

TOWNSHIP OF UPPER BERN  
COUNTY OF BERKS  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO.: 39 of 2016

**AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY,  
PENNSYLVANIA, PROVIDING FOR TAX EXEMPTION FOR CERTAIN  
DETERIORATED PROPERTIES WITHIN THE TOWNSHIP UNDER THE LOCAL  
ECONOMIC REVITALIZATION TAX ASSISTANCE ACT; DEFINING INITIAL  
ELIGIBLE DETERIORATED AREAS; PROVIDING FOR AN EXEMPTION  
SCHEDULE; AND ESTABLISHING STANDARDS AND QUALIFICATIONS FOR  
PARTICIPANTS.**

*BE IT ENACTED AND ORDAINED*, by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, as follows:

**Section 1: Authority.** The General Assembly of Pennsylvania passed Act No. 76 of 1977, 72 P.S. §4722, *et seq.*, known as the Local Economic Revitalization Tax Assistance Act (“LERTA”), which authorizes local taxing authorities 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.

**Section 2: Definitions.**

“Deteriorated Property” – any industrial, commercial, or other business property owned by an individual, associates, or corporation, and located in a deteriorated area, as hereinafter provided, or any such property that 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, ordinances, or regulations.

“Improvement” – repair, constructions, or reconstruction, including alternations 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 3: Eligible Areas.** The Township determines that the areas shown on the map attached as Exhibit A shall be the areas that contain and consist of Deteriorated Properties that are eligible for tax exemption under this Ordinance. Additional eligible areas may be included from time to time by the Township in accordance with the provisions of LERTA.

**Section 4: Exemption.**

1. The amount to be exempted from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual costs of new construction or the Improvements to Deteriorated Property in accordance with the exemption schedule established by this Ordinance. Said exemption shall not apply to land assessments.

2. 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 improvement assessment has been made by the Berks County Board of Assessment.

**Section 5: Exemption Schedule.**

1. 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</u>	<u>Percentage Exempt</u>
First Year	100%
Second Year	90%
Third Year	80%
Fourth Year	70%
Fifth Year	60%
Sixth Year	50%
Seventh Year	40%
Eighth Year	30%
Ninth Year	20%
Tenth Year	10%
Eleventh Year	0%

2. 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 6: Procedure for Obtaining Exemption.**

1. Any person desiring tax exemption under this Ordinance (the "Applicant") shall notify the Township of the request for exemption, in writing, at a time the Applicant secures a building permit for new construction or an Improvement. The Applicant shall forward a copy of the written request to the Berks County Board of Assessment and the business manager of the Hamburg School District (the "School District").

2. The Berks County Board of Assessment shall, upon notice by Applicant and after completion of the new construction or Improvement, and Applicant obtaining an Occupancy Permit for the new construction or Improvement, assess separately the new construction or Improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance, and shall notify the Applicant, the

School District, and the Township of the reassessment and the amounts of the assessment eligible for the exemption. The tax exemption shall apply upon the next tax year following the new assessment.

3. Appeals from the reassessment and the amounts eligible for the exemption may be taken by the Applicant or the Township as provided by law.

4. 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 amendments to this Ordinance, if any, shall not apply to such exemption request.

**Section 7: Termination Date.** An Application for exemption may be made at any time within five (5) 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 8: Extension.** The Township may, by Ordinance, from time to time, extend the time for filing an Application for exemption.

**Section 9: Revocation of LERTA Exemption.** The exemption from real estate taxes provided for in this Ordinance shall be forfeited by the Applicant or any subsequent owner of the real estate subject to the exemption 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 Tax Collector, or other officer of the Township, shall direct that the tax exemption be discontinued effective in the year in which the nonexempt real estate taxes were not timely paid.

**Section 10: Public Hearing.** In accordance with the requirements of LERTA (72 P.S. 4725(a)), on October 27, 2016, the Township held a duly advertised public hearing to determine the boundaries of the Deteriorated Properties and where interested parties presented recommendations concerning the Deteriorated Properties.

**Section 11: Repealer.** All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

**Section 12: Validity.** If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

**Section 13: Effective Date.** This Ordinance shall become effective within five (5) days after adoption.

Ordained and enacted this 8<sup>th</sup> day of Dec, 2016, by a vote of 2 Yes 0 No  
1 Abstained 0 Absent.

