New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
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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.

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STATE RECORDS
JUN 06 2011
DEPARTMENT OF STATE

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

of Putnam

Local Law No. 10 **of the year 20**11

A local law Amend Chapter 220 of the Code of Putnam County to include Article II Sales Tax as
(Insert Title)
adopted by the County by Resolution #R85 of 1977 and amended by the following resolutions R297 of 1980, R329 of 1983, R361 of 1983, R427 of 1986, R682 of 1988, R173 of 2005, R147 of 2007 and R264 of 2009

Be it enacted by the Putnam County Legislature **of the**
(Name of Legislative Body)

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

of Putnam **as follows:**

Section 1

Chapter 220 of the Code of Putnam County entitled Taxation is hereby amended to include Article II entitled "Sales Tax" to read as follows:

Article II
Sales Tax

SECTION 220-9. Definitions.

a) When used in this article the term "person" includes an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

b) When used in this article for the purpose of the taxes imposed by subdivisions (a), (b), (c) and (d) of Section 220-10 and by Section 220-12, the following terms shall mean:

1) Purchase at retail. A purchase by any person for any purpose other than those set forth in clauses (A) and (B) of subparagraph (i) of paragraph (4) of this subdivision.

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

(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. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, in accordance with the applicable
(Name of Legislative Body)
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. 10 of 20 11 of the (County)(City)(Town)(Village) of Putnam was duly passed by the Legislature on May 3, 20 11, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the County Executive and was deemed duly adopted
(Elective Chief Executive Officer)*
on May 26, 20 1 1, in accordance w ith 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
(Elective Chief Executive Officer)*
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.

2) Purchaser. A person who purchases property or to whom are rendered services, the receipts from which are taxable under this article.

3) Receipt. The amount of the sale price of any property and the charge for any service taxable under this article valued in money, whether received in money or otherwise, including any amount for which credit is allowed by the vendor to the purchaser, without any deduction for expenses or early payment discounts, but excluding any credit for tangible personal property accepted in part payment and intended for resale and excluding the cost of transportation of tangible personal property sold at retail where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For special rules governing computation of receipts, see Section 220-13.

4) Retail sale. (I) A sale of tangible personal property to any person for any purpose, other than (A) for resale as such or as a physical component party of tangible personal property, or (B) for use by that person in performing the services subject to tax under paragraphs (1), (2), (3) and (5) of subdivision (C) of section 220-10 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax. Notwithstanding the preceding provisions of this subparagraph, a sale of any tangible personal property to a contractor, subcontractor, or repairman for use or consumption in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, is deemed to be a retail sale regardless of whether the tangible personal property is the be resold as such before it is so used or consumed.

(II) The term retail sale does not include:

A) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the law of New York or any other jurisdiction.

B) The distribution of property by a corporation to its stockholders as a liquidating dividend.

C) The distribution of property by a partnership to its partners in whole or partial liquidation.

D) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

E) The contribution of property to a partnership in consideration for a partnership interest therein.

5) Sale, selling or purchase. Any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefore, including the rendering of any service, taxable under this article for a consideration or any agreement therefor.

6) Tangible personal property. Corporeal personal property of any nature. However, except for purposes of the tax imposed by subdivision (b) of Section 220-10, such term shall not include gas, electricity, refrigeration and steam,

7) Use. The exercise of any right or power over tangible personal property by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any installation, any affixation to real or personal property, or any consumption of such property.

8) Vendor. (i) The term "vendor" includes:

A) A person making sales of tangible personal property or services, the receipts from which are taxed by this article;

B) A person maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the County of tangible personal property or services, the use of which is taxed by this article;

C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the County of tangible person property or services, the use of which is taxed by this article.

D) Any other person making sales to persons within the County of tangible personal property or services, the use of which is taxed by this article, who may be authorized by the tax commission to collect such tax; and

E) The State of New York, any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons.

ii) Any salesman, representative, peddler, or canvasser, who is treated by the state tax commission as a vendor, pursuant to the provisions of Section 1101 (b) (8) (ii) of the Tax Law.

C) When used in this article for the purposes of the tax imposed under subdivision (e) of Section 220-10, the following terms shall mean:

1) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging or guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

2) Occupancy. The use or possession, or the right to the use or possession, of any room in a hotel.

3) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

4) Operator. Any persons operating a hotel.

5) Permanent resident. Any occupant of any room or rooms in a hotel for at least ninety consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

6) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.

7) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

d) When used in this article for purposes of the tax imposed under subdivision (f) of Section 220-10, the following terms shall mean:

1) Active annual member. A member who is not a life member but who enjoys full club privileges as distinguished from the privileges enjoyed by a person holding a nonresident membership, as associate membership, or other partial or restricted membership.

2) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

3) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.

4) Charge of a roof garden, cabaret or other similar place. Any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

5) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theatre, opera house, concert hall or other hall or place of assembly for a live dramatic, choreographic or musical performance.

6) Dues. Any dues or membership fee including any assessment, irrespective of the purpose for which made, and any charges for social or sports privileges or facilities, except charges for sports privileges or facilities offered to members' guests which would otherwise be exempt if paid directly by such guests. Dues to a life member shall be an annual equivalent to the amount paid as dues; within this definition, by an active annual member, whether or not the life member paid for his life membership prior to the imposition of the tax by this article.

7) Initiation fee. Any payment, contribution, or loan, required as a condition precedent to membership, whether or not such payment, contribution or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed or loaned.

