

LOCAL LAW NO. 1-1976
CHAUTAUQUA COUNTY

A Local Law Repealing Local Law No. 10-75 and Providing for an Exemption from Taxation and Special Ad Valorem Levies Imposed by Chautauqua County for County and Part County Purposes

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York as follows:

The Local Law No. 10-1975 heretofore adopted by the Chautauqua County Legislature be and the same is hereby repealed in its entirety and the following Local Law designated as Introductory No. 2-1976 is hereby enacted in the manner following:

SECTION 1. There is hereby granted to "eligible business facilities" as defined in Section 115 of the Commerce Law of the State of New York, located in Chautauqua County exemption from taxes and special ad valorem levies imposed by or on behalf of Chautauqua County for county or part county purposes as follows:

- A. Total exemption from taxes and special ad valorem levies for two successive years.
- B. Ad exemption of 80% from taxes and special ad valorem levies in the third year.
- C. A decreasing rate of exemption in steps of 10% of the whole in successive years until 100% of taxes and special ad valorem levies become payable after ten years.

SECTION 2. An "eligible business facility" as defined by the New York State Job Incentive Board pursuant to Sections 115 and 120 of the Commerce Law of the State of New York, shall be exempt from taxes and special ad valorem levies imposed by Chautauqua County for county and part-county purposes for any increase in the value thereof which is attributable to expenditures certified by the Job Incentive Board to have been paid or incurred by the owner or operation for capital improvements commenced on or after the effective date of this law, consisting of the construction, erection or improvement of depreciable real property included in such facility, and such exemptions shall be continued from year to year during the specified period only if the Certificate of Eligibility with respect to such business facility is not revoked or modified and is renewed or extended as provided by Section 120 of the Commerce Law.

SECTION 3. Such exemption shall be granted only upon an application by the owner or operator of such facility on a form prescribed by the New York State Job Incentive Board to which there shall be attached a copy of the Certificate of Eligibility issued by the New York State Job Incentive Board. Such application shall be filed with the appropriate assessing authorities on or before the appropriate taxable status dates. Copies of such applications shall be filed simultaneously with the New York State Job Incentive Board and the State Board of Equalization and Assessment.

SECTION 4. The assessors shall consider the application for such exemption, and if the same is in order shall determine the assessed value of such exemption in accordance with the abovementioned Certificate of Eligibility, issued pursuant to Section 120 of the Commerce Law of the State of New York, and enter such value on the "exempt" portion of the assessment roll. The eligible business facility shall then be exempt to the extent provided by this Local Law from taxes and special ad valorem levies commencing with the assessment roll prepared on the next-following taxable-status date.

SECTION 5. If an exemption has once been granted for a business facility under this section and the assessors receive notice that a Certificate of Eligibility of such facility has been revoked or modified, they shall re-determine the assessed value of any such exemption in accordance with such revocation or modification. If upon such re-determination it appears for a year for which an exemption has been granted that such facility has been ineligible or that the assessed value of such exemption s re-determined is less than the assessed value of such exemption as shown on the assessment rolls for such year, then the tax shall be levied at the rate of tax for such year upon so much of the assessed valuation of such exemption, as shown on such assessment rolls, as may e ineligible or excessive. Such tax shall be levied as an omitted assessment in the manner provided in Section 550 of the Real property Tax Law for each such year. Any such re-determination shall be made no later than three years after the applicants for exemption last received benefit of any exemption under said Section 485 of the Real Property Tax Law.

SECTION 6. Nothing herein shall be construed to adversely affect the status of any applications for tax exemption made pursuant to the provisions of Local Law No. 10-1975 repealed upon the adoption hereof.

SECTION 7. This Local Law shall take effect forty-five (45) days after its adoption or upon approval by the affirmative vote of a majority of the qualified electors of the county voting on a proposition for its approval if within forty-five (45) days after its adoption there be filed with the Clerk of the Legislature a petition protesting against such local law in accordance with the requirements of Section 24 of the Municipal Home Rule Law.

Approved by Legislature: 4/9/76 R/C Vote: 21 Yes; 3 Absent
Adopted as LL 1-76