

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of East Otto

FILED
STATE RECORDS

MAY 20 2021

DEPARTMENT OF STATE

Local Law No. 2 of the year 2021

A local law "A Local Law Amending Local Law 2-2009, Providing That No Exemption Under Real
(Insert Title)
Property Tax Law Section 487 Be Applicable With Respect To Any Solar Or Wind Energy
System Or Farm Waste Energy System

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of East Otto as follows:

Please see attached Local Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF EAST OTTO
LOCAL LAW 2-2021

A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009, PROVIDING
THAT NO EXEMPTION UNDER REAL PROPERTY TAX LAW
SECTION 487 BE APPLICABLE WITH RESPECT TO ANY SOLAR
OR WIND ENERGY SYSTEM OR FARM WASTE ENERGY SYSTEM

*Pursuant to the Municipal Home Rule Law
and Section 487 of the Real Property Tax Law*

BE IT ENACTED, by the Town Board of the Town of East Otto, County of Cattaraugus County, New York, as follows:

Section 1. The purpose and intent of this Local Law is to amend Local Law No. 2-2009 and opt out of all exemptions from taxation that could otherwise be available within the Town of East Otto pursuant to Real Property Tax Law section 487.

Section 2. Section 1 of Local Law No. 2-2009 is hereby stricken and replaced with the following language:

Section 1.

- A. No exemption from real property taxes levied by the Town of East Otto shall be granted pursuant to § 487 of the New York State Real Property Tax Law to any solar or wind energy system or farm waste energy system located within the jurisdiction of the Town of East Otto.
- B. No exemption from real property taxes levied by the Town of East Otto shall be granted pursuant to § 487 of the New York State Real Property Tax Law with respect to any micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system.

Section 3. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. This law will take effect immediately upon filing with the Secretary of State. A copy of this local law shall also be filed subsequently with the New York State Board of Real Property Services and the President of the New York State Energy Research and Development Authority.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2021 of the (County)(City)(Town)(Village) of East Otto was duly passed by the Town Board on May 11 2021, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

(Seal)

DEANNA M. BOWEN
Notary Public, State of New York
No. 01BO6348950
Qualified in Cattaraugus County
Commission Expires 10/11/2024


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:

May 11, 2021