8) Lessor. Any person who is the owner, license, or lessee of any place of amusement or roof garden, cabaret or other similar place which he leases, subleases or grants a license to use to other persons who make amusement charges or admission charges.

9) Patron. Any person who pays an amusement charge or who is otherwise required to pay the tax imposed under such subdivision (f) of Section 220-10.

10) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.

11) Recipient. Any person who collects or receives or is under a duty to collect an amusement charge.

12) Roof garden, cabaret or other similar place. Any roof garden, cabaret or other similar place which furnishes a public performance for profit.

13) Social or athletic club. Any club or organization of which a material purpose or activity is social or athletic.

SECTION 220-10. Imposition of sales tax.

On and after March 1, 1989, there is hereby imposed and there shall be paid a tax of three percent (3%) upon:

a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this article.

b) The receipts from every sale, other than sales for resale, of gas, electricity, refrigeration and steam service of whatever nature, and from every sale, other than sales for resale, or telephony and telegraphy and telephone and telegraph service of whatever nature except interstate and international telephony and telegraphy and telephone and telegraph service.

c) The receipts from every sale, except for resale, of the following services:

1) The furnishing of information by printed, mimeographed or multi-graphed matter or by duplicating written or printed matter in any other manner, including the services of collecting, compiling or analyzing information of any kind of nature and furnishing reports thereof to other persons, but excluding the furnishing of information which is personal or individual in nature and which is not or may not be substantially incorporated in reports furnished to other persons, and excluding the services of advertising or other agents, or other persons acting in a representative capacity, and information services used by newspapers, radio broadcasters and television broadcasters in the collection and dissemination of news.

2) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

3) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except such services rendered by an individual who is engaged directly by a private home owner or lessee in or about this residence and who is not in a regular from laundering, dry-cleaning, tailoring, weaving, pressing, shoe repairing, and shoe shining, and except for installing property which, when installed, will constitute an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the Real Property Tax Law, and except such services rendered with respect to commercial vessels primarily engaged in interstate or foreign commerce and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than with respect to articles purchased for the original equipping of a new ship); provided, however, that nothing contained in this paragraph shall be construed to exclude from tax under this paragraph or under subdivision (b) of this section any charge, made by a person furnishing service subject to tax under subdivision (b) of this section, for installing property at the premises of a purchaser of such a taxable service for use in connection with such service.

4) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

5) Maintaining, servicing or repairing real property, property or land, as such terms are defined in the Real Property Tax Law, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, property or land, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services performed on a regular contractual basis for a term of not less than thirty days, other than window cleaning, rodent and pest control and trash removal from buildings.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in paragraphs (1) through (5) of this subdivision (c) are not receipts subject to the taxes imposed under such subdivision.

d) (i) The receipts from every sale of beer, wine or other alcoholic beverages or any other drink of any nature, or from every sale of food and drink of any nature of food alone, when sold in or by restaurants, taverns or other establishments in this county, or by caterers, including in the amount of such receipts any cover, minimum, entertainment

or other charge made to patrons or customers (except those receipts taxed pursuant to subdivision (f) of this section):

1) in all instances where the sale is for consumption on the premises where sold,

2) in those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor serves or assists in serving, cooks, heats or provides other services with respect to the food or drink; and

3) in those instances where the sale is for consumption off the premises of the vendor, except where food (other than sandwiches) or drink or both are (A) sold in an unheated state and (B) are of a type commonly sold for consumption off the premises and in the same form and condition, quantities and packaging, in establishments which are food stores other than those principally engaged in selling foods prepared and ready to be eaten.

ii) The tax imposed by this subdivision shall not apply to:

A) food or drink which is sold to an airline for consumption while in flight;

B) food or drink sold to a student of a nursery school, kindergarten, elementary or secondary school at a restaurant or cafeteria located on the premises of such a school, or food or drink, other than beer, wine, or other alcoholic beverages, sold at a restaurant, tavern or other establishment located on the premises of a college, university or a school (other than a nursery school, kindergarten, elementary or secondary school) to a student enrolled therein who purchases such food or drink under a contractual arrangement whereby the student does not pay cash at the time he is served, provided the school, college or university described in this subparagraph is operated by an exempt organization described in subdivision (a) of Section 1116 of the Tax Law, or is created, incorporated, registered, or licensed by the State Legislature or pursuant to the Education Law or the regulations of the Commissioner of Education, or is incorporated by the Regents of the University of the State of New York or with their consent or the consent of the Commissioner of Education as provided in Section 216 of the Education Law.

C) food or drink sold through coin operated vending machines at ten cents or less, provided the vendor is primarily engaged in making such sales and maintains records satisfactory to the state tax commission.

e) The rent for every occupancy of a room or rooms in a hotel in this County, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of two dollars per day.

f) (1) Any admission charge where such admission charge is in excess of ten cents to or for the use of any place of amusement in the County, except charges for admission to race tracks, boxing, sparring or wrestling matches or exhibitions which charges are taxed under the laws of this State except taxes imposed by Article 28 of the Tax Law of the State of New York, or dramatic or musical arts performances, or motion picture theatres, and except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use of possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, license or lessee, and shall be paid by the holder, license or lessee.

