

**PENN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 773

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF PENN TOWNSHIP ADOPTING THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA) PROGRAM PROVIDING FOR TAX EXEMPTION FOR CERTAIN DETERIORATED AREAS WITHIN THE TOWNSHIP, PROVIDING FOR AN EXEMPTION SCHEDULE AND ESTABLISHING STANDARDS AND QUALIFICATIONS FOR PARTICIPANTS.

WHEREAS, Penn Township (“Township”) is a local taxing authority, authorized by the Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1977, P.L. 237, No. 76, (72 P.S. §4722 et seq) to provide tax exemption for new construction in deteriorated areas of economically depressed communities and for improvements to certain deteriorated industrial, commercial and other business properties; and

WHEREAS, the Board of Commissioners of Penn Township (“Board of Commissioners”) held a public hearing on May 18, 2015 for the purpose of determining the boundaries of deteriorated areas within the Township; and

WHEREAS, the Board of Commissioners desires to encourage new industrial, commercial, and business development in these deteriorated areas through the use of tax exemptions;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Commissioners of Penn Township, York County, Pennsylvania, as follows:

SECTION 1. Definitions. The following words and phrases when used in this Ordinance shall have the following meaning:

Deteriorated Property – any industrial, commercial or other business property owned by an individual, association, or corporation, and located in a deteriorating area, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinance, or regulations.

Improvement – 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.

SECTION 2: Eligible Areas. The Board of Commissioners determines that the areas shown on the map attached as Exhibit A shall be the areas which contain and consist of

deteriorated properties which are eligible for tax exemption under this Ordinance. Additional eligible areas may be included from time to time by Ordinance of the Board of Commissioners.

SECTION 3: Exemption.

- a. The amount to be exempted from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of new construction or improvements to deteriorated property in accordance with the exemption schedule established by this Ordinance.
- b. The exemption from real estate taxes shall be limited to that improvement for which an exemption has been requested in the manner set forth in this Ordinance and for which a separate assessment has been made by the Board of Assessment of Appeals.

SECTION 4: Exemption Schedule.

- a. The schedule of real estate taxes to be exempted shall be in accordance with the below portion of improvements to be exempted each year.

<u>Length (Year)</u>	<u>Portion (Percent)</u>
First	100
Second	90
Third	80
Fourth	70
Fifth	60
Sixth	50
Seventh	40
Eighth	30
Ninth	20
Tenth	10

- b. If an eligible property is granted a tax exemption pursuant to this Ordinance, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.
- c. 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.

SECTION 5: Procedure for Obtaining Exemption.

- a. Any person desiring tax exemption under this Ordinance shall notify the Manager and Treasurer of the Township, as well as the Business Manager of South Western Area School District in writing on a form provided to the Applicant at the time he secures a building permit for new construction or an improvement. A copy of the exemption request shall be forwarded to the York County Assessment Office. The York County Assessor shall, upon notice by Applicant and after completion of the new construction or improvement, assess separately the new construction or improvement and calculate the amount of the assessment eligible for tax exemption in

accordance with the limits established by this Ordinance and shall notify the taxpayer, the Township and the School District(s) of the reassessment and the amount of the assessment eligible for the exemption. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the local taxing authority as provided by law.

- b. The cost of the new construction or 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 amendment to this Ordinance, if any, shall not apply to the adoption of any such amendment.

SECTION 6. Termination Date. An application for exemption may be made at any time within three (3) years from the effective date of this Ordinance. All qualified applications under this Ordinance are eligible for the entire ten (10) year exemption schedule.

SECTION 7. Extension. The Township may, by Ordinance adopted from time to time, extend the time for filing an application for exemption. However, in no event shall any one (1) extension period exceed three (3) years.

SECTION 8. Revocation of LERTA exemption. The exemption from real estate taxes provided for herein shall be forfeited by the Applicant and/or any subsequent owner of the real estate for the failure to pay any nonexempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. Upon receipt of the notice of nonpayment of nonexempt real estate taxes, the Township Treasurer shall discontinue the LERTA exemption.

SECTION 9. Conflict. Any Ordinance or part thereof, which conflicts with the provisions of this Ordinance are hereby, repealed.

SECTION 10. 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 provisions shall not affect or impair any of the remaining sections, clauses or sentences.

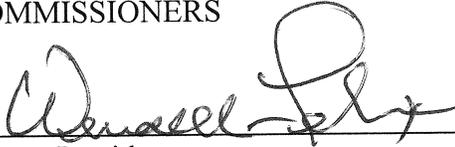
SECTION 11. Effective Date. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 18TH day of May, 2015.

