

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 Yorktown

Local Law No. 7 of the year 2016

A local law to amend the Code of the Town of Yorktown by adding a new Article to Chapter 10
(Insert Title)
entitled "BOARDS AND COMMISSIONS"

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Yorktown

as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provision of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. A new Article IX of Chapter 10 of the Town Code entitled "INDUSTRIAL AND COMMERCIAL INCENTIVE BOARD" which would pursuant to New York State Real Property Tax Law §485-b authorize the Town Board to establish the Industrial and Commercial Board.

Section 1. Colloquial Name of Law. The colloquial name of this local law, which is the establishment of the Industrial and Commercial Incentive Board pursuant to New York State Real Property Tax Law §485-b, shall be "Industrial and Commercial Incentive Board."

Section 2. Purpose. This local law is enacted for the purpose of establishing an advisory board entitled the Industrial and Commercial Incentive Board pursuant to New York State Real Property Tax Law §485-b(9). The Town Board has determined that the Industrial and Commercial Incentive Board should be established and directed to present to the Town Board a plan identifying the types of business that should be offered limited business exemption tax credits and geographical areas in the Town where the limited business incentive should be offered. The Industrial and Commercial Incentive Board shall consider the planning objectives of the Town and the areas thereof within which exemptions pursuant to Real Property Tax Law §485-b(9) shall be offered, the necessity of the

(If additional space is needed, attach pages the same size as this sheet, and number each.)

exemption to the attraction and retention of businesses, the creation and retention of permanent private sector jobs, the need to allow the exemption to provide employment opportunities and broaden the tax base and other factors which the Industrial and Commercial Incentive Board deems relevant.

Section 3. **Establishment.** The Town Board hereby establishes an Industrial and Commercial Incentive Board. Members of the Industrial and Commercial Incentive Board shall be comprised of five (5) members. The Town Board shall designate the chairperson of the Industrial and Commercial Incentive Board by resolution. In the absence of the chairperson, the Town Board may designate by resolution a member of the Industrial and Commercial Incentive Board to sit as the acting chairperson. The chairperson of the Industrial and Commercial Incentive Board shall establish such administrative policies and procedures as is necessary to effectuate the purpose of Real Property Tax Law §485-b(9) (10) and (12).

Section 4. **Term.** The terms of the members of the Industrial and Commercial Incentive Board shall be for five (5) years and shall commence on the date of the appointment by the Town Board. If a vacancy shall occur otherwise than an expiration of a term, the Town Board shall appoint a new member for the unexpired term.

Section 5. **Powers.** The Industrial and Commercial Incentive Board shall have all the powers and duties set forth in Real Property Tax Law §485-b(9) (10) and (12) and such other actions deemed desirable to improve the economic climate within the Town or other factors as the Town Board may direct.

Section 6. **Draft Plan.** The Industrial and Commercial Incentive Board shall present the Town Board with a Draft Plan containing the information required by Real Property Tax Law §485-b(9), including but not limited to, recommendations as to the types of business that should be offered the limited business investment tax credit and recommendations as to the geographic area within the Town where the limited business investment tax credit should be offered. Such Draft Plan shall be presented within sixty (60) days of the first meeting of the Industrial and Commercial Incentive Board.

Section 7. **Final Plan.** After consultation with the Town Board regarding the Draft Plan, the Industrial and Commercial Incentive Board shall make any revisions it deems appropriate to that the Draft Plan before presenting the Town Board with a Final Plan complying with the provisions of Real Property Tax Law §485-b(9) and this article. Such Final Plan shall be presented within thirty (30) days of the completion of the consultation with the Town Board.

Section 8. **Implementation.** Upon receipt of the Final Plan, the Town Board may, but shall not be required to, implement the recommendations contained in the Final Plan identifying the types of businesses that should be offered the limited business

investment tax credit and the geographic areas within the Town where the business investment tax credit should be offered.

Section 9. Amendments. The Final Plan shall be subject to periodic review as determined by the Town Board. Within sixty (60) days of a request of the Town Board, the Industrial and Commercial Incentive Board shall present the Town Board with a Draft Amended Plan complying with the provisions of Real Property Tax Law §485-b(9) and this article. Such Final Amended Plan shall be presented within thirty (30) days of the completion of the consultation with the Town Board.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

(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. 7 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Yorktown was duly passed by the Town Board on April 5, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 *(Elective Chief Executive Officer*)* 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 _____ above.

Debra L. Quest

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 19, 2016

(Seal)