Upper Bern Township Board of Supervisors

By: Emi D. Kluck

Rodney Toel

Attest:

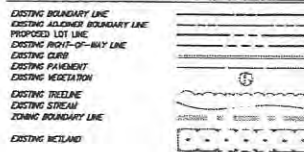
Imyge Schaner  
Upper Bern Township Secretary



LINE TABLE	
BEARING	LENGTH
S 63°29'10" E	167.35'
N 29°07'15" E	145.25'
S 63°17'32" E	262.68'
S 44°16'30" W	156.10'
S 69°38'02" E	44.00'
S 87°36'45" E	102.31'
N 38°27'06" E	144.80'
N 38°27'34" E	252.95'
N 38°23'54" E	127.47'

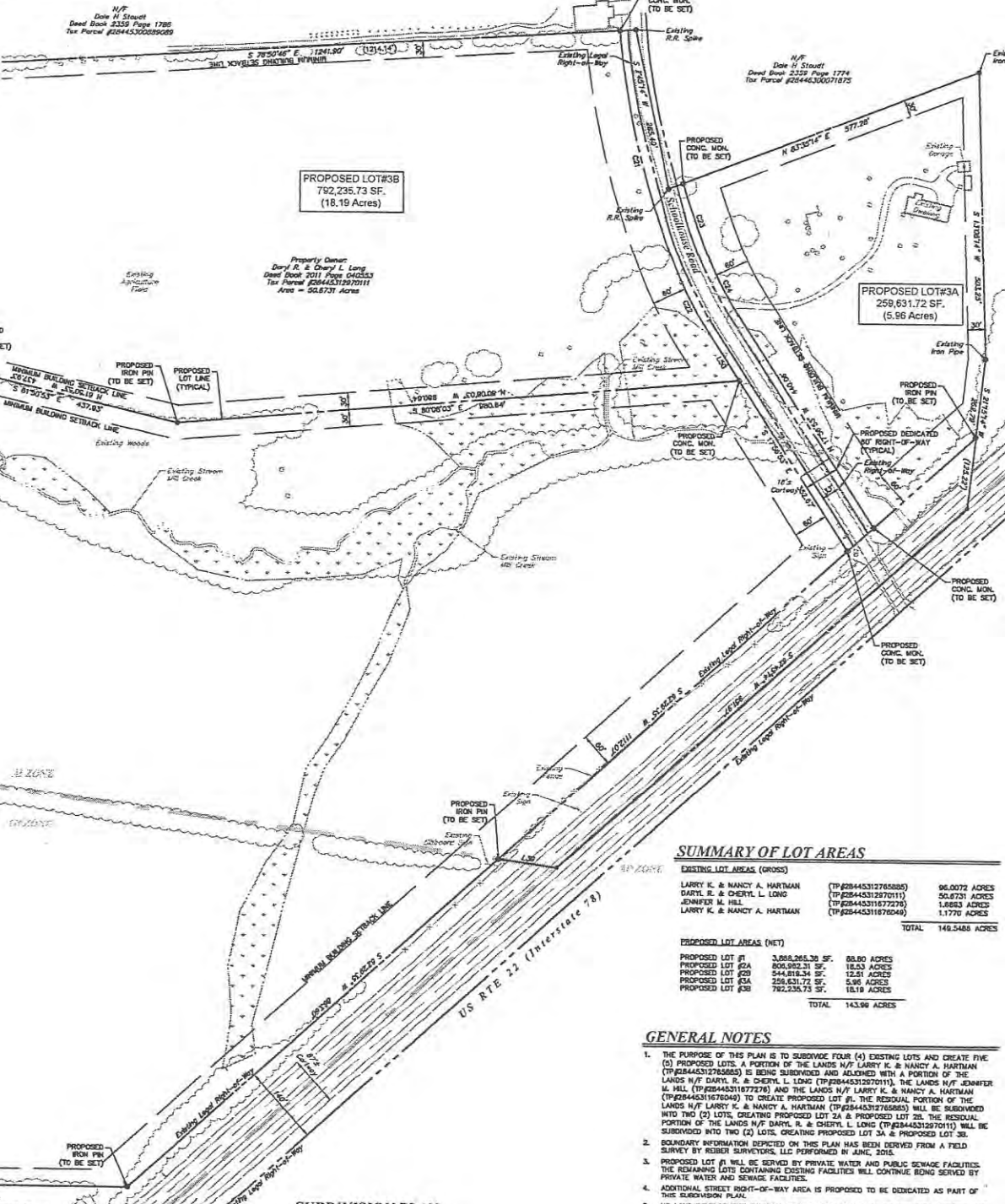
CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE
C13	228.43'	450.00'	S 59°43'46" W	225.80'
C14	290.11'	285.00'	S 41°40'46" W	274.72'
C15	147.84'	570.00'	S 18°31'21" W	147.53'
C16	138.28'	1170.00'	S 27°22'04" W	130.18'
C17	288.86'	1230.00'	N 30°50'08" E	288.18'
C18	258.89'	510.00'	N 58°43'48" E	256.12'
C19	221.83'	195.00'	N 41°40'48" E	210.08'
C20	163.52'	830.00'	N 18°31'21" E	163.68'
C21	440.18'	1472.86'	S 09°50'4" W	438.53'
C22	118.89'	860.00'	S 12°47'15" E	118.72'
C23	143.85'	1432.86'	N 4°42'52" W	143.59'
C24	108.00'	800.00'	N 12°47'15" W	107.84'

