

TOWN OF COPAKE

A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX LAW §487 EXEMPTION

BE IT ENACTED by the Town Board of the Town of Copake, County of Columbia, State of New York, as follows:

Section 1. Chapter 204, Titled “Taxation” of the Code of the Town of Copake is amended by adding a new Article, designated as Article VIII and titled “Opt-Out of Real Property Tax Law §487 Exemption,” to read as follows:

§204-25. Legislative intent.

New York Real Property Tax Law §487 exempts real property which includes a solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system, from taxation to the extent of any increase in the value thereof by reason of the inclusion of system for a period of fifteen years. Real Property Tax Law §487 further provides the Town of Copake with the option to opt-out of the RPTL §487 tax exemption by enacting a local law stating that no exemption under RPTL §487 shall be applicable within Copake’s jurisdiction. The Town Board of the Town of Copake finds that it is in the best interest of the Town to tax property value increases related to real property potentially subject to the exemption granted under RPTL §487 at its full assessed value.

§204-26. Opt-Out of Real Property Tax Law §487 Exemption.

The tax exemption made available by Real Property Tax Law §487 shall not be applicable within the boundaries of the Town of Copake with respect to any solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system, hereafter constructed, or to any other energy system eligible for the real property tax exemption pursuant to §487 of the Real Property Tax Law.

§ 2. Enacting authority.

This Local Law is authorized by and enacted pursuant to the New York State Constitution, the New York Municipal Home Rule Law, the Statute of Local Governments, section 487 of the Real Property Tax Law, and the Town Law of the State of New York.

§ 3. Severability.

If any provision, word, clause, sentence, paragraph, section, article or part of this local law, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate any

other part of this local law or the application of this law, or any part thereof, to other persons or circumstances.

§ 4. Effective Date.

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