

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Hyde Park

FILED
STATE RECORDS

DEC 05 2016

DEPARTMENT OF STATE

Local Law No. 12 of the year 2016

A local law Requiring the Owner of a Property which includes a Solar Farm Energy System Approved

(Insert Title)

Pursuant to the Provisions of Chapter 130 of the Town Code to Enter into a Contract for

Payment in Lieu of Taxes

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

County City Town Village
(Select one.)

of Hyde Park

as follows:

SEE ATTACHED

(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. 12 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Hyde Park ~~Town Board~~ was duly passed by the Town Board on November 28 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

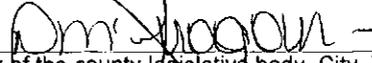
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.



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

Date: 11-29-16

(Seal)

LOCAL LAW NO. 12 OF THE YEAR 2016

BE IT ENACTED by the Town Board of the Town of Hyde Park as follows:

Section I: Title.

This Local Law shall be entitled as: "A Local Law Requiring the Owner of a Property which includes a Solar Farm Energy System Approved Pursuant to the Provisions of Chapter 130 of the Town Code to Enter into a Contract for Payment In Lieu of Taxes".

Section II: Amendments to Town Code Establishing Article 7 of Chapter 100.

The Town of Hyde Park Town Code is hereby amended to establish a new Article VII of Chapter 100 of the Town Code entitled: "Pilot Program for Solar Farms Entitled to Exemption from Taxation Pursuant to the Provisions of Real Property Actions and Proceedings Law §487".

§120-1. Purpose and Intent

The Town of Hyde Park enacted Local Law No. L of the year 2016 entitled: "A Local Law Amending the Town Code to Establish a New Chapter 130 entitled 'Solar Energy Systems and Facilities' and to Amend the Schedule of Use Regulations to Provide for those Facilities", upon a finding that it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, and to facilitate the development and operation of renewable energy systems based upon sunlight while minimizing the adverse impacts of neighboring properties so as to protect the public health, safety and welfare.

Section 487(2) of the Real Property Tax Law (RPTL) provides, in relevant part, that real property which includes a solar energy system in accordance with the provisions of said section, shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar system for a period of fifteen (15) years. RPTL §487(6) provides, in relevant part, that such exemption shall be granted only upon the application by the owner of real property on a form prescribed and made available by the Commissioner in cooperation with the New York State Energy Research and Development Authority.

RPTL §487(8)(a) provides, in relevant part, that a Town may by resolution or local law provide that no exemption under this section of the law shall be applicable within its jurisdiction with respect to any solar energy system which

began construction subsequent to January 1, 1991 or the effective date of such local law, ordinance or resolution, whichever is later. The Town of Hyde Park has not, to date, adopted such a local law, or resolution. RPTL §487(9)(a) provides, in relevant part, that a Town which has not acted to remove the exemption under said section may require the owner of a property which includes a solar system which meets the requirement of RPT §487 to enter into a Contract for Payments in Lieu of Taxes (PILOT). Said section also provides, in relevant part, that such contract may require payment of annual amounts in amounts not to exceed the amounts which would otherwise be payable but for the exemption under this section. In addition, RPTL §487(9)(a) provides that if the owner or developer of such a system provides written notification to the Town Assessor of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a contract for Payments in Lieu of T (PILOT)axes, such taxing jurisdiction must notify such owner or developer of its intent to require contract for payment in lieu of taxes within sixty (60) days of receiving the written notification. The Town Board has determined that it would be in the best interests of the Town and its citizens to require the owner of a property which includes a "solar farm", as that term is defined in Chapter 130 of the Town Code, and permitted pursuant to the provisions of §130-8 of the Town Code, to enter into such a PILOT Agreement.

§120-2 PILOT Agreement Procedure

- A. The Town of Hyde Park, and its Assessor, upon receipt of a notification to the Town Assessor of a property owner's or developer's intent to construct a solar farm pursuant to the provisions of Chapter 130 of the Town Code shall be required to enter into a contract for Payments in Lieu of Taxes (PILOT) that would have been paid had the property not been entitled to an exemption pursuant to the provisions of RPTL §487. The Assessor shall notify the property owner of its intent to require a contract for payment in lieu of taxes within sixty (60) days of receiving the written notification. The terms of such PILOT agreement shall be determined by the Town and its Assessor in the exercise of their sound discretion and shall require annual payments in an amount equal to seventy-five (75%) percent of the amount which would otherwise be payable but for the exemption provided pursuant to RPTL §487 for a period of not more than fifteen (15) years commencing from the date on which the benefits of such exemption first becomes available and effective. The annual PILOT payments shall be distributed based upon the pro rata share of each of the taxing authorities for each respective year.

Section IV: Separability

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section V: Supersession

This local law is hereby adopted pursuant to the provisions of RPTL §487, §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

Section VI: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.