**LEGEND**



LINE TABLE	
BEARING	LENGTH
S 63°29'10" E	147.14'
S 74°16'18" W	101.94'
S 87°05'13" W	77.65'
N 45°11'3" E	86.09'
S 85°10'52" E	228.75'
N 74°16'18" E	101.94'
N 87°05'13" E	77.65'
S 17°36'53" E	87.48'

PROJ. MGR.-	JSS
DESIGN.-	JDH
CADD-	JAS
CHECKED-	JDH
DATE	DATE
1	07/17/16
2	08/08/16



PROPOSED LOT#33  
792,235.73 SF.  
(18.19 Acres)

PROPOSED LOT#34  
259,631.72 SF.  
(5.96 Acres)

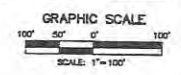
**SUMMARY OF LOT AREAS**

EXISTING LOT AREAS (GROSS)		
LARRY K. & NANCY A. HARTMAN	(TP#28445312765855)	96,007.2 ACRES
DARYL R. & CHEYL L. LONG	(TP#28445312765855)	50,673.1 ACRES
JENNIFER M. HILL	(TP#28445312765855)	1,685.3 ACRES
LARRY K. & NANCY A. HARTMAN	(TP#28445312765855)	1,177.0 ACRES
<b>TOTAL</b>		<b>149,542.6 ACRES</b>
PROPOSED LOT AREAS (NET)		
PROPOSED LOT #1	3,268,265.30 SF.	88.80 ACRES
PROPOSED LOT #2A	804,982.31 SF.	18.53 ACRES
PROPOSED LOT #2B	544,816.31 SF.	12.51 ACRES
PROPOSED LOT #3A	259,631.72 SF.	5.96 ACRES
PROPOSED LOT #3B	792,235.73 SF.	18.19 ACRES
<b>TOTAL</b>		<b>145.99 ACRES</b>