2) The dues paid to any social or athletic club in this County if the dues of an active member, exclusive of the initiation fee, are in excess of ten dollars per year, and on the initiation fee alone, regardless of the amount of dues, if such initiation fee is in excess of ten dollars, except that the tax shall not apply to a fraternal society, order or association operating under the lodge system or any fraternal association of students of a college or university. Where the tax on dues applies to any such social or athletic club, the tax shall be paid by all members thereof regardless of the amount of their dues, and shall be paid on all dues or initiation fees for a period commencing on or after March 1, 1989. In the case of a life membership, the tax shall be upon the annual amount paid by active annual members as dues, whether or not the life member paid for or was admitted to such membership prior to the imposition of the tax under this resolution, and shall be paid annually by the person holding such life membership at the time for payment of dues by active annual members.

3) The amount paid as charges of a roof garden, cabaret or other similar place in the state.

SECTION 220-11. Transitional provisions.

a) The taxes imposed under subdivisions (a), (c) and (d) of Section 220-10 shall be paid upon all sales made and services rendered on or after the effective date of this article although made on or rendered under a prior contract, except as provided in Section 220-10 and except that a delivery or transfer of possession of tangible personal property made after said date pursuant to an agreement for the sale of said property made before the date four months earlier than the effective date of this article shall not be subject to tax if: (1) such agreement for the sale of said property was made in writing, (2) the particular item or items or property so sold or agreed to be sold were segregated, before February 1, 1977, from any other similar property in the possession of the vendor and identified as having been appropriated to such sale or agreement of sale, and (3) the purchaser, before June 1, 1977 shall have paid to the vendor not less than ten percent of the sale price of said property.

b) The tax imposed under subdivision (b) of section 220-10 shall be paid with respect to the receipts for property or services sold on or after June 1, 1977 although made under a prior contract. Where property or service is sold on a monthly, quarterly or other term basis and the bills for such property or services are based on meter readings, the amount received on each bill for such property or service for a month or other term shall be a receipt subject to the tax, but such tax shall be applicable to all bills based on meters read on or after June 1, 1977 only where more than one-half of the number of days included in the month or other period billed are days subsequent to May 31, 1977; provided, however, that where such bills are for telephone or telegraph service the tax shall apply to all receipts on such bills dated on or after June 1, 1977, for which no previous bill was rendered, excepting, however, charges for services furnished before the date of the first of such bills.

c) The tax imposed under subdivision (e) of Section 220-10 shall be paid upon any occupancy on and after June 1, 1977, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly, or other term basis, the rent shall be subject to the tax imposed under such subdivision (e) to the extent that it covers any period on and after June 1, 1977, and such rent shall be apportioned on the basis of the ratio of the number of days falling within said period to the total number of days covered thereby.

d) Except as otherwise hereinafter provided, the tax imposed under subdivision (f) of Section 220-10 shall be applicable to any admission to or the use of facilities of a place of amusement occurring on or after June 1, 1977, whether or not the admission charge has

been paid prior to such date, unless the tickets were actually sold and delivered (other than for resale) prior to June 1, 1977, to a person attending the performance occurring on or after such date.

e) A refund or credit equal to the amount of sales or compensating use tax paid on the sale or use of tangible personal property, under a local law, ordinance or resolution imposed pursuant to the authority of chapter eight hundred seventy-three of the laws of nineteen hundred thirty-four, as amended, or chapter two hundred seventy-eight of the laws of nineteen hundred forty-seven, as amended, shall be allowed, upon application to the tax commission as provided for herein, where such property has been used by the purchaser or user in performing the services subject to tax under paragraphs (1), (2), (3) and (5) of subdivision (c) of Section 220-10 and such property has become a physical component part of the property upon which the services are performed or has been transferred to the purchaser of the service in conjunction the performance of the service subject to tax, except that such refund or credit may not exceed the combined state and local taxes, if any, paid, pursuant to article twenty-eight of the Tax Law and under the tax imposed by this article, on the sale or use of the service in connection with which such property was used. No interest shall be allowed or paid upon any refund made or credit allowed pursuant to this subdivision.

f) The taxes imposed under subdivisions (a), (c) and (d) of Section 220-10 shall be paid at the rate of three percent upon all sales made and services rendered on or after March 1, 1989. With respect to the tax rate of three percent effective March 1, 1989, the provisions of subdivisions (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c) and (d) to an effective date shall be read as referring to March 1, 1989, and the reference in subdivisions (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the lowered tax in effect on that date.

SECTION 220-12. Imposition of compensating use tax. Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1989, except as otherwise exempted under this enactment, (A) if any tangible personal property purchased at retail (B) of any tangible personal property manufactured, processed or assembled by the user if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, (C) of any of the services described in paragraph one of subdivision (c) of section two, and (D) of any tangible personal property, however acquired, where not

acquired for purposes of resale, upon which any of the services described under paragraphs two and three of subdivision (c) of section two have been performed. For purposes of clause (A) of this section, the tax shall be at the rate of three percent of the consideration given or contracted to be given for such property, or for the use of such property, but excluding any credit for tangible personal property accepted in part payment and intended for resale, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For purposes of clause (B) of this section, the tax shall be at the rate of three percent of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. Notwithstanding the foregoing, for purposes of clause (B) of this section, there shall be no use tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land. For purposes of clauses (C) and (D) of this section, the tax shall be at the rate of three percent of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service, plus the cost of transportation of property so transferred and of the tangible personal property upon which the service was performed, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser.

