

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 underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

JUL 03 2013

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Nunda
Town
~~Village~~

Local Law No. 1 of the year 20 13

A local law Providing tax exemption under Section 485-n of the
(Insert Title)
Real Property Tax Law to encourage investment in
improvements in commercial or real properties

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

~~County~~
~~City~~ of Nunda as follows:
Town
~~Village~~

See Local law text attached here to

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

Section 1. Title and Legislative Authority.

This local law is enacted pursuant to the authority conferred by New York State Real Property Tax Law Section 485-n and shall be called the Village of Nunda Real Property Tax Exemptions for Improvements to Commercial or Residential Real Property.

Section 2. Legislative Purpose.

It has been determined by the Village Board of Trustees that it is in the best interest of the public health, safety and welfare to encourage the investment in improvements in commercial or residential real properties. It will serve the public interest to allow for certain qualified real property tax exemptions in order to encourage investment in such improvements.

Section 3. Definitions.

As used in this Local Law, the following terms shall have the following meanings:

- A. "Applicant" means any property owner obligated to pay real property taxes on real property for which an exemption from taxes under this section is sought.
- B. "Benefit area" means the area within the Village, to which an exemption applies pursuant to this Local Law.
- C. "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of commercial use property or the portion of mixed-use property to be used for commercial purposes.
- D. "Planning Board" means the joint Village and Town Board made up of individuals appointed by the Village Mayor and the Town Supervisor and acting as prescribed by Section 4 of this Local Law.
- E. "Commercial purpose or use" means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted upon mixed-use property.
- F. "Commercial use property" means real property on which will exist, after completion of commercial construction work, a building used for commercial purposes or use.
- G. "Mixed-use property" means real property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
- H. "Residential construction work" means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

B. No such exemption shall be granted unless:

(i) Such conversion, creation, modernization, rehabilitation, expansion or other improvement was commenced subsequent to the effective date of this Local Law; and

(ii) The cost of such conversion exceeds the sum of ten thousand dollars or such greater amount as may be specified by local law.

C. For purposes of this section, the term "conversion, creation, modernization, rehabilitation, expansion or other improvement" shall not include ordinary maintenance and repairs.

D. No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to the real property, except, where during the period of a previous exemption, payments in lieu of taxes or other payments were made to the Village in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

Section 7. Application for Exemption.

A. The exemption provided for herein shall be granted only upon application by the owner of real property on a form prescribed by the Commissioner of the New York State Department of Taxation and Finance. Such application shall be filed with the Town Assessor on or before the appropriate taxable status date of the Town.

B. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this Local Law, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided herein commencing with the assessment roll prepared after the taxable status date occurring after the granting of the application.

C. The assessed value of any exemption granted hereunder shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

Section 4. Planning Board.

The Joint Town and Village of Nunda Planning Board shall hereby have the additional duties as are hereinafter provided.

- A. The Planning Board shall continue to be a seven (7) member Board appointed by the Village Mayor and the Town Supervisor.
- B. The Planning Board shall present a plan to the Village Board of Trustees concerning the various types of commercial and/or mixed use properties which may be granted an exemption pursuant to this Local Law. Said plan shall:
 - (i) Identify designated benefit areas;
 - (ii) Consider the planning objectives of the Village;
 - (iii) Determine the necessity of the exemption for the attraction of commercial and mixed use development as identified by the Village;
 - (iv) Determine the economic benefit of providing exemptions to commercial and mixed-use properties to the benefit area.

Section 5. Previously Designated Business Districts.

In instances where the Village has previously designated a business district encompassing a defined area which was subject to public input and was approved by and received funding for economic development purposes from a state agency, the Village may utilize the defined boundaries of such previously defined area, or a combination of such boundaries with properties subject to review by the Planning Board to determine the benefit area.

Section 6. Real Property Tax Exemptions.

- A. (i) For a period of twelve (12) years following the approval of an application as hereinafter provided, the increase in assessed value of such property attributable to a conversion, creation, modernization, rehabilitation, expansion or other improvement shall be exempt as provided in subparagraph A(ii) of this section. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.
- (ii) The tax exemption shall be computed as follows:

Years of Exemption	Percentage of Exemption
1 through 8	100% of exemption base

(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. 1 of 20 13 of the ~~(County)(City)(Town)(Village)~~ of Nunda was duly passed by the Nunda Town Board on May 14 20 13, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

~~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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

~~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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

Cory S. Lee

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

Date: May 15, 2013

(Seal)