

LOCAL LAW NO.

TITLE

- | | |
|-----------|---|
| 1 of 1997 | AUTHORIZING THE SALE OF THE RENSSEAER COUNTY NURSING HOME OWNED BY THE COUNTY OF RENSSELAER AND NO LONGER NECESSARY FOR PUBLIC USE, WIHTOUT COMPETITIVE BIDDING OR FURTHER PUBLIC ADVERTISEMENT |
| 2 of 1997 | ADOPTING THE MAXIMUM TAX EXEMPTION FOR ALTERNATIVE VERTERANS AS AUTHORIZED BY CHAPTER 477 OF THE LAWS OF NEW YORK FOR 1996 |
| 3 of 1997 | ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 41, LAWS OF 1997 FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF RENSSELAER, NEW YORK |
| 4 of 1997 | RESTICTING THE ADVERTISING OF TABACCO PRODUCTS FOR THE PROTECTION OF YOUTH |
| 5 of 1997 | A LOCAL LAW OF THE COUNTY OF RENSSELAER, NEW YORK GRANTING A PARTIAL TAX EXEMPTION OF REAL PROPERTY OWNED BY PERSONS WITH LIMITED INCOMES WHO ARE DISABLED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 459-C |
| 6 of 1997 | ADOPTING AN INCREASED MAXIMUM TAX EXEMPTION FOR ALTERNATIVE VERTERAN AS AUHTORIZED BY CHAPTER 417 OF THE LAWS OF NEW YORK FOR 1997 |

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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

of RENSSELAER, NEW YORK

Local Law No. 1 of the year 1997..
by: KELLEHER

A local law AUTHORIZING THE SALE OF THE RENSSELAER COUNTY NURSING
(Insert Title)
HOME OWNED BY THE COUNTY OF RENSSELAER AND NO LONGER
NECESSARY FOR PUBLIC USE, WITHOUT COMPETITIVE BIDDING
OR FURTHER PUBLIC ADVERTISEMENT

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

City

Town

of RENSSELAER, NEW YORK

as follows:

SECTION 1. - Notwithstanding the provisions of County Law Section 215 (6), upon a determination by the Rensselaer County Legislature that the County-owned real property formerly used as the County's Nursing Home is not required for public use, such real property may be sold without competitive bidding or further public advertisement. The County Executive, or his designee, shall have the authority to negotiate the terms and conditions for the sale of the former nursing home, including the authority to sell one or both buildings. The contract for the sale of the former nursing home shall require approval by an affirmative vote of a majority of the total voting power of the Rensselaer County Legislature.

SECTION 2. - This local law shall take effect pursuant to the provisions of Municipal Home Rule Law, Section 24.

Local Law ADOPTED by the following vote:

Ayes: 16

Nays: 1 (Dedrick)

Abstain: 0

December 27, 1996

Page 1 of 1

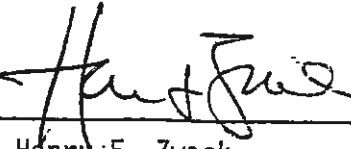
(If additional space is needed, attach pages the same size as this sheet, and number each.)

Page 2. - January 16, 1997

Local Law for 1997 - "Authorizing the Sale of the County Nursing Home..."

Dated: Jan 16, 1997

Signed: _____


Henry F. Zwack
County Executive

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County

City

Town

Village

of RENSSELAER

Local Law No. 2 of the year 19 97

by: Vartigian, Miccio

A local law ADOPTING THE MAXIMUM TAX EXEMPTION FOR ALTERNATIVE VETERANS
(Insert Title) AS AUTHORIZED BY CHAPTER 477 OF THE LAWS OF NEW YORK FOR 1996

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

City

Town

Village

of RENSSELAER, NEW YORK as follows:

Section 1.

a. The purpose of this Local Law is to adopt the maximum tax exemption for alternative veterans as authorized by Chapter 477 of the laws of New York for 1996.

b. Chapter 477 of the laws of New York for 1996 amended subparagraph (ii) of paragraph (d) of subdivision 2 of Section 458-a of the New York State Real Property Tax Law allowing Rensselaer County to adopt a local law to increase the maximum exemption allowed under this section.

Section 2. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed eighteen thousand dollars or the product of eighteen thousand dollars multiplied by the latest state equalization rate for the respective assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 3. In addition to the exemption provided in Section 2 of this local law, where the veteran served in a combat theatre or combat zone of operations; as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate for the respective assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 4. In addition to the exemptions provided by Sections 2 and 3 of this local law, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veterans disability rating; provided, however, that such exemption shall not exceed sixty thousand dollars or the product of sixty thousand dollars multiplied by the latest state equalization rate for the respective assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less. For the purpose of this section, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

Section 5. This local law shall take effect upon filing with the Secretary of the State and the comptroller of the State of New York and shall be apply to assessment rolls finalized in 1997.