SECTION 220-12 A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 220-10 and 220-12 of this article, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning September 1, 2007, and ending November 30, 2011. Such additional taxes shall be identical to the taxes imposed by such sections 220-10 and 220-12 and shall be administered and collected in the same manner as such taxes. All of the provisions of this article relating or applicable to the administration and collection of taxes imposed by such sections 220-10 and 220-12 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds

and credits as are set forth in this article, with the same force and effect as if those provisions has been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 220-13.Special rules for computing receipts and consideration.

a) The retail sales tax imposed under subdivision (a) of Section 220-10 and the compensating use tax imposed under Section 220-12, when computed in respect to tangible personal property whenever manufactured, processed or assembled and used by such manufacturer, producer or assembler in the regular course of business within this county, shall be based on the price at which items of the same kind of tangible personal property are offered for sale by him, except to the extent otherwise provided in Section 220-12 hereof.

b) Tangible personal property, which has been purchased by a resident of this County outside of this County for use outside of this County and subsequently becomes subject to the compensating use tax imposed under this resolution shall be taxed on the basis of the purchase price of such property, provided, however:

1) That where a taxpayer affirmatively shows that the property was used outside this County by him for more than six months prior to its use within this County such property shall be taxed on the basis of current market value of the property at the time of its first use within this County. The value of such property, for compensating use tax purposes, may not exceed its cost.

2) That the compensating use tax on such tangible personal property brought into this County (other than for complete consumption or for incorporation into real property located in this County) and used in the performance of a contract or subcontract within this County by a purchaser or user for a period of less than six months may be based, at the option of the taxpayer, on the fair rental value of such property for the period of use within this County.

c) With respect to property leased, or sold under a contract deferring payments, tax shall be payable at such times and in such amounts as may be prescribed by the state tax commission as provided in Section 1132 of the Tax Law.

d) If the state tax commission has prescribed or shall prescribe schedules of the amount of tax to be collected upon each gallon of motor fuel and diesel motor fuel sold at retail service stations, and upon each pack of cigarettes, as provided in Section IIII of the Tax Law, the tax thereon shall be collected as prescribed in such schedules.

SECTION 220-14. Exemptions from sales and use taxes.

a) Receipts from the following shall be exempt from the tax on retail sales imposed under subdivision (a) of Section 2 and the compensating use tax imposed under Section 220-12.

1) Food, food products, beverages, dietary foods, and health supplements, sold for human consumption but not including (i) candy and confectionery, (ii) fruit drinks which contain less than seventy percent of natural fruit juice, (iii) soft drinks, sodas and beverages such as are ordinarily dispensed at soda fountains or in connection therewith (other than coffee, tea or cocoa) and (iv) beer, wine or other alcoholic beverages, all of which shall be subject to the retail sales and compensating use taxes, whether or not the item is sold in liquid form. Nothing herein shall be construed as exempting food or drink from the tax imposed under subdivision (d) of Section 220-10.

2) Water, when delivered to the consumer through mains or pipes.

3) Drugs and medicines intended for use, internally or externally, in the cure, mitigation, treatment or prevention of illnesses or diseases in human beings and products consumed by humans for the preservation of health but not including medical equipment and supplies other than such drugs and medicines, or cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein.

4) Prosthetic aids, hearing aids, or eyeglasses and artificial devices designed for the use of a particular individual to correct or alleviate physical incapacity.

5) Newspapers and periodicals.

6) Tangible personal property except property incorporated in a building or structure, for the use or consumption directly and predominantly in the production for sale of tangible personal property by farming, including stock, dairy, poultry, fruit, fur bearing animal, and truck farming. The term farming shall also include ranching, operating nurseries, greenhouses or other similar structures used primarily for the raising of agricultural, horticultural or floricultural commodities, and operating orchards.

7) Tangible personal property sold by a mortician, undertaker or funeral director. However, all tangible personal property solid to a mortician, under taker or funeral director for use in the conducting of funerals shall not be deemed a sale for resale within the meaning of paragraph (4) of subdivision (b) of Section 220-9 of this resolution and shall not be exempt from the retail sales tax.

8) Commercial vessels primarily engaged in interstate or foreign commerce and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping of a new ship).

9) Fuel sold to an airline for use in its airplanes.

10) Tangible personal property purchased for use or consumption directly and predominantly in research and development in the experimental or laboratory sense. Such research and development shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects.

11) The flags of the United States of America and the State of New York.

12) Tangible personal property sold through coin-operated vending machines at ten cents or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the state tax commission.

13) Motor vehicles, as such term is defined in section one hundred twenty-five of the vehicle and traffic law, sold by a husband or wife to his or her spouse, or by a parent to

his or her child, or by a child to his or her parent. Provided, however, this exemption shall not apply if the vendor is a dealer as defined in section four hundred fifteen of the vehicle and traffic law.

14) Tangible personal property sold to a contractor, subcontractor or repairman for use in erecting a structure or building of an organization described in subdivision (a) of section seven, or adding to, altering or improving real property, property or land of such an organization, as the terms real property, property or land are defined in the real property tax law; provided, however, no exemption shall exist under this paragraph unless such tangible personal property is to become an integral component part of such structure, building or real property.

15) Tangible personal property sold to a contractor, subcontractor or repairman for use in maintaining, servicing or repairing real property, property or land of an organization described in subdivision (a) of section seven, as the terms real property or land are defined in the real property tax law; provided, however, no exemption shall exist under this paragraph unless such tangible personal property is to become an integral component part of such structure, building or real property.

