

TOWN OF RUSH

5977 East Henrietta Road

Rush, New York 14543

Phone: 585-533-1312

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March 10, 2020

NYSERDA
17 Columbia Circle
Albany, New York 12203-6399

Re: Local Law 3 of 2019 – Adding Article VI to Chapter 103 of the Code of the Town of Rush in relation to Taxation of Solar, Wind or Farm Waste Energy Systems.

Dear Sir/Madam:

Enclosed please Local Law 3 of 2019 as referenced above that has been filed with the Department of State.

If you need further information, please do not hesitate to contact me.

Sincerely,



Pamela J. Bucci, RMC
Town Clerk/Collector

Enclosure

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.

FILED
STATE RECORDS

NOV 01 2019

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

of RUSH

DEPARTMENT OF STATE

Local Law No. 3 of the year 2019

A local law ADDING ARTICLE VI TO CHAPTER 103 OF THE CODE OF THE TOWN OF RUSH
(Insert Title)
IN RELATION TO TAXATION OF SOLAR, WIND OR FARM WASTE ENERGY SYSTEMS

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

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

of RUSH as follows:

ATTACHED.

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

(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. 3 of 2019 of the (County)(City)(Town)(Village) of RUSH was duly passed by the RUSH TOWN BOARD on OCTOBER 9 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) 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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

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) (Name of Legislative Body) (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.)

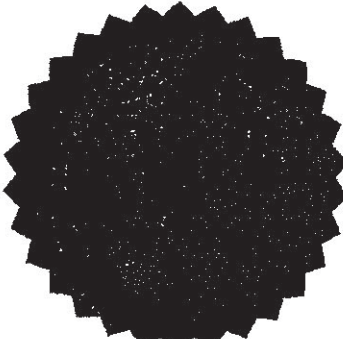
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


Samuel J. Busc
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: October 9, 2019

**LOCAL LAW NO. 3 OF 2019 ADDING ARTICLE VI TO
CHAPTER 103 OF THE CODE OF THE TOWN OF RUSH IN
RELATION TO TAXATION OF SOLAR, WIND OR FARM
WASTE ENERGY SYSTEMS**

BE IT ENACTED, by the Town Board of the Town of Rush, Monroe County, State of New York, as follows:

1. Chapter 103 of the Code of the Town of Rush shall be amended by adding the following Article VI and Section 103-12 to Chapter 103 of the Code of the Town of Rush:

**Article VI
Solar, Wind Energy and Farm Waste Energy Systems**

§ 103-12. The exemption from real estate taxation granted by the provisions of Real Property Tax Law § 487 for any solar or wind energy systems and for any farm waste energy system whose construction began subsequent to the effective date of this Article, shall not be applicable within the jurisdiction of the Town of Rush.

2. This local law is adopted pursuant to NYS Municipal Home Rule Law and Real Property Tax Law § 487.
3. All other local laws and ordinances of the Town of Rush that are inconsistent with the provisions of this local law are hereby repealed provided, however, that such repeal shall only be to the extent of such inconsistency. In all other respects, this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered herein.
4. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.
5. This local law will take effect upon filing in the office of the New York State Secretary of State.