



**Town of Fishkill
Office of the Town Clerk**

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Cooper M. Leatherwood
Deputy Town Clerk/Deputy Receiver of Taxes/Registrar of Vital Statistics

New York State Department of State
Divisions of Corporations
State Records and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Re: Town of Fishkill Proposed Local Law No. 2 of 2023

Local Law No. 2 of 2023 A local law amending the Town Code of the Town of Fishkill to add a new Article VI, entitled "Volunteer Firefighters and Volunteer Ambulance Workers Exemption," to Chapter 138, entitled "Taxation", to provide for an exemption to real property taxes for volunteer firefighters and volunteer ambulance workers.

Dear Sir/Madam:

Enclosed please find the original, fully executed Local Law Filing Form with regard to the above-referenced Local Law for filing with your office.

Please provide written confirmation of receipt and filing to the undersigned.

If you have any questions, or need anything further, please do not hesitate to contact me.

Thank you in advance.

Respectfully,

Cooper M. Leatherwood
Deputy Town Clerk

bt

enclosures

cc: Steven Gaba, esq..

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 FISHKILL

Local Law No. 2 of the year 20²³

A local law amending the Town Code of the Town of Fishkill to add a new Article VI,
(Insert Title)
entitled "Volunteer Firefighters and Volunteer Ambulance Workers Exemption," to Chapter
138 entitled "Taxation", to provide for an exemption to real property taxes for volunteer
firefighters and volunteer ambulance workers.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of FISHKILL as follows:

SEE ATTACHED LOCAL LAW

(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. 2 of 2023 of the ~~(County)~~(City)(Town)(Village) of Fishkill was duly passed by the Town Board of the Town of Fishkill on July 19 2023, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

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.)

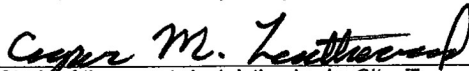
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: July 24, 2023

(Seal)

TOWN OF FISHKILL
LOCAL LAW NO. 2 OF THE YEAR 2023

A local law amending the Town Code of the Town of Fishkill to add a new Article VI, entitled "Volunteer Firefighters and Volunteer Ambulance Workers Exemption," to Chapter 138, entitled "Taxation", to provide for an exemption to real property taxes for volunteer firefighters and volunteer ambulance workers.

SECTION 1. PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare by amending Chapter 138 of the Town Code, entitled "Taxation", to provide an exemption to real property taxes for volunteer firefighters and volunteer ambulance workers.

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. AMENDMENT OF TOWN CODE:

A new Article VI entitled "Volunteer Firefighters and Volunteer Ambulance Workers Exemption" is added to the Town Code of the Town of Fishkill Chapter 138 entitled "Taxation", which shall provide as follows:

"Article VI. Volunteer Firefighters and Volunteer Ambulance Workers Exemption

§ 138-9 Purpose.

The purpose of this article is to enact a real property tax exemption for volunteer firefighters and volunteer ambulance workers pursuant to § 466-A of the Real Property Tax Law of the State of New York.

§ 138-10 Statutory authority.

This article is adopted pursuant to §466-A of the Real Property Tax Law of the State of New York to provide a real property tax exemption to enrolled members of an incorporated volunteer fire company, volunteer fire department, or incorporated volunteer ambulance corps to the extent of up to ten percent of the assessed value of such property for Town purposes, exclusive of special assessments.

§ 138-11 Exemption.

- A. A real property tax exemption of ten percent of assessed value for Town purposes, exclusive of special assessments, is hereby made available to enrolled members of an incorporated volunteer fire company, volunteer fire department, or incorporated volunteer ambulance corps serving the Town of Fishkill who meet the following qualifications:
1. The applicant resides in the Town of Fishkill;
 2. The property is the primary residence of the applicant;
 3. The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Section; and
 4. The applicant has been an enrolled member of such incorporated volunteer fire company, volunteer fire department, or volunteer ambulance corps, in good standing for at least two (2) years prior to submitting an application for tax exemption and has obtained a certificate from such organization certifying such membership.
- B. Any enrolled member of an incorporated volunteer fire company, volunteer fire department or incorporated voluntary ambulance corps who accrues more than twenty (20) years of active service, shall be entitled to claim the said ten percent exemption as authorized by §466-A of the New York State Real Property Tax Law for the remainder of his or her life as long as his or her primary residence is located within the Town of Fishkill and the property meets the requirements of this Article.
- C. Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty are entitled to continue to claim the exemption, provided, however, that:
1. Such deceased volunteer had been an enrolled member for at least two years; and
 2. Such deceased volunteer had been receiving the exemption prior to his or her death; and
 3. Such un-remarried spouse is certified by an incorporated volunteer fire company, volunteer fire department, or incorporated volunteer ambulance corps as an un-remarried spouse of enrolled member who was killed in the line of duty.

- D. Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers who were not killed in the line of duty may continue to claim the exemption; provided, however, that:
1. Such deceased volunteer had been an enrolled member for at least twenty years; and
 2. Such deceased volunteer had been receiving the exemption for such property prior to the death of such volunteer; and
 3. Such un-remarried spouse is certified as an un-remarried spouse of a deceased member of such incorporated volunteer fire company, volunteer fire department or incorporated volunteer ambulance corps who had been enrolled and in good standing for at least twenty years.
- E. The application for such exemption must be filed annually with the Tax Assessor on or before the taxable status date with proof of entitlement to the exemption.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.