16) Tangible personal property sold by a contractor, subcontractor or repairman to a person other than an organization described in subdivision (a) of section seven, for whom he is adding to, or improving real property, property or land by a capital improvement, or for whom he is about to do any of the foregoing, if such tangible personal property is to become an integral component part of such structure, building or real property, provided, however, that if such a sale is made pursuant to a contract irrevocably entered into before September first, nineteen hundred sixty-nine, no exemption shall exist under this paragraph.

17) Tangible personal property sold by a person at his residence provided such person does not engage in such sales for more than three days in a calendar year and such person or any member of his household does not conduct a trade or business in which similar items are sold, and the gross receipts from such sales can reasonably be expected not to exceed two hundred dollars in a calendar year. This exemption shall not apply to sales at a private residence conducted by an auctioneer, sheriff or other third party or a sale held to liquidate an estate. This exemption shall not apply to the sale of boats, snowmobiles or motor vehicles except such sales of motor vehicles within the exemptions of paragraph thirteen of subdivision (a) of this section.

18) Cartons, containers, and wrapping and packaging materials and supplies, and components thereof for use and consumption by a vendor in packaging or packing tangible personal property for sale, and actually transferred by the vendor to the purchaser.

b) (i) Telephony and telegraphy and telephone and telegraph service used by newspapers, radio broadcasters and television broadcasters in the collection or dissemination of news shall be exempt from the tax imposed under subdivision (b) of Section 2 if the charge for such service is a toll charge or a charge for mileage services, including the associated station terminal equipment.

ii) Gas, electricity, refrigeration and steam, and gas, electric, refrigeration and steam service of whatever nature for use or consumption directly and exclusively in research and development in the experimental or laboratory sense shall be exempt from the tax imposed under subdivision (b) of Section 220-10. Such research and development shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects.

c) All sales of tangible personal property for use or consumption directly and predominantly in the production of tangible personal property, gas, electricity, refrigeration or steam, for sale, by manufacturing, processing, generating, assembling, refining, mining, extracting, farming, agriculture, horticulture or floriculture, and all sales of telephone central office equipment and station apparatus or comparable telegraph equipment for use directly and predominantly in receiving at destination or in initiating and switching telephone or telegraph communication shall be exempt from the taxes imposed under subdivisions (a) and (b) of Section 220-10.

d) Services otherwise taxable under paragraph (1), (2) or (3) of subdivision (c) of Section 220-10 herein shall be exempt from tax under this article if the tangible personal property upon which services were performed is delivered to the purchaser outside the County for use outside the County.

e) Telephone and telegraph service paid for by inserting coins in coin-operated telephones where the charge is ten cents or less shall be exempt from the tax imposed under subdivision (b) of Section 220-10.

f) Services rendered by a veterinarian licensed and registered as required by the education law which constitute the practice of veterinary medicine as defined in said law, including hospitalization for which no separate boarding charge is made, shall not be subject to tax under paragraph (3) of subdivision (3) of Section 220-10, but the exemption allowed by this subdivision shall not apply to other services provided by a veterinarian to pets and other animals, including, but not limited to, boarding, grooming and clipping. Articles of tangible personal property designed for use in some manner relating to domestic animals or poultry, when sold by such a veterinarian, shall not be subject to tax under subdivision (a) of Section 220-10 or under Section 220-14. However, the sale of any such articles of tangible personal property to a veterinarian shall not be deemed a sale for resale within the meaning of paragraph (4) of subdivision (b) of Section 220-9 and shall not be exempt from retail sales tax.

g) Services otherwise taxable under paragraph (3) of subdivision (c) of section two shall be exempt from tax if performed upon prosthetic aids, hearing aids, or eye glasses and artificial devices designed for the use of a particular individual to correct or alleviate physical incapacity.

SECTION 220-15. Exempt organizations.

a) Except as otherwise provided in this section, any sale or amusement charge by or to any of the following or any use or occupancy by any of the following shall not be subject to the sales and compensating use taxes imposed under this article.

1) The State of New York, or any of its agencies, instrumentalities, public corporation created pursuant to agreement or compact with another state of Canada or political subdivisions where it is the purchaser, user or consumer, or where it is a vendor of services or property of a kind not ordinarily sold by private persons;

2) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;

3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons; and

4) Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

5) A post or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization:

A) organized in this state,

B) at least seventy-five percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans), or are cadets, or are spouses, widows or widowers of war veterans or such individuals, and

C) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

D) The following Indian nations or tribes residing in New York State: Cayuga, Oneida, Onongada, Poospatuck, Saint Regis, Mohawk, Seneca, Shinnecock, Tonawana, Tuscarora, where it is the purchaser, user or consumer.

b) Nothing in this section shall exempt:

1) retail sales of tangible personal property by any shop or store operated by an organization described in paragraph (4) or paragraph (5) of subdivision (a) of this section, or

2) sales of food or drink in or by a restaurant, tavern or other establishment operated by an organization described in paragraph (1), paragraph (4) or paragraph (5) of subdivision (a) of this section, other than sales exempt under paragraph (ii) of subdivision (d) of Section 220-10, from the taxes imposed hereunder, unless the purchaser is an organization exempt under this section.

C) Where any organization described in paragraph (4) of subdivision (a) of this section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

d) (1) Except as provided in paragraph (2) of this subdivision, any admissions all of the proceeds of which inure exclusively to the benefit of the following organizations shall not subject to any of the taxes imposed under subdivision (f) of Section 220-10.

