Eligible Property;

- ii. The location of the Eligible Property, including the tax parcel identification number assigned to such property for real property tax purposes;
- iii. The type of new construction or Improvements to be made on the Eligible Property;
- iv. The nature of the Improvements to be made on the Eligible Property;
- v. The date on which the relevant building permit was issue, the date on which construction commenced or the estimated date on which it shall commence;
- vi. The cost or estimated cost of the new construction or Improvements;
- vii. Such additional information as the Township may reasonably require.

(H) The appropriate official of the Township shall forward a copy of such completed Application to the County and School District within thirty (30) days following the date on which such Application is filed.

(I) The cost of new construction or Improvements to be exempted and the schedule of taxes exempted at the time of an initial request for tax exemption made in accordance with the provisions of this Ordinance shall be applicable to that exemption request, and any subsequent amendment to this Ordinance, if any, shall not apply to Applications filed with the Township prior to their adoption.

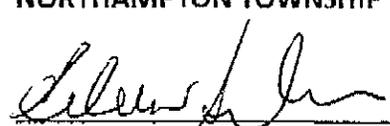
**§24-406 Expiration.** The provisions of this Ordinance shall expire upon the fifth (5<sup>th</sup>) anniversary of its enactment, unless extended by ordinance duly adopted. Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule even if this Ordinance expires or is repealed.

**§24-404 Severability.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being intent of the Township that such remainder shall be and shall remain in full force and effect.

**§24-407 Effective Date.** This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 27<sup>th</sup> day of August, 2014.

ATTEST:  
  
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 Larry Weinstein, Secretary

NORTHAMPTON TOWNSHIP  
  
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 Eileen Silver, Chairman