

Borough of Churchill

Ordinance No. 701

**AN ORDINANCE OF THE BOROUGH OF CHURCHILL,
ALLEGHENY COUNTY PENNSYLVANIA, ESTABLISHING A
REAL ESTATE TAX ABATEMENT SCHEDULE FOR
IMPROVEMENTS TO RESIDENTIAL PROPERTY OR AREAS
PURSUANT TO ACT 42 OF 1977, 72 P.S. SECTION 4711 – 101, ET
SEQ.**

WHEREAS, Article VIII, Section 2, Subsection (b) (iii) of the Pennsylvania Constitution and the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, Act 42 of 1977, 72 P.S. Section 4711-101, et seq., (hereinafter called Act 42), authorizes local taxing authorities to exempt from taxation improvements to certain deteriorated residential property or areas;

WHEREAS, the Woodland Hills School District, meeting in regular session on February 14, 2007 adopted Resolution Number 382-07, providing for temporary exemption from real estate taxation of such improvements to deteriorated residential property or areas located within its geographical area, of which the Borough of Churchill is a part; and

WHEREAS, the Woodland Hills School District Resolution Number 382-07 provides in part, that the exemptions authorized are available to improvements to deteriorated property only if the municipality in which the property is located has acted or acts to afford an equivalent exemption; and

WHEREAS, pursuant to the authority granted by Act 42, and in cooperation with the Woodland Hills School District Resolution Number 382-07, it is the desire of the Council of the Borough of Churchill to likewise provide for such temporary real estate tax exemption of such improvements to deteriorated residential property or area located within its geographical boundaries; and

WHEREAS, in conformity with the Acts, the Borough Council held a public hearing on August 14, 2007, for the purpose of discussion of the provision of this Ordinance, including the abatement period and exemption schedule, pursuant to Section 202 of the Act, 72 P.S. Section 4711-202.

NOW THEREFORE, be it ordained and enacted by the Council of the Borough of Churchill and it is hereby ordained and enacted as follows:

Article I. Act 42 Abatement – Deteriorated Residential Property

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

(A) **“Deteriorated Property”** means a residential dwelling unit located in the geographical boundaries of the Borough of Churchill on the basis of one or more of the following standards:

- 1) The residential dwelling unit has been the subject of an order by a government agency requiring the property to be vacated, condemned, or demolished by reason of noncompliance with laws, ordinances, or regulations.
- 2) The residential dwelling unit, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration has become an economic and/or social liability.
- 3) The residential dwelling unit is substandard or unsanitary for healthful and safe living purposes.
- 4) The residential dwelling unit is overcrowded, poorly spaced or is lacking light, space and air as to be conducive to wholesome living.
- 5) The residential dwelling unit is faultily arranged, covers the land to an excessive extent, or shows a deleterious use of the land, or exhibits any combination of the above which is detrimental to health, safety or welfare.
- 6) The residential dwelling unit is more than twenty (20) years of age.

(B) **“Dwelling Unit”** means a single-family residential building intended for occupancy as a separate living quarter by family as defined in Chapter 304 §304-8 of the Churchill Borough Codified Book of Ordinances, containing a kitchen and cooking equipment, for the exclusive use of the occupants. Dwelling Unit shall not include any unit owned or occupied by persons receiving a subsidy or portion of their rent or mortgage payment under a federally subsidized program including but not limited to the Housing and Community Development Act of 1974, as amended, the U.S. Housing Act of 1937, as amended and the Housing Act of 1959, as amended.

(C) **“Improvement”** means repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating a structure so that it becomes habitable or attains higher standards of housing safety, health, or amenity, or is brought into compliance with laws, ordinances or regulations governing housing standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

- (D) **“Borough”** means the Borough of Churchill, a political subdivision of the Commonwealth of Pennsylvania, with principal offices at 2300 William Penn Highway; Pittsburgh, PA 15235.

Section 2. Purpose. In cooperation with the Woodland Hills School District; in consideration of its desire to rejuvenate and enhance economic growth in the Borough; its desire to foster improvements to single-family residential buildings; and to provide impetus to other investment and improvement, the Borough has determined that it is in the best interests of the community that the tax exemption herein provided should be available through the Borough.

Section 3. Exemptions.

- (A) The exemption from real property taxes shall be limited:

1. To the exemption schedule as established within this ordinance.
2. To the assessment valuation attributable to the cost of construction of an approved Improvement, as defined in Article II, Section (1) Paragraph (C).

(B) In all cases, the exemption from taxes shall be limited to that portion of the additional assessment attributable to the new construction and for which a separate assessment has been made by the Allegheny County Board of Property Assessments and for which an exemption has been separately requested.

(C) No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property.

(D) In any case after the effective date of this Ordinance when a property is damaged, destroyed or demolished, by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of the said damage, destruction, or demolition, the exemption from real property taxation authorized by this Ordinance shall be limited to that portion of new assessment attributable to the actual cost of the improvement that is in excess of the original assessments that existed prior to the damage, destruction or demolition of the property.

Article II. Act 42 Provisions

Section 1. Schedule of Temporary Exemption.

(A) The Borough hereby temporarily exempts from real property taxation the assessment attributable to the improvements to residential property located within the geographical boundaries of the Borough of Churchill in accordance with the provisions set

forth herein. There shall be no abatement of tax on the assessed valuation attributable to land. Temporary tax exemption for such improvements to residential properties will be provided in accordance with the following schedule:

Year One: 100% of the assessed value of the improvements.