**GENERAL NOTES**

- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE FOUR (4) EXISTING LOTS AND CREATE FIVE (5) PROPOSED LOTS. A PORTION OF THE LANDS N/F LARRY K. & NANCY A. HARTMAN (TP#28445312765855) IS BEING SUBDIVIDED AND ADJOINED WITH A PORTION OF THE LANDS N/F DARYL R. & CHEYL L. LONG (TP#28445312765855), THE LANDS N/F JENNIFER M. HILL (TP#28445312765855) AND THE LANDS N/F LARRY K. & NANCY A. HARTMAN (TP#28445312765855) TO CREATE PROPOSED LOT #1. THE RESIDUAL PORTION OF THE LANDS N/F LARRY K. & NANCY A. HARTMAN (TP#28445312765855) WILL BE SUBDIVIDED INTO TWO (2) LOTS, CREATING PROPOSED LOT 2A & PROPOSED LOT 2B. THE RESIDUAL PORTION OF THE LANDS N/F DARYL R. & CHEYL L. LONG (TP#28445312765855) WILL BE SUBDIVIDED INTO TWO (2) LOTS, CREATING PROPOSED LOT 3A & PROPOSED LOT 3B.
- BOUNDARY INFORMATION DEPICTED ON THIS PLAN HAS BEEN DERIVED FROM A FIELD SURVEY BY REIDER SURVEYORS, LLC PERFORMED IN JUNE, 2015.
- PROPOSED LOT #1 WILL BE SERVED BY PRIVATE WATER AND PUBLIC SEWAGE FACILITIES. THE REMAINING LOTS CONTAINING EXISTING FACILITIES WILL CONTINUE BEING SERVED BY PRIVATE WATER AND SEWAGE FACILITIES.
- ADDITIONAL STREET RIGHT-OF-WAY AREA IS PROPOSED TO BE DEDICATED AS PART OF THIS SUBDIVISION PLAN.
- NO LAND DEVELOPMENT, BUILDING CONSTRUCTION OR EARTH DISTURBANCE ACTIVITIES ARE BEING PROPOSED FOR PROPOSED LOTS #2A, #2B, #3A & #3B AS PART OF THIS PLAN. HOWEVER, ADDITIONAL DEP SEWAGE FACILITIES PLANNING FOR UNDEVELOPED LOT #2B IS BEING PERFORMED AS PART OF THIS PLAN.
- PROPOSED CONCRETE MONUMENTS SHALL CONSIST OF A FLAT TOP OF AT LEAST 4 INCHES IN DIAMETER OR SQUARE, A FLAT BOTTOM OF AT LEAST 8 INCHES IN DIAMETER OR SQUARE AND 30 INCHES IN LENGTH. ALL OTHER NON-MARKED PROPOSED CORNERS INDICATED ON THIS PLAN SHALL BE PROVIDED WITH A 3/4 INCH DIAMETER IRON P/N AT LEAST 30 INCHES IN LENGTH.

