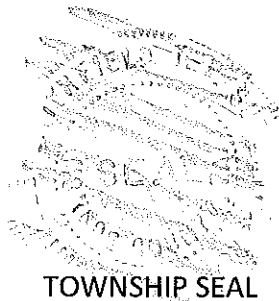


TOWNSHIP OF MIDDLE SMITHFIELD
MONROE COUNTY, PENNSYLVANIA

CERTIFICATION OF ENACTED ORDINANCE

I, MICHELE L. CLEWELL, BEING THE DULY APPOINTED TOWNSHIP SECRETARY OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, HEREBY CERTIFY THAT ATTACHED HERETO IS A TRUE AND CORRECT COPY OF THE ENACTED TOWNSHIP ORDINANCE TITLED AS FOLLOWS:

AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE SMITHFIELD BY ADDING TO CHAPTER 176, TAXATION, ARTICLE IV, LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE, SECTION 176-47, DESIGNATION OF DETERIORATED AREA(S), PARAGRAPH A., A SUBSECTION (2) DESCRIBING AND INCLUDING THE PROPERTY COMMONLY KNOWN AS 119 TOM X ROAD, TAX PARCEL NO. 9/10/1/86, AND PARCEL IDENTIFIER NO. 09-7334-00-03-3428, AS PART OF THE DETERIORATED AREA(S); AND PROVIDING FOR OTHER MISCELLANEOUS ITEMS (PROPOSED ORDINANCE NO.224)



TOWNSHIP SEAL

Michele L. Clewell

TOWNSHIP SECRETARY,
TOWNSHIP OF MIDDLE
SMITHFIELD

11-30-18

DATE

ORDINANCE 224

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE SMITHFIELD BY ADDING TO CHAPTER 176, TAXATION, ARTICLE IV, LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE, SECTION 176-47, DESIGNATION OF DETERIORATED AREA(S), PARAGRAPH A., A SUBSECTION (2) DESCRIBING AND INCLUDING THE PROPERTY COMMONLY KNOWN AS 119 TOM X ROAD, TAX PARCEL NO. 9/10/1/86, AND PARCEL IDENTIFIER NO. 09-7334-00-03-3428, AS PART OF THE DETERIORATED AREA(S); AND PROVIDING FOR OTHER MISCELLANEOUS ITEMS

WHEREAS, the Board of Supervisors ("Board") of the Township of Middle Smithfield ("Township") has heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield" (the "Code"); and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. § 66506, entitled "General Powers," authorizes the Board to make and adopt ordinances necessary for the proper management, care, and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, the Pennsylvania Local Economic Revitalization Tax Assistance Act, Act of Dec. 1, 1977, P.L. 237, No. 76, as amended by the Act of July 13, 1988, P.L. 518, No. 90, found at 72 P.S. § 4722 *et seq.*, referred to as "LERTA", authorizes local taxing authorities to provide property tax exemptions for improvements to certain deteriorated industrial, commercial, and other business properties and for new construction in deteriorated areas of economically depressed communities; and

WHEREAS, as defined by LERTA, the Township is a local taxing authority and municipal governing body; and

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

WHEREAS, on May 26, 2015, pursuant to such statutory authority, and desire, the Board enacted Township Ordinance #204, which added to the Township's Code, Chapter 176, Taxation, an Article IV, Local Economic Revitalization Tax Assistance (the "Middle Smithfield Township LERTA Ordinance" or "LERTA Ordinance"), and thereby established a LERTA Program in the Township; and

WHEREAS, the Board desires to add the property commonly known as 119 Tom X Road, Tax Parcel No. 9/10/1/86, and Parcel Identifier No. 09-7334-00-03-3428, and consisting of 320.53 acres, more or less, (the "Property"), to the description of the Deteriorated Area(s) contained in Section 176-47, Designation Of Deteriorated Area(s), of the LERTA Ordinance;

WHEREAS, the Property is located in the Township's C2 Zoning District; and

WHEREAS, the Board has held a public hearing, after due advertisement, for purposes of determining whether the Property should be included within the boundaries of the area(s) to be designated a "deteriorated area" under the LERTA Ordinance, in which such tax exemptions may be granted by local taxing authorities; and

WHEREAS, based upon testimony elicited at the public hearing, the Board finds that the Property constitutes an additional deteriorated area within the Township which will benefit from exemption afforded by LERTA; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

**SECTION 1: AMENDMENT TO SECTION 176-47, DESIGNATION OF
DETERIORATED AREA(S), OF THE LERTA ORDINANCE.**

The Code of the Township of Middle Smithfield, Chapter 176, Taxation, Article IV, Local Economic Revitalization Tax Assistance, Section 176-47, Designation of Deteriorated Area(s), Paragraph A., is hereby amended by adding the following Subsection (2):

- (2) The property commonly known as 119 Tom X Road, Tax Parcel No. 9/10/1/86, and Parcel Identifier No. 09-7334-00-03-3428, and consisting of 320.53 acres, more or less, (the "119 Tom X Road Property"). The 119 Tom X Road Property shall only be considered an Eligible Property for tax exemption to the extent that, after new construction or improvement, the property would be used for industrial, commercial, or other business purposes.

SECTION 2: SEVERABILITY.

The provisions of this Ordinance are severable, and in the event that any provision is held invalid, void, illegal, unconstitutional or unenforceable, it is the intent of the Board that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Board that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal, unconstitutional, or unenforceable had not been included at the time of enactment.

SECTION 3: REPEALER.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of this Ordinance are the same as any provisions of the Township LERTA Ordinance in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

SECTION 4: EFFECTIVE DATE.


This Ordinance shall become effective five (5) days from the date of enactment.


ORDAINED AND ENACTED into an Ordinance at a meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this 26th day of November, 2018.

TOWNSHIP OF MIDDLE SMITHFIELD
BOARD OF SUPERVISORS


Chairperson


Vice Chairperson


Supervisor


Township Secretary

(TOWNSHIP SEAL)