

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 Granville

Local Law No. 1 of the year 2016

A local law entitled "RPTL 487 Opt-Out Law of the Town of Granville"
(Insert Title)

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

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

of Granville as follows:

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FEB 06 2018
Washington County
Real Prop. Tax Serv.

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

**LOCAL LAW # 1-2016 OF THE TOWN OF GRANVILLE,
WASHINGTON COUNTY, NEW YORK, ENTITLED
“RPTL 487 OPT-OUT LAW OF THE TOWN OF GRANVILLE”**

Be it enacted by the Town Board of the Town of Granville as follows:

Section 1. Declaration of Purpose.

It is the purpose and intent of this Local Law to exercise the Town of Granville’s right, under Section 487 (8) of the New York Real Property Tax Law (“RPTL”), to opt-out of the provisions of said Section 487, thereby eliminating in the Town of Granville an exemption from real property tax for a “solar or wind energy system”, as defined in RPTL § 487 (1) (b); or a “farm waste energy system”, as defined in RPTL § 487 (1) (f).

Section 2. Authority.

This local law is enacted pursuant to the authority of RPTL § 487 (8) and Municipal Home Rule Law Section 10 (1) (i), which authorizes a Town to adopt a local law not inconsistent with the provisions of the Constitution or inconsistent with any general law relating to its property, affairs or government.

Section 3. Title.

This local law shall be known as the “RPTL 487 Opt-Out Law of the Town of Granville” and may be cited as “TOG LL1-2016”.

Section 4. Definitions

- a) “Solar or Wind Energy System” shall have the meaning given in RPTL § 487 (1) (b)
- b) “Farm Waste Energy System” shall have the meaning given in RPTL § 487 (1) (f).
- c) “RPTL 487 Exemption From Taxation” shall mean the exemption from real property taxation provided for Solar or Wind Energy Systems and Farm Waste Energy Systems under RPTL § 487 (2).
- d) “Town” or “Town of Granville” shall mean the Town of Granville, Washington County, New York.
- e) “Board” or “Town Board” shall mean the Town Board of the Town of Granville.

Section 5. Exercise of Opt-Out Right; No Exemption from Taxation.

The Town of Granville hereby exercises its right to opt-out of the real property tax exemption provisions of Section 487 of the Real Property Tax Law, pursuant to the authority

of RPTL § 487 (8). There shall be no RPTL Exemption From Taxation in the Town of Granville for a Solar or Wind Energy System or a Farm Waste Energy System.

Section 6. Conflict With Other Laws; Repealer.

Should any term or provision of this Local Law conflict or be at variance with the terms or provisions of any other Town ordinance or local law, this Local Law shall supersede and take precedence over such other ordinance(s) or local law(s), which are, to the extent necessary to give full force and effect to this Local Law, hereby repealed.

Section 7. Severability Clause.

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

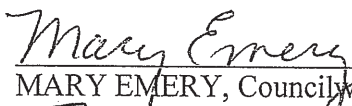
Section 8. Effective Date.

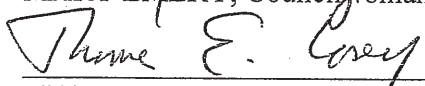
The Local Law shall be effective immediately upon adoption and filing with the Secretary of State pursuant to Section 27 of Municipal Home Rule Law.

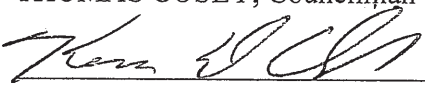
BE IT ENACTED, this 11th day of August, 2016 by the Town Board of the Town of Granville, of Washington County, New York.


MATTHEW HICKS, Supervisor


MATTHEW RATHBUN, Councilman


MARY EMERY, Councilwoman


THOMAS COSEY, Councilman


KENNETH QUICK, Councilman

(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 2016 of the ~~(County)(City)(Town)(Village)~~ of Granville was duly passed by the Town Board of the Town of Granville on August 11 2016, 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*)

* 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.

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

(Seal)

Date: AUGUST 11, 2016

**RESOLUTION FOR ENACTMENT OF LOCAL LAW
NUMBER 1 OF 2016 FOR THE TOWN OF GRANVILLE**

At a regular meeting of the Town Board of the Town of Granville, Washington County, New York, held at the Town Office Building, 42 Main Street, Granville, New York, on the 11th day of August, 2016 at 7:00 o'clock p.m., there were:

PRESENT: Matthew Hicks, Supervisor; Matthew Rathbun, Mary Emery, Thomas Cosey and Kenneth Quick, Councilpersons.

ABSENT:

Mr./Ms. Quick offered the following resolution and moves its adoption:

WHEREAS, a proposed Local Law #A of the year 2016, has been duly presented to the Town Board for consideration and adoption, which Local Law would exercise the Town's right, under New York Real Property Tax Law Section 487(8), to opt-out of the exemption from taxation for solar or wind energy or farm waste energy systems afforded by New York Real Property Tax Law Section 487 ; and

WHEREAS, a resolution was duly adopted by the Town Board for a public hearing to be held by said Board on July 14, 2016 at 7:30 p.m. to hear all interested parties on said proposed local law; and

WHEREAS, notice of said public hearing was duly advertised in the "The Granville Sentinel", the official newspaper of the Town of Granville, at least five (5) days prior to the holding of said public hearing, and was also posted on the official sign board of the Town of Granville; and

WHEREAS, said public hearing was duly held on July 14, 2016 at 7:30 p.m. at the Town Office Building on 42 Main Street in the Town of Granville and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the Implementing Regulations Pertaining to Article 8 (State Environmental Quality Review Act) it has been determined by the Town Board that adoption of said proposed local law would not have a significant adverse effect upon the environment and could be processed by other applicable government agencies without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of Granville, after due deliberation, finds it in the best interest of the Town to adopt said local law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Granville, on the 11th day of August, 2016 does hereby enact and adopt Draft Local Law #A of 2016 as Local Law Number 1 of the year

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Real Prop. Tax Serv.

2016 of the Town of Granville, New York, a copy of which is attached hereto and made a part of this resolution; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to enter said local law in the minutes of this meeting and in the local law book of the Town of Granville, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Seconded by Mr./Ms. RATHBUN and duly put to a vote which resulted as follows:

Roll Call:

Supervisor, Matthew Hicks, voting

Aye

Councilman, Matthew Rathbun, voting

Aye

Councilman, Thomas Cosey, voting

Aye

Councilwoman, Mary Emery, voting

Aye

Councilman, Kenneth Quick, voting

Aye

Carried: 5-0

Date passed: August 11, 2016

Certification:

Jenny Linda Martelle
Jenny Linda Martelle, Town Clerk

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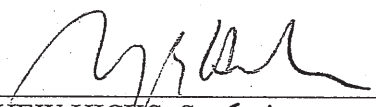
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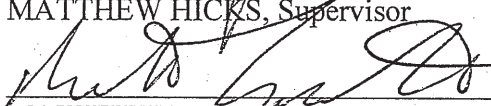
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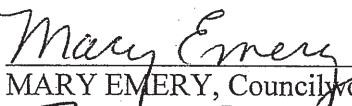
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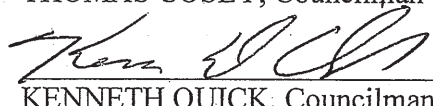
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MARY EMERY, Councilwoman


THOMAS COSEY, Councilman


KENNETH QUICK, Councilman

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

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(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.)

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(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.)

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(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.

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

(Seal)

Date: AUGUST 11, 2016