A) An organization described in paragraph (4) or (5) of subdivision (a) of this section;

B) A society or organization conducted for the sole purpose of maintain symphony orchestras or operas and receiving substantial support from voluntary contributions;

C) National guard organizations; or

D) A police or fire department of a political subdivision of the state, or a voluntary fire or ambulance company or exclusively to a retirement, pension or disability fund for the sole benefit of members of a police or fire department or to a fund for the heirs of such members.

2) The exemption provided under paragraph (1) of this subdivision shall not apply in the case of admission to:

A) Any athletic game or exhibition unless the proceeds shall inure exclusively to the benefit of elementary or secondary schools or unless in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game shall inure to the benefit of one or more organizations described in paragraph (4) of subdivision (a) of this section; or

B) Carnivals, rodeos, or circuses in which any professional performer or operator participates for compensation.

3) Admission charges for admission to the following places or events shall not be subject to any of the taxes imposed under subdivision (f) of Section 220-10.

A) Any admission to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same; provided the proceeds therefrom are used exclusively for the improvement, maintenance and operation of such agricultural fairs.

B) Any admission to a home or garden which it temporarily open to the general public as a part of a program conducted by a society or organization to permit the inspection of historical homes and gardens; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

C) Any admissions to historic sites, houses and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines and museums, provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

D) Any admissions to historic sites, houses and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines and museums, provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

SECTION 220-16. Deliveries outside the County; deliveries within the County of property sold or serviced elsewhere.

Where a sale of tangible personal property or services other than those described in subdivision (b) of Section 220-10, including an agreement therefor, is made in this

County, but the property sold or the property upon which the services were performed is or will be delivered to the purchase elsewhere, such sale shall not be subject to tax under this article. However, if delivery occurs or will occur in a city, county or school district imposing a tax on the sale or use of such property, pursuant to the authority of Article 29 of the Tax Law, the vendor shall be required to collect from the purchaser, as provided in Section twelve hundred fifty-four of the Tax Law of the State of New York, the aggregate sales or compensating use taxes imposed by the city, if any, county and school district in which delivery occurs or will occur, for distribution by the state tax commission to such taxing jurisdiction or jurisdictions.

Where a sale of tangible personal property or services other than those described in subdivision (b) of Section 220-10, including an agreement therefore, is made outside this County, but the property sold or property upon which the services were performed is or will be delivered to the purchaser in this County, such sale and use of such property or services shall be subject to tax under this article, and the vendor shall be subject to tax under this article, and the vendor shall be required to collect from the purchaser, as provided in Section twelve hundred fifty-four of the Tax Law of the State of New York the sale or use tax imposed by this resolution, for distribution by the state tax commission to this County.

For the purposes of this section, delivery shall be deemed to include transfer of possession to the purchaser and the receiving the property by the purchaser.

SECTION 220-17. Certain sale of motor vehicles; proof required for registration of motor vehicles.

a) Where a sale of a motor vehicle, including an agreement therefore, is made in the County to a nonresident thereof, such sale shall not be subject to tax under this article, despite the fact that such motor vehicle is delivered to the purchaser within this County provided the purchaser furnishes to the vendor, prior to taking delivery, proof satisfactory to the tax commission that the purchaser:

1) is a nonresident of this County;

2) has no permanent place of abode within this County;

3) is not engaged in carrying on in this County any employment, trade, business or profession in which the motor vehicle will be used in this County, and such other proof as the tax commission may require to insure proper administration of the taxes imposed under subdivision (a) of Section 220-10.

However, if the purchaser resides in a city, county or school district imposing a tax on the use of such motor vehicle, the vendor shall be required to collect from the purchaser, as provided in Section twelve hundred fifty-four of the Tax Law of the State of New York, the aggregate compensating use taxes imposed by the city, if any, county and school district in which the purchaser resides, for distribution by the state tax commission to such taxing jurisdiction of jurisdictions.

b) A vendor shall not be liable for failure to collect tax on such sale of a motor vehicle provided the proof furnished to him by the purchaser pursuant to subdivision (a) of this section shows that the purchaser's residence is not in any city, county or school district which imposes a tax on the use of such motor vehicle, and provided the vendor keeps such proof available for inspection by the state tax commission and further provided that such proof is not known by the vendor, prior to making physical delivery of the motor vehicle, to be false.

c) For purposes of this section, the term "motor vehicle" shall include a motor vehicle as defined in section one hundred twenty-five of the Vehicle and Traffic law of the State of New York, and a trailer as defined in section one hundred fifty-six of such law.

SECTION 220-18. Territorial limitations.

Any tax imposed under the authority of this article shall apply only within the territorial limits of this County.

SECTION 220-18 A. Exemptions from use tax.

The following uses of property shall not be subject to the compensating use tax imposed under this article:

1) (a) In respect to the use of property used by the purchaser in this county prior to June 1, 1977.

(b) In respect to the additional tax of one percent imposed effective March 1, 1981, in respect to the use of property used by the purchaser in this county prior to March 1, 1981.

(c) In respect to the additional tax of one-half of one percent imposed effective December 1, 1983, in respect to the use of property used by the purchaser in this county prior to December 1, 1983.

(d) In respect to the reduced tax of one-half of one percent reduced effective September 1,1987, in respect to the use of property used by the purchaser in this county prior to September 1, 1987.

(e) In respect to the additional tax of one percent imposed effective March 1, 1989, in respect to the use of property used by the purchaser in this county prior to March 1, 1989.

