

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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

of WAYLAND

Local Law No. 1 of the year 2003

A local law PROVIDING AN EXEMPTION FOR REAL PROPERTY OWNED BY AN
ENROLLED VOLUNTEER FIREFIGHTER OR AMBULANCE WORKER
(Insert Title)

Be it enacted by the TOWN BOARD
of the

County

City

Town

Village

(Name of Legislative Body)

of WAYLAND as follows:

Section 1. TITLE. This local law shall be known and cited as "A Local Law Providing an Exemption for Real Property Owned by an Enrolled Volunteer Firefighter or Ambulance Worker" and is enacted to allow the exemptions pursuant to § 466-a of the Real Property Tax Law of the State of New York

Section 2. LEGISLATIVE INTENT. The Town Board recognizes the valuable role of volunteer firefighters and ambulance workers in securing the safety, health and wellbeing of our community. For the purposes of encouraging volunteerism in the fire companies, fire departments and ambulance companies serving the Town and Village of Wayland, the exemptions under this local law are hereby enacted.

Section 3. EXEMPTIONS FOR CERTAIN VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS.

(a) **Volunteers with Five Years of Continuous Service** Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, which organization serves the Town and/or the Village of Wayland, or such enrolled member and spouse, residing in the Town and/or Village of Wayland, and such enrolled member having at least five (5) years of continuous service as a volunteer firefighter or voluntary ambulance worker shall be exempt from taxation to the extent of ten percent of the assessed value of such property for Town purposes, exclusive of special assessments, provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is

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

located.

(b) **Volunteers with Twenty Years of Continuous Service** Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, which organization serves the Town and/or the Village of Wayland, or such enrolled member and spouse, residing in the Town and/or Village of Wayland and such enrolled member having accrued more than twenty (20) years of active service as a volunteer firefighter or voluntary ambulance worker shall be exempt from taxation to the extent of ten percent of the assessed value of such property for Town purposes, exclusive of special assessments, for the remainder of his or her life as long as his or her primary residence is located within the Town and/or Village of Wayland.

(c) **Certifications and Qualifications** The aforesaid exemptions shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service with five (5) or more continuous years of service or to an enrolled member of such an organization who has accrued twenty years of active service unless:

(i) the applicant resides in the Town or Village of Wayland and is enrolled in an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service serving the Town and/or the Village of Wayland;

(ii) the property is the primary residence of the applicant;

(iii) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this local law; and

(iv) the incorporated volunteer fire company or fire department and incorporated voluntary ambulance service has submitted to the Steuben County Director of Office of Emergency Services a complete list of enrolled members, with their respective dates of service for such incorporated voluntary fire company, or fire department, or incorporated voluntary ambulance service and the Steuben County Director of Office of Emergency Services shall then

review

all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption.

(d) **Application Dates** Application for the exemption by an enrolled member with at least five continuous years of service shall be filed annually with the assessor on or before the taxable status date on a form as prescribed by the state board. Application for the exemption for the remainder of the life of the enrolled member by

an enrolled member who has accrued twenty years of active service shall be filed only once unless a new application is requested of the applicant by the assessor.

Section 4. SEVERALABILITY. Should any section or provision of this Local Law be decided by the Courts to be unconstitutional or invalid, such decision shall not effect the validity of the Law as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

Section 5. EFFECTIVE DATE. This Local Law shall take effect immediately upon adoption and filing as required by the Laws of the State of New York.

(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 2003 of the ~~(County)~~ (City) (Town) (Village) of Wayland was duly passed by the TOWN BOARD on February 24 2003, in accordance with 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 19____ of the ~~(County)~~ (City) (Town) (Village) of _____ was duly passed by the _____ on _____ on _____ 19____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ in accordance with applicable provisions of law.

3. ~~(Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the ~~(County)~~ (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____ and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____ in accordance with 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 19____ of the ~~(County)~~ (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to a permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ in accordance with applicable provisions of law.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

*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 chairman 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 and 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____ 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 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.

Beverly L. Robinson

Beverly L. Robinson

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

(Seal)

Date: 2/24/2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF _____ STEUBEN _____

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.

Signature

James H. Burns
JAMES H. BURNS

ATTORNEY FOR THE TOWN

Title

County

City

Town

of Wayland

Village

Date: February 24, 2003