

Borough of Portage
PORTAGE, PENNSYLVANIA

ORDINANCE 3-2015

AN ORDINANCE OF THE BOROUGH OF PORTAGE, CAMBRIA COUNTY, PENNSYLVANIA, DESIGNATING AREAS OF THIS BOROUGH 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; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE; AND REPEALING ALL PRIOR ORDINANCES OR PARTS OF ORDINANCES THAT ARE INCONSISTENT WITH THIS ORDINANCE.

WHEREAS, The Local Economic Revitalization Tax Assistance Act (“LERTA”) 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 area designated for such purposed by the governing body of the appropriate city, borough, incorporated town or township; and

WHEREAS, the Borough Council of Portage Borough, being a “municipal governing body” within the meaning of LERTA, proposes to establish areas within the boundaries of Portage Borough as an area in which such tax exemption may be granted by the local taxing authorities; and

WHEREAS, The Borough Council of Portage Borough has held a public hearing for the purpose of determining the boundaries of the area to be designated a “deteriorated area: in which such exemptions may be granted by the local taxing authorizes; and

WHEREAS, The Borough Council of Portage Borough, 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 Borough within local taxing authorities may grant tax exemption to new construction of, and 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 of a “deteriorated area” under the Act.

NOW, THEREFORE BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Borough Council of the Borough of Portage.

ARTICLE I

DEFINITIONS

Section 1.01 Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

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

“Commonwealth” shall mean the Commonwealth of Pennsylvania;

“County” shall mean the County of Cambria, Pennsylvania, acting by and through its Board of County Commissioners, or in appropriate cases, acting by and through its authorized representatives.

“Designated Area” shall mean the area within the Borough identified in Article II of this Ordinance.

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

“Improvement” shall mean 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 Authority” shall mean and include the Borough, Cambria County, and the Portage Area School District;

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

“School District” shall mean the Portage Area School District, Cambria County, Pennsylvania, acting by and through its Board of School Directors, or in, appropriate cases, acting by and through its authorized representatives; and

“Borough” shall mean the Borough of Portage, Cambria County, Pennsylvania, acting by and through its Borough Council or, in appropriate cases, acting by and through its authorized representatives.

ARTICLE II

DESIGNATED AREA

Section 2.01 This Borough does hereby designate the areas located within the following boundaries as a “deteriorated area” within the meaning of the Act, and one in which the Local Taxing Authorities may grant a tax exemption pursuant to the provisions of this Act:

- The area bounded on the west by the westerly boundary of the Borough, on the north by State Route 53, on the east by the easterly boundary of the Borough and on the South by Orange Avenue and a line extended southeasterly from Orange Avenue to the easterly boundary of the Borough.
- The area bounded on the north by a line extended southeasterly from Orange Avenue to the easterly boundary of the Borough (and the area described above), on the east by the easterly boundary of the Borough, on the south by the northerly side of the Norfolk Southern Mainline, and on the west side by the rear property lines common between the lots fronting on the west side of Main Street and those fronting on the east side of Lee Street.
- The area bounded on the north by the southerly side of the Norfolk Southern Mainline; on the east by the Borough line between the southerly side of the Norfolk Southern Mainline and the railroad tracks located between North and South Railroad Avenues, the centerline of Farren Street, and the boundary of the Borough; on the south by the boundary of the Borough between Farren Street and Cambria Street; on the west by the easterly side of Cambria Street between Line Road and Caldwell Avenue and a line extending the easterly side of Cambria Street from Caldwell Avenue to the southerly side of Sugar Alley; again the north by the southerly side of Sugar Alley to the rear property lines common between the lots fronting on the west side of Main Street and those fronting on Lee Street; then north along those rear property lines to the southerly side of the Norfolk Southern Mainline.
- On the north from the westerly Borough line along the south sides of Terrace Circle, Terrace Circle North and Sherry Lane, Sherry Lane extended to the north side of the Norfolk Southern Mainline at Blair Street, across the Mainline to the south side, along the south side of the Mainline to Sugar Alley; on the east be a line extending the easterly side of Cambria Street from the southerly side of Sugar Alley to the alley between Caldwell Avenue and Gillespie Avenue; on the south by the alley between Caldwell and Gillespie Avenues, the northeasterly side of Trout Run and the north side of Caldwell Avenue; and on the west by the westerly Borough line.
- All Borough Church properties
- Helsel Property (southwest corner of the Intersection of Gillespie Avenue and Maple Street).

Section 2.02 Any discrepancy between the description of the Designated Area in this Article II and the area designated for the purposes of LERTA in the LERTA District Ordinance shall be resolved in favor of the LERTA District Ordinance, it being the intent of the Local Taxing Authority to grant exemption to all, new construction and improvements to the Eligible Property within the area designated by the Municipality.

ARTICLE III

EXEMPTIONS

Section 3.01 There is hereby exempted from all real property taxation of this Local Taxing Authority that portion of the additional assessment attributable to the actual costs of new construction upon, or improvements to, Eligible Property for, which proper Application has been made in accordance with this Ordinance, subject to the limitations hereinafter set forth.

Section 3.02 the exemption authorized by this Ordinance shall be in accordance with the provisions and limitations hereinafter set forth.