(f) With respect to the additional one-half of one percent rate of taxes imposed for the period beginning September 1, 2005, and ending August 31, 2007, in respect to the use of property used by the purchaser in this county prior to September 1, 2005.

(g) With respect to the additional one percent rate of taxes imposed for the period beginning September 1, 2007, and ending November 30, 2011, in respect to the use of property used by the purchaser in this county prior to September 1, 2007.

2) In respect to the use of property purchased by the user while a nonresident of this County, except in the case of tangible personal property which the user, in the performance of a contract, incorporates into real property located in the County. A person while engaged in any manner in carrying on in this County any employment, trade, business or profession, shall not be deemed a nonresident with respect to the use in this County of property in such employment, trade, business or profession.

3) In respect to the use of property or services upon the sale of which the purchaser would be expressly exempt from the taxes imposed under subdivision (a), (b), or (c) of Section 220-10.

4) In respect to the use of property which is converted into or becomes a component part of a product produced for sale by the purchaser.

5) In respect to the use of paper in the publication of newspapers and periodicals.

6) (A) In respect to the use of property or services to the extent that a retail sales tax or a compensating use tax was legally due and paid thereon, without any right to a refund or credit thereof, to (a) any municipal corporation in this state or (b) any other state or jurisdiction within any other state, but only when it is shown that such other state jurisdiction allows a corresponding exemption with respect to the sale or use of tangible personal property or of any of the services upon which such a sale or compensating use tax was paid to this State and any of its municipal corporations, except as provided in subparagraph (B) of paragraph (6) of this section.

B) To the extent that a compensating use tax imposed by this article and the compensating use tax imposed by Article 28 of the Tax Law are at a higher aggregate rate than the rate of tax imposed in any other state or jurisdiction within any other state, the exemption provided in subparagraph (A) of paragraph 6 of this section shall be in applicable and the taxes imposed by this resolution and by Article 28 shall apply to the extent of the difference between such aggregate rate and the rate paid in such other state or jurisdiction. Where a retail sales tax or a compensating use tax was legally due and paid to any municipal corporation in the state, without any right to a refund or credit thereof, with respect to the sale or use of tangible personal property or any of the services subject to sales or compensating use tax, if the use of such property or services is then subject to the compensating use tax imposed by this resolution and such tax is at a higher rate than the rate of tax imposed by the first municipal corporation, the tax imposed by this article shall also apply but only to the extent of the difference in such rates.

C) For the purposes of this paragraph, a payment to the State Tax Commission of a tax imposed by a municipal corporation shall be deemed a payment to such municipal corporation.

SECTION 220-19.Refunds or credits based on proof of certain uses.

a) Subject to the conditions and limitations provided for herein, a refund or credit shall be allowed for a tax paid pursuant to subdivision (a) of Section 220-10 or Section 220-12. (1) on the sale or use within this County of tangible personal property if the purchaser or user, in the performance of a contract, later incorporates that tangible personal property into real property located outside this county; (2) on the sale or use of tangible personal property purchased in bulk, or any portion thereof, which is stored and not used by the purchaser or user within this county if that property is subsequently reshipped by such purchaser or user to a point outside this county for use outside this county; (3) on the sale to or use by a contractor or subcontractor of tangible personal property if that property is used by him solely in the performance of a pre-existing lump sum or unit price construction contract; or (4) on the sale or use within this county of tangible personal property, not purchased for resale, if the use of such property in this county is restricted to fabricating such property (including incorporating it into or assembling it with other tangible personal property), processing, printing or imprinting such property is then shipped to a point outside this county for use outside this county. (For the purposes of clause (3) of the preceding sentence, the term "Pre-existing lump sum or unit price construction contract" shall mean a contract for the construction of improvements to real property under which the amount payable to the contractor or subcontractor is fixed without regard to the costs incurred by him in the performance thereof, and which (i) was irrevocably entered into prior to the date of the enactment of this article or the enactment of a law increasing the rate of tax imposed under this article, or (ii) resulted from the acceptance by a governmental agency of a bid accompanied by a bond or other performance guaranty which was irrevocably submitted prior to such date.) Where the tax on the sale or use of such tangible personal property has been paid to the vendor, to qualify for such refund or credit, such tangible personal property must be incorporated into real property as required in clause (1) above, reshipped as required in clause (2) above or used in the manner described in clauses (3) or (4) above within three years pursuant to article twenty-eight of the Tax Law. With respect to a sale or use described in clause (3) above, the purchaser or user shall be entitled to a refund or credit of the amount of the taxes imposed by this article if enacted later than the date of such contract or bid, or of the amount reflecting an increase in the rate of tax enacted later than said date, as the case may be, but only to the extent that all such sales and use taxes paid on such sale or use under the aggregate statewide and local taxes imposed under article twenty-eight and by authority of article twenty-nine exceeded an amount computed by applying against such sale of use the aggregate of the rates of statewide and local sales and use taxes that were in effect at the time such contract was entered into or such bid was submitted.

