

ARTICLE 310  
Tax Incremental Financing Program

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310.01 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings:

- (a) "Act" means Act 113 of 1990 enacted by the general assembly of the Commonwealth of Pennsylvania, as amended.
- (b) "Authority" or "Redevelopment Authority" means the Redevelopment Authority of the City of York or any lawful successor body thereto.
- (c) "City" means the City of York, Pennsylvania.
- (d) "County" means York County, Pennsylvania.
- (e) "Finance officer" means the legally authorized agent of the municipality or school district responsible by law for receipt and disbursement of the revenues of the municipality or school district.
- (f) "Industrial Plaza of York" or "District" means the Tax Increment District created pursuant to this article and in accordance with the provisions of Act 113 of 1990.

- (g) "Industrial Authority" or "IDA" means the York County Industrial Development Authority or any lawful successor body thereto.
- (h) "Project" or "Industrial Plaza of York Project" means the undertakings and activities of the Redevelopment Authority and the IDA in the Industrial Plaza of York District for the elimination and prevention of blight in accordance with the project plan.
- (i) "Project costs" means such costs including any and all eligible project costs undertaken within or for the benefit of the Industrial Plaza of York District in accordance with the express language defining project costs as contained in the Act.
- (j) "Project plan" means the Industrial Plaza of York "TIF" proposal prepared by the York County Industrial Development Authority and any duly authorized amendments thereto.
- (k) "School district" means the School District of the City of York.
- (l) "Tax Increment" or "Tax Increment Revenues" shall be deemed to include all revenues applicable to the Industrial Plaza of York District as more fully defined in the definition of "Tax Increment" contained in the Act.
- (m) "Tax Increment Fund" means the fund maintained by the Redevelopment Authority into which are paid all Tax Increments and into which are deposited certain other revenues related to the Industrial Plaza of York District and the Project, and from which money is disbursed to pay Project Costs related to the District.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

#### 310.02 BOUNDARIES OF THE DISTRICT.

The Industrial Plaza of York District shall contain full units of property assessed for real property tax purposes generally bounded by West Roosevelt Avenue on the east, West Philadelphia Street on the south, North Hartley Street on the west, and Maryland and Pennsylvania Railroad tracks on the north, situated within the City and as more fully described in Exhibit "A" of original Ordinance 22-1993, the TIF proposal.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

#### 310.03 CREATION AND TERM OF DISTRICT.

The Industrial Plaza of York District is hereby created as of the effective date of this section. The District shall continue in existence until such time as all project costs are fully paid or until December 31, 2012, whichever occurs first. However, the District shall not be dissolved as long as tax incremental bonds or notes for the District remain outstanding. Council hereby determines, as of the date of the adoption of this section, that the requisite time provided for under the Act has passed since the date of the public hearing.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.04 NAME OF DISTRICT.**

The District shall be identified as the Industrial Plaza of York Tax Incremental Financing (TIF) District for all project plan and identification purposes.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.05 LEGISLATIVE FINDINGS.**

Council hereby determines in accordance with the powers conferred upon municipalities by the Urban Redevelopment Law and by the Act that based upon extensive studies and examination of the conditions currently existing within the Industrial Plaza of York District, Council hereby finds that:

- (a) The District is a contiguous geographic area within a redevelopment area.
- (b) The improvement of the area is likely to enhance significantly the value of substantially all of the other real properties in the District.
- (c) The aggregate value of equalized taxable property of the District plus all existing Tax Incremental Districts does not exceed ten percent (10%) of the total value of equalized taxable property within the City.
- (d) The area comprising the District as a whole has not been subject to adequate growth and development through investment by private enterprise and would not reasonably be anticipated to be adequately developed without the adoption of the project plan.
- (e) The project plan conforms to the municipal and county master plans.
- (f) The project plan shall afford maximum opportunity consistent with sound needs of the community as a whole for the rehabilitation or redevelopment of the District by private enterprise.
- (g) The District is a blighted area containing characteristics of blight as described in the Urban Redevelopment Law and the project to be undertaken is necessary to eliminate such conditions of blight. More particularly the conditions of blight are characterized as deteriorated and/or dilapidated structures, physical and visual barriers, poor planning, inadequate public facilities, and unsafe and/or unsanitary structures.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.06 APPROVAL OF PROJECT PLAN AND PROJECT FINANCING.**

Council hereby approves the project plan for the District prepared by the IDA and authorizes the Authority to undertake any and all methods of financing of project costs available pursuant to Section 9 of the Act.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.07 CREATION OF TAX INCREMENT FUND.**

