

LOCAL LAW #1 OF 2018
A Local Law to Amend Chapter 310, Article VII
of the Town Code of the Town of Bethel Regarding
Cold War Veterans' Real Property Tax Exemption
And Solar Energy Generating System Exemption
PILOT Agreements

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

Article I. General Provisions

Section 1.1 Statement of Purpose.

To amend Chapter 310, Article VII of the Town Code of the Town of Bethel regarding Cold War Veterans' Real Property Tax Exemption and to repeal and amend certain sections of Chapter 310, Article IX of the Town Code of the Town of Bethel regarding Solar Energy System Exemption PILOT Agreements.

Section 1.2 When the Town of Bethel enacted Article VII of Chapter 310 of the Town Code the Real Property Tax Exemption granted to Cold War Veterans was limited to a ten year time frame. An amendment to the enabling statute, contained in Real Property Tax Law Section 458-b(2)(c)(iii), permits the Town of Bethel Town Board to adopt a local law providing that the Real Property Tax Exemption authorized by Real Property Tax Law Section 458-b(2)(a) shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation.

Section 1.3 When the Town of Bethel enacted Article IX of Chapter 310 of the Code it recognized the exemption set forth in Real Property Tax Law §487 and required a Payment in Lieu of Taxes as set forth in Real Property Tax Law §487(9). In order to promote renewable energy in the Town amendments to Article IX are required.

Article II. Amendment of Town Code Chapter 310, Article VII.

Section 2.1 Article VII of Chapter 310 of the Town of Bethel Town Code is hereby amended by the addition of:

310-23D The Real Property Tax Exemption granted by this Article shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten year limitation contained in Real Property Tax Law Section 458-b(2)(c)(iii).

Article III. Amendment of Town Code Chapter 310, Article IX.

Section 3.1 Article IX of Chapter 310 of the Town of Bethel Town Code is hereby amended by the following:

310-39 (a) through 310-39(c) are hereby repealed.

The following is enacted to replace repealed 310-39(a):

310-39(a) In accordance with §487(9) of the Real Property Tax Law, an owner of real property upon which a Large Scale Ground Mounted Solar Energy System is to be constructed must enter into an agreement to make payments in lieu of taxes (“PILOT Agreement”). Such contract may require annual payments in an amount not to exceed the amounts which would otherwise be payable but for the exemption under Real Property Tax Law §487(2).

Article IV. Miscellaneous Provisions.

Section 4.1 RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the Town of Bethel as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4.2 INCLUSION IN CODE

It is the intention of the Bethel Town Board and it is hereby enacted that the provisions of this local law shall be included in the Code of the Town of Bethel; that the sections and subsections of this local law may be renumbered or re lettered to accomplish such intention; and that the word “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

Section 4.3 RENUMBERING

The location and numerical designation of this local law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber or re letter this local law and sections as are necessary to accommodate these amendments.

Section 4.4 CODIFIER’S CHANGES

This local law shall be included in the Code of the Town of Bethel. The codifier shall make no substantive changes to this local law, but may renumber, rearrange and edit it without first submitting it to the Bethel Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this local law or the provisions of the Code affected thereby.

Section 4.5 SEVERABILITY

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or 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 petition 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 if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 4.6 EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.