Section 3.03 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;

Tax Year following completion of construction and the exemption portion of assessed valuation:

Year 1	100%	Year 6	90%
Year 2	100%	Year 7	80%
Year 3	100%	Year 8	70%
Year 4	100%	Year 9	60%
Year 5	100%	Year 10	50%

Section 3.04 A tax exemption granted under this Ordinance shall first apply in the tax year of this Local Taxing Authority immediately following the tax year in which the eligible new construction or improvements is or are completed. Nothing in this Ordinance is intended to limit or prohibit, nor shall it be construed as limiting or prohibiting, the levy of interim real property taxes upon new construction or improvements prior to completion thereof.

Section 3.05 a tax exemption granted under this Ordinance shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

Section 3.06 Any person who is an owner of Eligible Property and who desires tax exemption pursuant to this Ordinance with respect to new construction or improvements on an Eligible Property shall apply in writing for such exemption on a form to be provided by this Local Taxing Authority at the address set forth on such form, or if no address is set forth thereon, at the principal office of this Local Taxing Authority, and must be received by this Local Taxing Authority within sixty (60) days following the date of issuance of a building permit for the new construction or improvements with respect to which exemption is desired or, if no building

permit is required and no other notification of new construction or improvements is required to be given to the Borough, within sixty (60) days following commencement of construction,

Section 3.07 This Local Taxing Body shall make available to any Person desiring to apply for tax exemption in accordance with this Ordinance an application form (the "Application") which shall require such Person to supply the following information:

- A. The name of the owner or owners of the Eligible Property;
- B. The location of the Eligible Property, including the tax parcel identification number or numbers assigned to such property for real property tax purposes;
- C. Type of new construction or improvements to be made on the Eligible Property;
- D. The nature of the improvements to be made to the Eligible Property;
- E. The date on which the relevant building permit was issued or, if no building permit is required, the date on which construction commenced or the estimated date on which it shall commence, as appropriate;
- F. The cost or estimated cost of the new construction or improvements;
- G. Such additional information as this Local Taxing Authority may reasonably require.

Section 3.08 The Borough Manager or another appropriate official of this Local Taxing Authority shall forward a copy of such completed Application to Cambria County and the Portage Area School District within sixty (60) days following the date on which such Application is filed with this Local Taxing Authority, together with a request or authorization to such board or other appropriate assessment agency that, following completion of the new construction or improvements in accordance with LERTA and give appropriate notice to this Local Taxing Authority and the taxpayer.

Section 3.09 Appeals from the reassessment of an Eligible Property and the amounts eligible for exemption may be taken by the taxpayer or this Local Taxing Authority as provided by law.

Section 3.10 The cost of new construction or improvements to be exempted and the schedule of taxes exempted at this time of an initial request for tax exemption made in accordance with the further provisions of the Ordinance shall be applicable to that exemption request, and any subsequent amendment to this Ordinance, if any, shall not apply to Applications filed with this Local Tax Authority prior to their adoption.

ARTICLE IV

EFFECTIVE DATE

Section 4.01 This Ordinance shall become effective immediately.

ARTICLE V

SEVERABILITY

Section 5.01 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 the intent of the Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE VI

DECLARATION OF PURPOSE

Section 6.01 it is declared that enactment of the Ordinance and the provisions hereof are necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

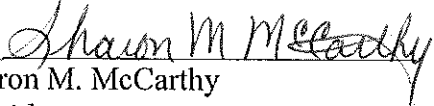
ARTICLE VII

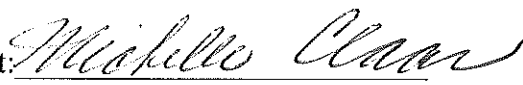
REPEALER

Section 7.01 all ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.

ORDAINED AND ENACTED this 20th day of July, 2015

BOROUGH OF PORTAGE

By: 
Sharon M. McCarthy
President

Attest: 
Michelle Claar
Borough Secretary

STIFLER MCGRAW
 Engineers - Surveyors - Architects

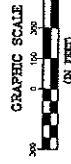
11416 CENTURY
 1717 N. JACOBA STREET
 HOLLIDAYBURG, PA 15044
 Phone: 814.696.6280 Fax: 814.696.6246

Willsborough
 Berks County - Lehigh County - Warren County

Sudler, McGraw & Associates, Inc.
 CIVIL
 ENGINEERS
 ARCHITECTS
 SURVEYORS
 PORTFOLIO, PA 17041

Project Name:
LERTA EXHIBIT
 BOROUGH OF PORTFOLIO
 COUMBA COUNTY, TENNESSEE

October 6, 2014



Revisions	No.	Date	Description
	1		
	2		
	3		
	4		
	5		
	6		
	7		
	8		
	9		
	10		

**LERTA
 EXHIBIT**

PROJECT NO.	DRAWING NO.
14-000	EX-1
DATE	10-6-14
SCALE	1" = 500'
Drawing	

EX-1



LEGEND

PORTFOLIO BOROUGH
 CORPORATE LIMITS

LERTA AREA BOUNDARY
 (ALL BOROUGH CHURCHES
 ALSO INCLUDED)



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