

## **TOWN OF COPAKE**

### **LOCAL LAW NO. 9 OF THE YEAR 2023**

#### **A LOCAL LAW TO AMEND ARTICLE V OF CHAPTER 204 OF THE TOWN CODE OF THE TOWN OF COPAKE RELATING TO TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS.**

##### **SECTION 1**

This local law shall be referred to as “A Local Law to Amend Article V of Chapter 204 of the Town Code of the Town of Copake Relating to Tax Exemptions for Volunteer Firefighters and Ambulance Workers”.

##### **SECTION 2**

A. Article V of Chapter 204 of the Town Code of the Town of Copake, relating to Tax Exemptions for Volunteers, is hereby amended to read in its entirety as follows:

##### **Article V Tax Exemption for Volunteers**

##### **§ 204-16 Grant of exemption.**

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse shall be exempt from taxation to the extent of ten (10) percent of the assessed value of such property for town and special district purposes, exclusive of special assessments, in accordance with this Article V and Real Property Tax Law § 466-a (as added by L. 2022, c.670, § 1).

##### **§ 204-16.1 Qualifications.**

The exemption provided for under this Article V shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service if:

- A. The applicant resides in the Town of Copake and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the Town of Copake; and
- B. The real property which is the subject of such exemption is the primary residence of the applicant; and
- C. The real 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 Article; and
- D. The applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two (2) years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two (2) years.

**§ 204-16.2 Continuation of eligibility requirements.**

The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service. An active member shall meet the requirements for active service as defined by each incorporated volunteer fire company, fire department or incorporated voluntary ambulance service. Annual attestation by such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service is required to maintain this exemption.

**§ 204-16.3 Twenty-year active members.**

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty (20) years of active service, as defined in sections 204-16.1 and 204-16.2 of this chapter, and who is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary

ambulance service, shall be granted the ten (10) percent exemption as authorized by this Article V for the remainder of his or her life as long as such person satisfies all applicable requirements therefor under Real Property Tax Law § 466-a (3), as may be amended from time to time, and/or its successor.

**§ 204-16.4 Un-remarried surviving spouses of volunteers killed in the line of duty.**

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker killed in the line of duty may receive the real property tax exemption if:

- A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and
- B. Such deceased volunteer had been an enrolled member for at least five (5) years; and
- C. Such deceased volunteer had been receiving the exemption prior to his or her death.

**§ 204-16.5 Un-remarried surviving spouses of volunteers with at least twenty (20) years of service.**

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker with twenty (20) years of service may receive the real property tax exemption if:

- A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service;
- B. Such deceased volunteer had been an enrolled member for at least twenty (20) years; and

- C. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

#### **§ 204-16.6 Application for exemption.**

- A. Applications for such exemption shall be filed with the assessor on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.
- B. The assessor of the town shall have the duty and responsibility of procuring and filing a copy of such certification(s) prior to granting the exemption provided for by this Article.

#### **§ 204-16.7 No diminution of current benefits.**

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Article shall suffer any diminution of such benefit because of the provisions of this Article.

#### **§ 204-16.8 Effective date.**

This Article shall take effect on January 1, 2024 and shall apply to taxable status dates occurring on or after such date.

### **SECTION 3**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

#### **SECTION 4**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law and New York Real Property Tax Law § 466-a, as added by L. 2022, c. 670.

#### **SECTION 5**

This Local Law shall become effective upon the filing of this Local Law with the New York Secretary of State or January 1, 2024, whichever is later.