ATTEST:


Secretary

PENN TOWNSHIP BOARD OF
COMMISSIONERS

By 
President

(SEAL)

PERCOLATION TEST INFILTRATION RATE CHART

Test #	Perc. Rate Infiltration Rate (in/hr)	Percolation Rate Depth to Bottom of Test (ft)
1	0.05	1.0 FEET
2	0.05	1.0 FEET
3	0.05	1.0 FEET
4	0.05	1.0 FEET
5	0.05	1.0 FEET
6	0.05	1.0 FEET
7A	0.00	1.0 FEET
7B	0.00	1.0 FEET
8	0.00	1.0 FEET
9	0.00	1.0 FEET
10	0.00	1.0 FEET
11	0.00	1.0 FEET

Tests were conducted on December 30, 2014, March 23 and April 7, 2015.

LEGEND

- CONTOUR
- TREE ROW/WOOD
- DECIDUOUS TREE
- EVERGREEN TREE
- SANITARY SEWER LINE
- WATER LINE
- WATER VALVE
- GAS LINE
- GAS VALVE
- SANITARY SEWER EASEMENT
- D.C. REPRESENTS DEPRESSED CURBING.
- ELEVATION ALONG CURB REPRESENT BOTTOM OF CURB ELEVATIONS UNLESS OTHERWISE NOTED.
- ALL DASHED LINES & TEXT IN SLANT FONT REPRESENT EXISTING FEATURES.
- ONESTOGA SILT LOAM, 3%-8% SLOPES, HYDROLOGIC GROUP B
- NLAW SILT LOAM, HYDROLOGIC GROUP C

- MANHOLE
- SIGN
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- FIRE HYDRANT
- UTILITY POLE
- LIGHT STANDARD
- STORM PERC TEST

DEMOLITION NOTE
 ALL FEATURES LABELED AS TO BE REMOVED SHALL BE REMOVED DURING PHASE 1 UNLESS OTHERWISE NOTED.