Local Law ADOPTED by the following vote:

Ayes: 17

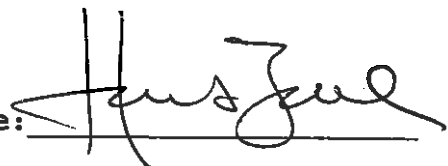
Nays: 0

Abstain: 0

April 8, 1997

Approved by the County Executive:

Dated: 4-29-97

Signature: 

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County

~~City~~

of RENSSELAER, NEW YORK

~~Town~~

~~Village~~

Local Law No. 3 of the year 1997

A local law ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY
(Insert Title)

CHAPTER 41, LAWS OF 1997 FOR THE ELIGIBLE EMPLOYEES OF THE

COUNTY OF RENSSELAER, NEW YORK

BY: KELLEHER

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~City~~

of RENSSELAER, NEW YORK

~~Town~~

~~Village~~

as follows:

Section 1. The County of Rensselaer hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 41, Laws of 1997.

Section 2. The commencement date of the retirement incentive program shall be September 29, 1997.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be ninety (90) days in length.

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees Retirement System, and it shall be paid by the County of Rensselaer for each employee who receives the retirement benefits payable under this local law.

Section 5. This act shall take effect immediately, and as provided in the Municipal Home Rule Law of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 15

Nays: 0

Abstain: 0

Approved by the County Executive:

Date: 8/15/97

Signed:

Henry F. Zwack

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

STATE OF NEW YORK)
COUNTY OF RENSSELAER)SS.:

HENRY F. ZWACK, being duly sworn, deposes and says:

1. That he is the Chief Executive Officer or appropriate official of The County of Rensselaer.

2. That, by action of its governing body, the employer has determined to provide a Retirement Incentive Program as set forth in Chapter 41, Laws of 1997.

3. That the employer does not provide a separate local retirement incentive program for its eligible employees under a collective bargaining agreement or other arrangement. This refers to an employer-provided retirement incentive other than Chapter 41 of the Laws of 1997.

a. That, if such a separate retirement incentive is offered he will send to the Retirement System, prior to the commencement of the open period, a list of all employees eligible for the separate local retirement incentive who also meet the eligibility criteria for the Retirement Incentive provided by Chapter 41. The list will include the name, social security number and Retirement System registration number of each person.

b. That he will forward to the Retirement System copies of all waivers completed by employees eligible for a separate retirement incentive who elect the Retirement Incentive Program provided by Chapter 41.

4. That the employer will fund the Retirement Incentive Program provided by Chapter 41, Laws of 1997 by paying to the New York State and Local Employees' Retirement System in five annual payments, the amount of which shall be determined by the Retirement System Actuary, the first payment for which is due December 15, 1998.



HENRY F. ZWACK

Rensselaer County Executive

Sworn to before me this
15th day of AUGUST, 1997.



Notary Public

(Please affix stamp or seal)

MARION B. GOULD
Notary Public, State of New York
Registration No. 5003935
Qualified in Rensselaer County
Commission Expires Nov. 2, 1998

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NOV 13 1997

County

~~City~~

of RENSSELAER, NEW YORK

~~Town~~~~Village~~

Local Law No. 4 of the year 1997

A local law RESTRICTING THE ADVERTISING OF TOBACCO PRODUCTS FOR THE PROTECTION
(Insert Title) OF YOUTH

By: KELLEHER

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~City~~

of RENSSELAER, NEW YORK as follows:

~~Town~~~~Village~~

Section One. This local law is filed at the request of the Rensselaer County Executive.

Section Two. Legislative Intent.

The Rensselaer County Legislature finds that while smoking among adults nationwide has decreased substantially over the past twenty years, studies indicate a recent sharp increase in smoking by children. Nearly 90 percent of all smokers begin to smoke prior to reaching the age of 18. The Rensselaer County Legislature finds that advertising of tobacco products undermines state laws prohibiting the sale or distribution of tobacco products to minors. The Rensselaer County Legislature further finds that reasonably targeted limitations on advertising and promotion of these products near schools and other locations regularly frequented by children is constitutionally permissible.

Section Three. Definitions.

A. "Child day care center" shall mean (i) any public, private or parochial child care center, school-age child care program, day nursery school, kindergarten, play school or other similar school or service and (ii) any facility that provides child care services as defined in Section 410-p of the New York State Social Services Law. Child day care center shall not include child day care centers located in private residences and multiple dwelling units.

