

§ 84

TAXATION
(AKA BUSINESS INVESTMENT EXEMPTION LAW)
Chapter 84

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TAXATION

ARTICLE I
Senior Citizens Tax Exemption¹

§ 84-1. Exemption stated; conditions. [Amended LL No. 1-2011]

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[HISTORY: Adopted by the Town Board of the Town of Windsor: Art. I, 8-3-66; Amended 7-10-96 as LL No. 2-1996, ² Art. II, 6-22-83 as LL No. 2-1983, Amended 5-7-97 as LL No.2-1997, Article III added 5-5-2010 as LL No.1-2010. Amended LL. No. 1-2011. Amendments noted where applicable.]

¹ Amended 5-7-1997, LL No.2-1997

² Adopted as Ch. 23 of the 1972 Code of the Town of Windsor.

ARTICLE III**[Added 5-5-2010, LL#1-2010]****Taxation****§ 84-1. Purpose and Repealer.****§ 84-2. Applicability.****§ 84-3. Definitions.****§ 84-4. Exemption****§ 84-5. Severability.****§ 84-6. Effective Date.****ARTICLE I****Senior Citizens Tax Exemption****[Adopted 8-3-66, Amended 5-7-97, Amended LL No. 1-2011.]****§ 84-1. Exemption stated; Conditions.**

Real property situated within the bounds of the Town of Windsor, Broome County, New York, owned by one(1) or more persons, one(1) of whom is sixty-five(65) years of age or over, shall be exempt from taxation by the Town of Windsor to the extent of the sliding scale of percentage of assessed valuation as set forth in section §84-4 below, except that no such exemption shall be granted:

- A. If the income of the owner or the combined income exceeds the amounts set forth in section §84-4 below, for the twelve(12) consecutive months immediately preceding the date of making application for exemption. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such sum shall include social security and retirement benefits, dividends, rental income, salary or earnings, and income from self-employment, but shall not include gifts or inheritances.

Pursuant to RPTL Section 467, as it may be amended from time to time, income shall

be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. [History: Adopted as Local Law #1-2011]

- B. Unless the title of record of the property shall have been vested in the owner/applicant for at least Twenty-four(24) consecutive months prior to the date of making application for exemption.
- C. Unless the property is used exclusively for residential purposes; or property from which income is derived or rent generated.
- D. Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all the owners of the property.

§ 84-2. Application for exemption.

Application for such exemption must be made by the owner or all of the owners of the property on forms to be furnished by the Town Assessor's office; such applicants shall furnish the information. The forms are to be executed in the manner required or prescribed on such forms and shall be filed in such Assessor's office at least ninety (90) days before the day for the filing of the final assessment roll.

§ 84-3. Penalties for offenses.

The making of any willful false statement in the application for an exemption under this Article shall be a violation thereof, and a conviction for any such violation shall be punishable by a fine of not more than one hundred dollars (\$100.00) and shall disqualify the applicant or applicants from qualifying for this exemption for a period of five (5) years from the date of conviction.

§ 84-4. Exemption amount stated.

Persons otherwise eligible for the Senior Citizen's Tax Exemption shall be entitled to exemption on proper application, from taxation by the Town of Windsor to the extent of the percentage set forth in the sliding scale below:

| <u>Defined Income Not Exceeding</u> | <u>Percentage of Exemption</u> |
|-------------------------------------|--------------------------------|
| \$10,500.00 | 50% |
| 11,500.00 | 45% |
| 12,500.00 | 40% |
| 13,500.00 | 35% |
| 14,400.00 | 30% |
| 15,300.00 | 25% |
| 16,200.00 | 20% |
| 17,100.00 | 15% |
| 18,000.00 | 10% |

§84-5. When effective.

This Article shall take effect immediately upon adoption by the Town Board of the Town of Windsor.

ARTICLE II
Business Investment Exemption
[Adopted 6-22-83 as LL No. 2-1983]

§ 84-6. Reduction of exemption to zero.

Pursuant to Subdivision 7 of § 485-b of the New York State Real Property Tax Law, the Town of Windsor hereby elects that there shall be no tax exemption as provided under said section for any business improvements subsequent to May 1, 1983.

ARTICLE III
Taxation
[Added 5-5-2010 as LL No. 1-2010]

§ 84-1. Purpose and Repealer.

The purpose of this article is to repeal local law No. 2-1983 and to provide for a modified real property tax law exemption provided for in § 485-b, Subdivision 2(a), of the Real Property Tax Law for tax exemption for certain business improvements.

§ 84-2. Applicability

This article shall be known as the "Business Investment Exemption Law" of the Town of Windsor.

§ 84-3. Definitions

As used in this article, unless otherwise expressly stated, definitions shall be as set forth in § 485-b of the Real Property Tax Law.

§ 84-4. Exemption

1. Real property constructed, altered, installed or improved after the effective date of this local law for the purpose of commercial, business or industrial activity shall be exempt from taxation and special ad valorem levies, except for special ad valorem levies for fire district, fire protection district and fire alarm district purposes, to the extent hereinafter provided.

2. (a) (i) Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction, alteration, installation or improvement and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base." The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the state board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she

believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the tax exemption:

| Year of exemption | Percentage of exemption |
|-------------------|-------------------------|
| 1 | 50 |
| 2 | 45 |
| 3 | 40 |
| 4 | 35 |
| 5 | 30 |
| 6 | 25 |
| 7 | 20 |
| 8 | 15 |
| 9 | 10 |
| 10 | 5 |

(b) No such exemption shall be granted unless

(1) such construction, alteration, installation or improvement was commenced after the effective date of this local law;

(2) the cost of such construction, alteration, installation or improvement exceeds the sum of fifty thousand dollars; and

(3) such construction, alteration, installation or improvement is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

(c) For purposes of this section the terms construction, alteration, installation and improvement shall not include 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 to the local government 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 section. In such case, an exemption shall be granted for a number of years equal to the ten year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the state board. Such application shall be filed with the assessor of the town on or before the appropriate taxable status date of the town and within one year from the date of completion of such construction, alteration, installation or improvement.

4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies, except for special ad valorem levies for fire district, fire protection district and fire alarm district purposes, as herein provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.
5. The provisions of this section shall apply to real property used primarily for the buying, selling, storing or developing goods or services, the manufacture or assembly of goods or the processing of raw materials. This section shall not apply to property used primarily for the furnishing of dwelling space or accommodations to either residents or transients other than hotels or motels.
6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.
7. The provisions of this Article shall apply only to construction, alteration, installation or improvements having a greater value than fifty thousand dollars.
8. This local law does not establish an industrial and commercial incentive board.

§ 84-5. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 84-6. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.