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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.

Village of Fayetteville Local Law No. 1 of the year 2023.

A Local Law Amending Chapter 159 of the Code of the Village of Fayetteville repealing existing Article VIII of Chapter 159 and Enacting** a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law

Be it enacted by the Board of Trustees of the Village of Fayetteville as follows:

Section 1.

Existing Article VIII of Chapter 159 of the Village Code is hereby repealed and a new Article VIII of Chapter 159 of the Code of the Village of Fayetteville, entitled "Volunteer Firefighters and Ambulance Workers Exemption," is hereby enacted pursuant to Real Property Tax Law Section 466-a, to read as follows:

**Article VIII
Volunteer Firefighters and Ambulance Workers Exemption**

§159-55. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENROLLED MEMBER

An enrolled member of a fire/ambulance company in the Village of Fayetteville.

FIRE/AMBULANCE COMPANY

Any incorporated volunteer fire company, incorporated volunteer fire department, or incorporated volunteer ambulance service serving the Village of Fayetteville.

§159-56. Grant of exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Village of Fayetteville as long as eligibility requirements are met.

§159-57. Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes;

D. The volunteer firefighter or volunteer ambulance worker resides in the Village of Fayetteville and the Village of Fayetteville is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

E. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and

F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by Village of Fayetteville, which is hereby established as two years .

§159-58. Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Village of Fayetteville, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Village of Fayetteville must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

§159-59. Certification.

The Board of Trustees must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

§159-60. No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

§159-61. Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village of Fayetteville.

§159-62. Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

§159-63. Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

Section 2. If any clause, sentence, paragraph, section or part of this Local Law is declared by a 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 said clause, sentence, paragraph, section or part of this Local Law.

Section 3. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

2. This local law is effective immediately upon filing with the Secretary of State.

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2023 of the Village of Fayetteville was duly passed by the Board of Trustees on 1-23-23, in accordance with the applicable provisions of law.

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 the above paragraph.


Lorie Corsette, Village Clerk

Date: _____

STATE OF NEW YORK
COUNTY OF ONONDAGA

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.

Village Attorney