b) Subject to the conditions and limitations provided for in this subdivision, a refund or credit shall be allowed for a tax paid pursuant to subdivision (a) of section two or section four on the sale to or use by an omnibus carrier described in this subdivision of any omnibus, and of parts, equipment, lubricants, motor fuel, diesel motor fuel, maintenance, servicing or repair purchased and used in the operation of any such omnibus by carrier. Any such omnibus carrier must provide local transit service in this state and operate pursuant to a certificate of public convenience and necessity issued by the commissioner of transportation of this state or by the interstate commerce commission of the United States or pursuant to the contract, franchise or consent between such carrier and a city having a population of more than a million inhabitants, or any agency of such city. The amount of such refund or credit shall be determined by first computing the local transit service percentage which shall be the proportion that such carrier's vehicle mileage in local transit service in this state in the calendar year immediately preceding the end of the quarterly return period, prescribed by section eleven hundred thirty-six of the Taw-Law, to which such refund or credit relates bears to such carrier's total mileage operated in this state in such year. An omnibus carrier which was not engaged in local transit service in the preceding calendar year shall determine such percentage with respect to its first four quarterly returns filed pursuant to section eleven hundred thirty-six of the Tax Law, by using the proportion that such carrier's vehicle mileage in local transit service in this state in the first three months of such operation bears to such carrier's total mileage operated in this state in such period. The amount of the refund or credit allowable on the local tax paid on such purchases or uses then shall be determined in accordance with the following table:

If the local transit service percentage is:	The refund or credit is:
1) Less than 10 percent	1) None
2) 10 percent	2) 10 percent of such tax
3) Greater than 10 percent but less than 70 percent excess	3) 10 percent plus (the product of 1.5 times each whole percent in excess of 10 percent of such tax)
4) 70 percent or more	4) 100 percent of such tax

For purposes of this subdivision, local transit service, vehicle mileage and total mileage operated shall be defined by rule or regulation of the state tax commission and records satisfactory to the tax commission shall be maintained by the carrier. An application for a refund or credit pursuant to this subdivision must be filed with such commission within the time provided by subdivision (a) of section eleven hundred thirty-nine of the Tax Law. Such application shall be in such form as the tax commission may prescribe. Where an application for credit has been filed, the applicant may immediately take such credit on the return which is due coincident with or immediately subsequent to the time that he files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to applications for credit in section eleven hundred thirty-nine of the Tax Law as provided in subdivision (e) of such section.

c) A refund or credit equal to the amount of sales or compensating use tax imposed by article twenty-eight of the tax law and under this article and paid on the sale or use of tangible personal property shall be allowed the purchaser where such property is later used by the purchaser in performing a service subject to tax under paragraphs (1), (2), (3) or (5) of subdivision (c) or section 220-10 or under section 220-12 and such property has become a physical component part of the property upon which the service is performed or has been transferred to the purchaser of the service in conjunction with the performance of the service subject to tax or if a contractor, subcontractor or repairman purchases tangible personal property and later makes a retail sale of such tangible personal property, the acquisition of which would not have been a sale at retail to him but for the last sentence of subparagraph (i) of paragraph (4) of subdivision (b) of section one. An application for the refund or credit provided for herein must be filed with the tax commission within the time provided by subdivision (a) of section eleven hundred thirty-nine of the tax law. Such application shall be in such form as the tax commission may prescribe. Where an application for credit has been filed, the applicant may immediately take such credit on the return which is due coincident with or immediately subsequent to the time that he files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit. The procedure for granting or denying such applications for refund or credit and review of such determinations shall be as provided in subdivision (e) of section eleven hundred thirty-nine of the tax law.

SECTION 220-20. Administration and collection.

The taxes imposed by this article under the authority of Article 29 of the Tax Law shall be administered and collected by the State Tax Commission in the same manner as the taxes imposed under Article 28 of the Tax Law are administered and collected by such

Commission. 11 of the provisions of said Article 28 relating to or applicable to the administration and collection of the taxes imposed by that article shall apply to the taxes imposed by this article, including sections eleven hundred one, eleven hundred six (e), eleven hundred eleven, eleven hundred eighteen (b), eleven hundred nineteen and eleven hundred thirty-one through eleven hundred forty-seven, together with any amendment thereto, with the same force and effect as if those provisions had been incorporated in full into this article except as otherwise provided in section twelve hundred fifty of the Tax Law.

SECTION 220-21.Disposition of Revenues.

Net collections distributed to this taxing jurisdiction pursuant to section twelve hundred sixty-one of the Tax Law of the State of New York shall be disposed of as follows:

(a) 100 percent of such monies is hereby set aside for county purposes and shall be available for any county purpose.

(b) As used in this section the following terms shall mean or include:

(1) Net collections. The moneys collected from the taxes imposed by this enactment, after deducting therefrom expenses of administration and collection and amounts refunded or to be refunded.

(2) General town taxes. Taxes levied for any town purpose, including highways, upon the entire area of a town.

(3) Full valuation of real property. The assessed valuation of real property divided by the equalization rate as determined in accordance with Article 8 of the Real Property Tax Law.

(4) Part-town activities. Activities of town government, including highway programs, which are chargeable to the area of the town outside of villages, exclusive of special

district purposes, unless such special district is a fire protection district coterminous with the area of a town outside of villages.

SECTION 220-22. Construction and Enforcement

This article shall be construed and enforced in conformity with Articles 28 and 29 of the Tax Law of the State of New York pursuant to which the same is enacted.

SECTION 220-23. Separability

If any provision of this article or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this article but shall be confined in its operation to the provision thereof directly involved in the controversy in which such judgment shall have been rendered and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 2. Effective date.

This Local Law shall take effect immediately.

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 2 above.

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

(Seal)

Date: _____

(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 Putnam

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

County Attorney
Title

County
City of Putnam
Town
Village

Date: June 1, 2011