

BOROUGH OF WILKINSBURG

Tax Base Expansion Ordinance

WHEREAS Article VIII, Section 2, subsection (b)(iii) of the Pennsylvania Constitution and the Local Economic Revitalization Tax Assistance Act, 72 P.S. §§ 4722, et seq. (hereinafter, “LERTA”), authorize local taxing authorities to exempt from taxation new construction in deteriorated areas of economically depressed communities and improvements to certain deteriorated industrial, commercial and other business property;

WHEREAS, pursuant to such authority, the Borough Council of the Borough of Wilkinsburg desires to provide for the temporary exemption from real estate taxation of such improvements to deteriorated business property located within its geographical boundaries;

WHEREAS, in conformity with the LERTA, the Borough Council of the Borough of Wilkinsburg, in conjunction with the Borough of Wilkinsburg, held a public hearing on November 5, 2008, for the purpose of discussion of the provisions of this ordinance, including the boundaries of deteriorated areas, the exemption period and the exemption schedule.

WHEREAS, the Tax Compromise Act (72 P.S. § 5551 et seq.), allows taxing authorities, on court approval, to accept less than the total bill due in full satisfaction of the tax debt where the amount owed exceeds either the amount which could be realized at tax sale or amount which could be obtained by enforced collection;

WHEREAS, The Borough of Wilkinsburg Borough Council recognizes its responsibility, when reasonable, to participate in community improvement and economic development activities, in accordance with the LERTA Act and the Tax Compromise Act, and in consideration of the substantial amount of deteriorated property within the Borough, the Borough Council has determined that it may contribute to the enhancement of economic growth and the rejuvenation of the community by providing Tax Base Expansion Tax Relief;

NOW, THEREFORE, in conformity with the LERTA Act and the Tax Compromise Act, the Borough Council for the Borough of Wilkinsburg resolves as follows:

Section 1. Definitions: For the purposes of the interpretation and administration of this Ordinance, the following definitions shall apply to the terms used in this Ordinance:

- A. “Business improvement” means the 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 in compliance with laws, ordinances or regulations governing such standards of industrial, commercial, mixed-use or other business structures which results in a tax assessment increase from the Allegheny County Office of Property Assessments. Ordinary upkeep and maintenance shall not be deemed an improvement.

- B. “Deteriorated business property” except for any real estate subject to an inter-governmental cooperation agreement, “deteriorated business property” shall mean any industrial, commercial, or other business property owned by an individual, association or corporation, and located in the deteriorated area, 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.
- C. “Local taxing authority” means a county, city, borough, incorporated town, township, school district or home rule municipality having authority to levy real property taxes.
- D. “Borough” means the Borough of Wilkinsburg, located in Allegheny County.
- E. “School District” means the Wilkinsburg School District, located in Allegheny County.
- F. “Deteriorated areas” means the entire Borough of Wilkinsburg pursuant to Borough of Wilkinsburg Code, Part II, Chapter 237 - §§47 and 55.

Exert from Wilkinsburg Main Street Application