Year Two: 100% of the assessed value of the improvements.

(B) After the second year immediately following the year upon which the improvement becomes assessable, the exception shall terminate. To be eligible for temporary tax exemption under this Ordinance, construction of the improvement must commence no later than December 31, 2009.

(C) If an eligible property is granted tax exemption pursuant to this Ordinance, the improvement shall, during the exemption period, be considered as a factor in assessing other properties.

(D) If the use of the property at the time of the exemption is granted is modified, terminated, or changed during the two (2) year period in any way which would have affected the exemption if the property had been so used when the exemption was granted, then, at the election of the Council of the Borough of Churchill, the exemption shall terminate as of the date the use was modified or terminated if the Borough of Churchill so determines that continuation of the exemption would be inconsistent with the purposes of this Ordinance.

(E) Any Unimproved Property with a Tax Delinquency is not eligible for the relief set forth in this Ordinance. There is no exemption granted; and any existing exemption shall be permanently revoked, if there exists any tax delinquency with respect to the Unimproved Property or any other property owned in the Borough by the property owner at the time of application for the tax exemption or any time during the aforesaid exemption period.

Section 2. Application for Temporary Exemption. Any person desiring tax exemption pursuant to this Ordinance shall notify the Manager of the Borough in writing on a form prescribed by the Borough submitted at the time such person secures a permit for the construction of the improvement. Applications for temporary exemption not submitted to the Borough within thirty (30) days after the issuance of a building permit (Act 42) will not be eligible for tax exemption hereunder. The application for exemption must set forth the following information:

(A) The identity of the unimproved residential property that is to be improved by reference to the adjoining street, road, or highway and the block and lot or tax parcel number of the property as designated by the Board of Property Assessment of the County of Allegheny.

(B) The identity of the current owner of record, or person or entity having an equitable interest in the unimproved property, and any person or entity having a financial interest in either the unimproved residential property or the planned improvement.

(C) The date the building permit was issued for the planned improvement; and the date that the occupancy permit was issued for the improvement.

(D) A summary of the plan of improvement.

(E) An estimate of the cost of the planned improvements; and

(F) Such other and additional information as the Borough may require to determine eligibility for exemption.

Section 3. Processing of application for Temporary Exemption. If the application meets the requirements of this Ordinance and upon approval of the application by the Council of the Borough of Churchill, a copy of the application shall be forwarded to the Board of Property Assessment of Allegheny County and the applicant shall be notified of such action. Upon completion of the construction of the improvement, the applicant must promptly notify the Board of Property Assessment of Allegheny County so that an inspection of the improvement may be made. When the Board of Property Assessments has completed its inspection, such agency shall assess separately the improvement and the land, shall calculate the amounts of the assessment eligible for tax exemption in accordance with the limits of this Ordinance and shall notify the applicant and the Borough of the same.

Section 4. Exemption Upon Property. The exemption from taxes authorized by this Ordinance for Act 42 abatements shall be upon the property exempted and shall not be terminated upon the sale, conveyance, bequest or other alienation of such property.

Section 5. Non-permissible Exemptions. Any exemption made permissible under this Ordinance shall not be applied to any commercial and/or industrial property.

Section 6. Expiration and Repeal. Except as otherwise provided herein, the provisions of this Ordinance shall continue in full force and effect through and including December 31, 2009. Prior to such date, this Ordinance may be repealed by Ordinance of the Borough of Churchill. Unless earlier terminated by the Borough, the terms of this Ordinance shall automatically expire and be deemed repealed effective January 1, 2010. The expiration or earlier repeal of this Ordinance shall not affect any completed application for exemption received by the Borough before the effective date of expiration or repeal, as to which terms of this Ordinance shall continue to apply.

Section 7. Severability. If any sentence, clause, section, or 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 of Churchill that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, or clause, section or part thereof not been included herein.

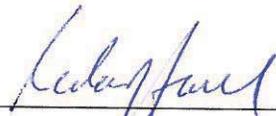
Section 8. Repeal of Inconsistent Ordinance. By virtue of adoption of this Ordinance, any inconsistent ordinance is hereby specifically repealed. Any part of an Ordinance in conflict is hereby repealed insofar as it is in conflict herewith.

Section 9. Implementation. The Council of the Borough of Churchill or its designee, may adopt and prescribed necessary forms and procedures to implement and facilitate this Ordinance.

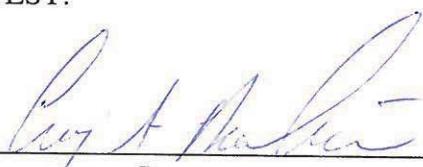
Section 10. Effective Date. This Ordinance shall be effective on the date of adoption by the Council of the Borough of Churchill.

ORDAINED AND ENACTED this 14th day of August, 2007 at a duly assembled public meeting.

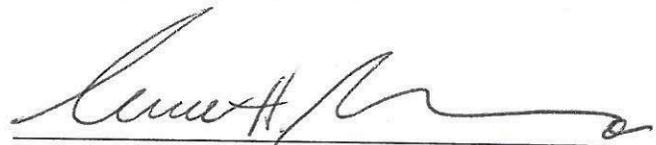
THE BOROUGH OF CHURCHILL

By 
President of Council

ATTEST:


Secretary

EXAMINED AND APPROVED this 14th day of August, 2007.


Mayor