

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 of Mexico
- Town
- Village

Local Law No. 3 of the year 20 15

A local law (Insert Title) ESTABLISHING A REAL PROPERTY TAX EXEMPTION FOR NON-RESIDENTIAL
REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY PURSUANT TO
SECTION 485-a OF NEW YORK REAL PROPERTY TAX LAW

Be It enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of Mexico as follows:
- Town
- Village

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

Section 1. Purpose & Intent.

The purpose and intent of this Local Law is to provide for the real property tax exemption authorized by Section 485-a of the Real Property Tax Law of the State of New York. This Local Law shall be read in conjunction with the provisions of Section 485-a of the Real Property Tax Law to effectuate the authorized real property tax exemption.

Section 2. Definitions.

- (a) "Municipality" means the Village of Mexico located in the County of Oswego, New York.
- (b) "Applicant" means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.
- (c) "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.
- (d) "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 in mixed-use property.
- (e) "Mixed-use property" means 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.
- (f) "Person" means an individual, corporation, limited liability company, partnership, association, trust, estate, or other business entity.
- (G) "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.

Section 3. Mixed-Use Exemption Granted.

The Village of Mexico hereby provides that non-reidential real property converted to mixed use property located in the Village of Mexico shall further be exempt from village taxation and village special ad valorem levies in the same manner and to the same extent provided for by this Local Law and, if now in effect or hereafter enacted, in the same manner and to the same effect herein set forth for purposes of county tax and town tax as may be set forth in local law enacted by the county and/or town, dollar limits, however to be as set forth herein.

Section 4. Non-Residential Real Property.

Upon the adoption of this Local Law, non-residential real property, upon conversion to mixed-use property, shall be exempt from taxation and special ad valorem levies as provided for herein after said exemption has been applied for and granted.

Section 5. Term of Exemption and Amount; Limitations.

- (a) The term of the exemption granted herein shall be for a period of twelve (12) years from the approval of an application, the increase in assessed value of such property attributable to such conversion shall be exempt as provided herein. 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 as follows:

Year of Exemption	Percentage of Exemption
1 through 8	100% of exemption base
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 was commenced subsequent to the date on which the municipality's local law took effect and; and (ii) the cost of such conversion exceeds the amount specified in the local law of the municipality, which for the Village of Mexico is hereby fixed at \$50,000.
- (c) For purposes of this section, the term 'conversion' shall not include ordinary

maintenance and repairs. The following shall not be considered conversion except to the extent that they are a part of an addition, remodeling or modernization; exterior painting; the replacement of exterior siding; interior painting; plastering; paneling or wallpapering; replacement of flooring or floor covering; repairs to electrical or plumbing systems; landscaping; replacement of existing pavement or existing sidewalks; the foregoing is intended to be illustrative of ordinary maintenance and repairs and shall not be viewed as a limitation on what constitutes 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 real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made 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 Local Law. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this local law less the number of years the property would have been previously exempt from real property taxes.
- (e) Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the New York State Board of Real Property Services, the original of which shall be filed with the Assessor for the town or village and with any other jurisdiction that has approved this exemption. Such application shall be filed on or before the applicable tax status date applicable and within one (1) year of the date of completion of such conversion.

Section 6. Application.

The provision of this section shall only apply to Non-Residential Real Property converted to mixed-use property as defined under RPTL§485-a. Such exemption shall be granted only upon application by the owner of such real property or qualified applicant on a form prescribed by the State Office of Real Property Services. Such application shall be filed with the assessor within the County of Oswego having the power to assess the property for taxation on or before the appropriate taxable status date of the County of Oswego.

Section 7. Verification.

If the assessor is satisfied that mixed-use property qualifies and that the owner or 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 Village taxes and Village special ad valorem levies as in this Local Law is provided commencing with the assessment roll prepared after the taxable status date referred to in Section 6 of this Local Law. The assessed value of any exemption granted pursuant to this Local Law shall be entered by the assessor on the assessment roll with the taxable property, and the amount of the exemption shall be shown in a separate column.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State 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. 3 of 20 15 of the ~~(County)(City)(Town)~~(Village) of Mexico was duly passed by the Board of Trustees on March 4, 20 15, 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 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.

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

Date: March 6, 2015

(Seal)

(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 Oswego

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.

John Michael Mowry
Signature John Michael Mowry
John Michael Mowry
Title Attorney

~~County~~
~~City~~ Mexico
~~Town~~
~~Village~~

Date: March 6, 2015