Council hereby authorizes the City Treasurer to deposit all Tax Increment Revenues received from the City into a Tax Increment Fund to be created for such purposes by the Redevelopment Authority. The City Treasurer is hereby authorized and directed to pay all tax increment revenues to the Tax Increment Fund created for the benefit of the District and directed and maintained by the Authority. The City Treasurer is also authorized to accept or deposit into the Tax Increment Fund any other gifts, appropriations, grants, loan or other revenues to be applied to the District for the purposes of the Project.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.08 TAX INCREMENT REVENUES TO BE HELD IN TRUST FOR PROJECT.**

The Tax Increments collected by the City Treasurer from and after the date of settlement of such taxes, whether or not paid into the Tax Increment Fund shall be considered as funds impressed with a trust in favor of the District for purposes of the Project. Tax Increment Revenues, whether held by the City Treasurer or otherwise, shall be applied only to the purposes provided for by this article and for no other purpose.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.09 APPLICATION OF TAX INCREMENT REVENUE.**

The Redevelopment Authority or its assignee is hereby authorized to apply Tax Increment Revenues to Project costs incurred in connection with the Project plan for the District in accordance with the Act. The Authority may undertake such expenditures, make such appropriations, reimburse parties for prior expenditures related to Project costs, enter into such contracts and agreements with respect to the Project plan and the District which in the sole judgment of the Authority shall further the purposes of the Project plan consistent with the provisions of this article.

Any Tax Increment Revenues remaining in the Tax Increment Fund after payment of all Project costs has been made or provided for shall be returned to the property taxing bodies on a pro rata basis in the proportions that the property tax millage of each taxing body bears to the entire millage levied by all taxing bodies at the time such funds remain.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.10 DESIGNATION OF AUTHORITY AS PROJECT AUTHORITY.**

Council hereby designates the Redevelopment Authority of the City as the Authority charged with preparing, implementing, monitoring and directing the Project plan and as the issuing Authority as defined in the Act for any bonds or notes which may be necessary to finance Project costs for the District.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.11 AUTHORIZATION OF OFFICERS.**

Council hereby authorizes and directs all appropriate officers of the City to take all actions necessary to implement the Project and to further the objectives of the Project plan in accordance with the Act.  
(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.12 PROCEDURES FOR COLLECTION OF TAX INCREMENT REVENUES.**

The Redevelopment Authority of the City is hereby directed to establish such dates for receipt of Tax Increment Revenues, provide for any necessary reserve for tax revenues and establish provisions for collection and enforcement of payment of Tax Increment Revenues to the extent permissible under the Act.

(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.13 AGREEMENTS FOR FINANCIAL SECURITY FOR PROJECT COSTS.**

Council hereby authorizes the appropriate officers of the City to enter into any intergovernmental cooperation agreements with other taxing bodies participating in the Industrial Plaza of York District and with the Redevelopment Authority and to enter into any and all other agreements with the Authority, the participating taxing bodies or private developers to provide any form of financial security, collateral, guaranties or assurances toward payment of project costs as such agreements may be deemed necessary by the Authority in consultation with the City. Notwithstanding the foregoing, the City shall not pledge its full faith and credit toward and payment of project cost or toward any bonds or notes which may be issued with respect to project costs attributable to the District. The City may pledge or assign other sources of revenues as security for the payment of Project cost in accordance with provisions of the Act.

(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.14 TERMINATION OF LERTA TAX ABATEMENTS.**

From and after the effective date of this section to the extent permissible by law, any taxable property situated within the District which may be eligible for tax abatement under the Local Economic Revitalization Tax Act (LERTA), to the extent that such properties shall be required to pay tax increment revenues shall be required to thereafter not be entitled to receive the benefit of such LERTA abatements. The appropriate officers of the City are hereby directed to notify any such property owners of the termination of LERTA tax abatements.

(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.15 AMENDMENTS TO PROJECT PLAN AND DISTRICT.**

The Authority may propose and the City may adopt by resolution or otherwise such amendments to the Project plan and District as are deemed advisable as provided for pursuant to the terms of the Act.

(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.16 SEVERABILITY.**

In the event any provision, section, sentence, clause or part of this article is determined by a Court of competent jurisdiction to be invalid and unenforceable, such determination shall not affect the validity or affect the remaining provisions hereof.

(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

**310.17 REPEALER.**

All ordinances and resolutions or parts thereof not in accordance with this article are hereby repealed insofar as they conflict herewith.

(Ord. 22-1993 Sec. 1. Passed 8-24-93.)

