

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 NEW WINDSOR

Local Law No. 2 of the year 20 17

A local law to Opt-out of the exemption for solar, wind and farm waste energy systems pursuant to
(Insert Title)
Section 487 of the New York State Real Property Tax Law.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

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

of NEW WINDSOR

as follows:

SECTION 1.

TITLE.

This Local Law shall be referred to as "A Local Law to Opt-out of the Exemption for solar, wind and farm waste energy systems pursuant to Section 487 of the New York State Real Property Tax Law".

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

SECTION 2.

PURPOSE AND INTENT.

It is the intent of this local law to allow the Town of New Windsor to opt-out of solar, wind and farm energy systems real property tax exemptions pursuant to Subdivision 8 of Section 487 of the Real Property Tax Law.

SECTION 3.

PROVISION.

The Town Board of the Town of New Windsor shall not permit any exemption within its jurisdiction pursuant to Section 487 of the Real Property Tax Law of the State of New York with respect to any solar, wind or farm waste energy systems constructed subsequent to the effective date of this Local Law.

SECTION 4.

SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5.

CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 6.

EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION 7.

AUTHORITY.

This Local Law is enacted pursuant to Subdivision (8) of Section 487 of the New York State Real Property Tax Law of the State of New York, as well as the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

(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 2017 of the (County)(City)(Town)(Village) of NEW WINDSOR was duly passed by the TOWN BOARD on 4-5 2017, 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.)

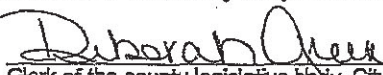
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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, 1 above.


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

Date: 4-6-17

(Seal)



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
TELEPHONE: (845) 563-4630
E-FAX: (845) 563-4630

TOWN ATTORNEY
MICHAEL D. BLYTHE, ESQ.

Sent via Certified Mail, Return Receipt Requested
And regular mail

October 18, 2018

Commissioner
New York State Department of Taxation & Finance
New York State Campus
Building 9, WA Harriman Campus
Albany, NY 12227

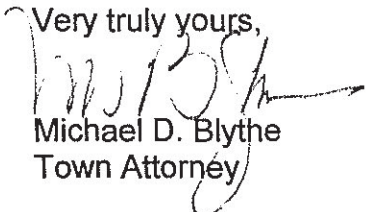
Alicia Barton, President & CEO
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

Re: Opt-out NYS RPTL 487

Dear Sir/Madam:

In accordance with Section 487(8)(a) of the New York State Real Property Tax Law, enclosed please find copy of local law passed by the Town Board of the Town of New Windsor at its regular meeting held on April 5, 2017. If you require anything further, please advise.

Very truly yours,


Michael D. Blythe
Town Attorney

MDB/jtm
Enc.

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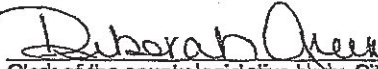
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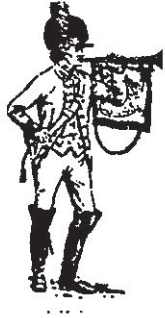
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TOWN ATTORNEY
MICHAEL D. BLYTHE, ESQ.

Sent via Certified Mail, Return Receipt Requested
And regular mail

October 18, 2018

Commissioner
New York State Department of Taxation & Finance
New York State Campus
Building 9, WA Harriman Campus
Albany, NY 12227

Alicia Barton, President & CEO
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

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