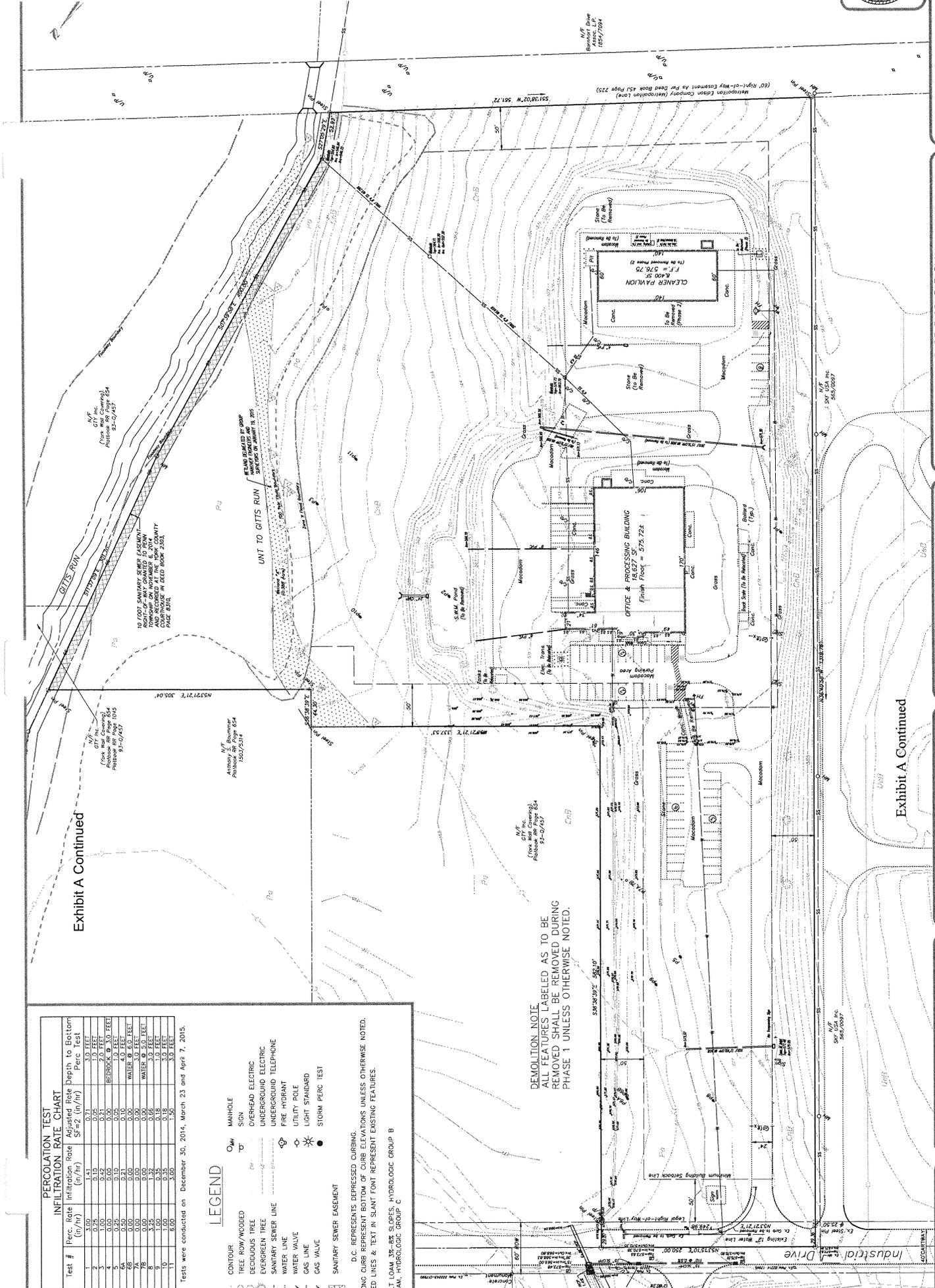


Exhibit A Continued

Exhibit A Continued

DATE:	8/26/15
DRAWN BY:	MM
CHECKED BY:	MM

LAND DEVELOPMENT PLAN
APIO, INC. - HANOVER PLANT EXPANSION
 26 INDUSTRIAL DRIVE
 PENN TOWNSHIP, YORK COUNTY

GHI ENGINEERS AND SURVEYORS
 243 Castle Street
 York, PA 17403
 Phone: 717.733.9300
 Fax: 717.733.9310
 Website: www.ghi-engineers.com

REV.	DATE	DESCRIPTION
1	03/23/15	PER TOWNSHIP REVIEW
2	03/24/15	PER COUNTY REVIEW
3	03/12/15	PER COUNTY REVIEW
4	04/10/15	ADDRESS YCDD COMMENTS

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EXHIBIT A

LEGAL DESCRIPTIONS

PI# 44-000-DD-0048.U

26 INDUSTRIAL DRIVE

HANOVER PA 17331

PENN TOWNSHIP

YORK COUNTY – PENNSYLVANIA

BEGINNING at a steel pin on the southerly right-of-way line of Industrial Drives' 60' Right-Of-Way and at lands of GTY Inc.; thence along lands of GTY Inc. South 36 Degrees 38 Minutes 39 Seconds East 582.10 feet to a steel pin at said lands; thence along the same North 53 Degrees 21 Minutes 21 Seconds East 337.53 feet to a steel pin at said lands and on line of lands of Anthony S. Baummer; thence along lands of Anthony S. Baummer South 36 Degrees 38 Minutes 39 Seconds East 44.30 feet to a steel pin at lands of Anthony S. Baummer; thence along the same North 53 Degrees 21 Minutes 21 Seconds East 305.04 feet to a steel pin at said lands and on line of lands of GTY Inc.; thence along lands of GTY Inc. and on the westerly side of Gitts Run South 11 Degrees 37 Minutes 09 Seconds East 301.70 feet to a point on a sanitary sewer manhole; thence along the same South 07 Degrees 39 Minutes 58 Seconds East 400.00 feet to a point on a sanitary sewer manhole; thence along the same South 27 Degrees 05 Minutes 29 Seconds East 52.92 feet to a steel pin at lands of GTY Inc. and on line of lands of Metropolitan Edison Co., know as Metropolitan Lane a 60' right-of-way; thence along lands of Metropolitan Edison Co. South 51 Degrees 38 Minutes 02 Seconds West 561.72 feet to a steel pin on line of said lands and at lands of SKF USA Inc.; thence along lands of SKF USA Inc. North 36 Degrees 40 Minutes 58 Seconds West 1318.76 feet to a point at said lands on the southerly right-of-way line of Industrial Drives 60' Right-Of-Way, said point being South 36 Degrees 40 Minutes 58 Seconds East 3.86 feet from a steel pin; thence along the southerly right-of-way line of Industrial Drive North 53 Degrees 21 Minutes 21 Seconds East 249.98 feet to the point of beginning. Containing 15.280 Net Acres.