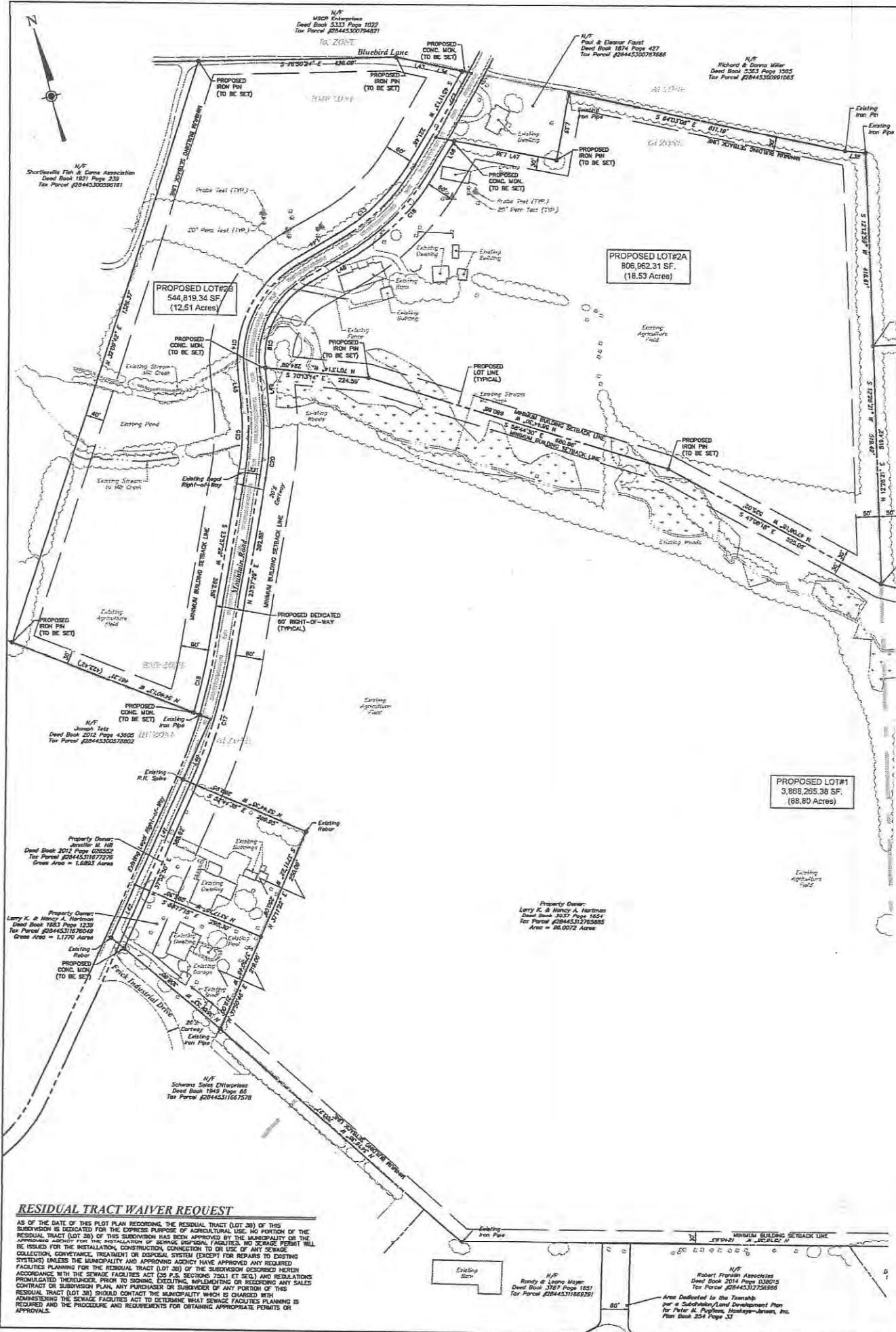
**SUBDIVISION PLAN**



SUBDIVISION PLAN  
FOR  
**HARTMAN & LONG PROPERTIES**  
FOR  
TCNE METRO DEVELOPMENT, INC.  
UPPER BERN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

**Snyder, Secary & Associates, LLC**  
ENGINEERS & PLANNERS • DEVELOPMENT CONSULTANTS  
YORK OFFICE  
100 WEST BIRCHWOOD ROAD  
HARRISBURG, PA 17110  
TEL: 717.834.2200  
WWW.SNYDERSECARY.COM

PROJECT NO.  
14-0190-003  
DATE: 4/25/16  
SCALE: 1" = 100'  
SHEET  
**SD-1**



**RESIDUAL TRACT WAIVER REQUEST**

AS OF THE DATE OF THIS PLOT PLAN RECORDING THE RESIDUAL TRACT (LOT 3B) OF THIS SUBDIVISION IS DEDICATED FOR THE EXPRESS PURPOSE OF AGRICULTURAL USE. NO PORTION OF THE RESIDUAL TRACT (LOT 3B) OF THIS SUBDIVISION HAS BEEN APPROVED BY THE MUNICIPALITY OR THE APPROVING AGENCY FOR THE INSTALLATION OF SEWAGE DISPOSAL FACILITIES. NO SEWAGE PERMIT WILL BE ISSUED FOR THE INSTALLATION, CONSTRUCTION, CONNECTION TO OR USE OF ANY SEWAGE COLLECTION, CONVEYANCE, TREATMENT OR DISPOSAL SYSTEM (EXCEPT FOR REPAIRS TO EXISTING SYSTEMS) UNLESS THE MUNICIPALITY AND APPROVING AGENCY HAVE APPROVED ANY REQUIRED FACILITIES PLANNING FOR THE RESIDUAL TRACT (LOT 3B) OF THE SUBDIVISION DESCRIBED HEREIN ACCORDANCE WITH THE SEWAGE FACILITIES ACT (DO P.S. SECTIONS 7001 ET SEQ.) AND REGULATIONS PROMULGATED THEREUNDER. PRIOR TO SIGNING, EXECUTING, IMPROVING OR RECORDING ANY SALES CONTRACT OR SUBDIVISION PLAN, ANY PURCHASER OR SUBDIVIDER OF ANY PORTION OF THIS RESIDUAL TRACT (LOT 3B) SHOULD CONTACT THE MUNICIPALITY WHICH IS CHARGED WITH ADMINISTERING THE SEWAGE FACILITIES ACT TO DETERMINE WHAT SEWAGE FACILITIES PLANNING IS REQUIRED AND THE PROCEDURE AND REQUIREMENTS FOR OBTAINING APPROPRIATE PERMITS OR APPROVALS.

PREPARED BY: [Faint text]

Area Dedicated to the Township  
 per a Subdivision/Land Development Plan  
 for Peter A. Pugh, Haulage-Jensen, Inc.  
 Plan Book 254 Page 31