

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.

Town of Shawangunk, Ulster County, New York

Local Law No. 2 of the year 2018 entitled “Nullification and Removal of Property Tax Exemption for Energy Systems”

Be it enacted by the TOWN BOARD of the TOWN OF SHAWANGUNK, ULSTER COUNTY, NEW YORK as follows:

I. STATEMENT OF PURPOSE

The Town Board of the Town of Shawangunk, Ulster County, New York hereby finds that the fifteen (15) year tax exemption for the increased value of energy systems per NYS Real Property Tax Law (RPTL) Section 487, as amended by Chapter 336 of the 2017 Session Laws of the State of New York, is not in the public interest and shall be nullified and rendered inapplicable by this local law. The Town Board finds further that it is in the public interest of the people of the Town of Shawangunk to assess, levy and collect all taxes for the full value of such systems as determined by the Assessor for the Town in his or her sole discretion.

II. STATEMENT OF AUTHORITY

This local law is authorized by Section 487 (8) (a) of the NYS Real Property Tax Law as well as the relevant provisions of the NYS Municipal Home Rule Law, the Statute of Local Governments, the NYS Constitution, including Article IX Section 2, as well as the general police power vested in the Town of Shawangunk to provide for the welfare of its citizenry.

III. DEFINITIONS

“Energy Systems” shall be as defined in RPTL Section 487, as amended.

IV. EXEMPTION NULLIFICATION AND REMOVAL

The Town of Shawangunk hereby nullifies and removes the fifteen (15) year tax exemption for energy systems as otherwise provided by Section 487 of the RPTL, as

amended. Notwithstanding the provisions of subdivision (2) of Real Property Tax Law Section 487, no real property tax exemption of Town and other local taxes shall be granted to solar energy systems, wind power systems, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, or electric energy storage equipment and electric energy storage systems.

IV. SEVERABILITY

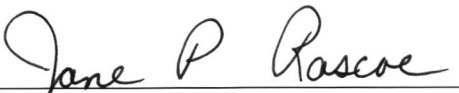
If any section of subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part or provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed.

The determination by any court of competent jurisdiction that any provision of the within local law is unenforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way affect the enforceability or validity of any other provisions contained herein. Additionally, such determination shall be confined in its operation to the person, individual, entity, firm, corporation, company or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

III. EFFECTIVE DATE

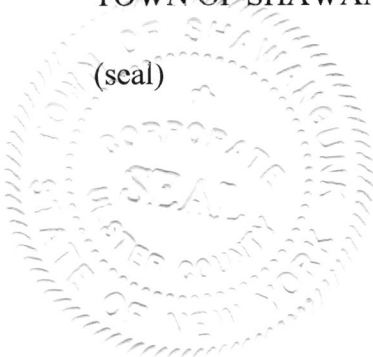
This local law shall be effective immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law for the State of New York.

BE IT ENACTED THIS 3rd DAY OF MAY, 2018 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK



JANE P. RASCOE, TOWN CLERK
TOWN OF SHAWANGUNK

(seal)



(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 2018 of the ~~(County)(City)(Town)(Village)~~ of Shawangunk, NY was duly passed by the Town Board on May 3 2018, 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 *(Elective Chief Executive Officer*)* 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.

Jane P Rascoe

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body JANE P. RASCOE

Date: May 7, 2018



(Seal)

STATE OF NEW YORK
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Richard W Hoyt

Richard W Hoyt, Esq.
Attorney for the Town of Shawangunk

Date: May 7, 2018