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

B. "Children's institution" shall mean (i) any public, private or parochial congregate institution, group residence, group home or other place where, for compensation or otherwise, seven or more children under three (3) years of age are received for day and night care apart from their parents or guardians, (ii) youth center or facilities for detention as defined in Section 527-A or 502 of the New York State Executive Law, (iii) group homes for children as defined in Section 371 of the New York State Social Services Law, (iv) public institutions for children as defined in Section 371 of the New York State Social Services Law, and (v) residential treatment facilities for children and youth as defined in Section 1.0 of the New York State Mental Hygiene Law. The term "children's institution" shall not include children's institutions located in private residences and multiple dwelling units.

C. "Person" shall mean any natural person, partnership, corporation, government agency, association or other legal entity.

D. "Playground" shall mean an outdoor area open to the public where children play, which contains play equipment such as a sliding board, swing, jungle gym, sandbox, play platform, or which is designated as a public play area or which includes, but is not limited to, a baseball diamond or basketball courts.

E. "Private residence" shall mean any building or structure designed and occupied for residential purposes by not more than two families, including the grounds of such building or structure.

F. "Publicly visible location" means any (i) outdoor location visible to the public including, but not limited to, outdoor billboards, roofs and sides of buildings, water towers and free-standing signboards and (ii) doors or windows reasonably visible to the public from the outside at a distance of two feet or more from such doors or windows.

G. "Publicly visible location" shall not include any location intended to be visible only by those inside a premises, or a private residence or any door or window of a multiple dwelling unit.

H. "School premises" shall mean the buildings, grounds

or facilities, or any portion thereof, owned, occupied by or under the custody or control of public, private or parochial institutions for the primary purpose of providing educational instruction to students at or below the twelfth grade level.

I. "Smokeless tobacco" shall mean any product that consists of cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

J. "Tobacco advertisement" shall mean any words, pictures, posters, placards, signs, photographs, symbols, devices, graphic displays or visual images of any kind, or any combination thereof, the purpose or effect of which is to promote the use or sale of a tobacco product including through the identification of a brand of a tobacco product, a trademark, a tobacco product or trade name associated exclusively with a tobacco product.

K. "Tobacco product" shall mean cigarettes, smokeless tobacco and cigarette tobacco.

L. "Tobacco product promotion" shall mean (i) the marketing, licensing, sale or distribution of items or services, or causing items or services to be marketed, licensed, sold, or distributed, whether indoors or outdoors, which are not tobacco products but which bear the brand name, alone or in conjunction with any work, logo, symbol, motto, selling, message, recognizable color or pattern or colors, or any other indicia or product identification identical or similar to, or identifiable with, or those used for any brand of tobacco product; or (ii) offering or causing to be offered any gift or item other than a tobacco product to any person purchasing a tobacco product in consideration of the purchase thereof, or to any person in consideration of furnishing evidence, such as credits proofs-of-purchase, or coupons, of such purchase.

M. "Youth center" shall mean any designated indoor public, private or parochial facility, other than a private residence or a multiple dwelling unit, which contains programs that regularly provide activities or services for persons who have not yet reached the age of eighteen years including, but not limited to, community-based programs, after-school programs, weekend programs, violence prevention programs, leadership development programs, vocational programs, substance abuse

prevention programs, individual or group counseling, case management, remedial, tutorial or other educational assistance or enrichment, music, art, dance and other recreational or cultural activities, physical fitness activities and sports programs.

Section Four. Tobacco advertisement restriction.

A. It shall be unlawful for any person to place, cause to be placed, or to maintain a tobacco advertisement in any publicly visible location on or within 1,000 feet of the perimeter of any of the following:

1. school premises;
2. playground or playground area in a public park;
3. child day care center;
4. children's institution; or
5. youth center.

B. A single sign poster, placard or label no larger than six (6) square feet and containing only black text on a white background may be placed or maintained within ten feet of an entrance to a commercial establishment where tobacco products are sold or offered for sale.

C. Except as otherwise permissible under Section 897.32 of Title 21 of the Code of Federal Regulations, the format of any tobacco advertisements which are placed or maintained in a publicly visible location on the premises of a commercial establishment where tobacco products are sold or offered for sale and which are not subject to the requirements of subdivision A or B of this section shall be black text on white background.

Section Five. Non-compliant advertisements to be removed.

The owner, operator or lessee of any location or premises where a tobacco advertisement is prohibited or restricted pursuant to Section Three of this local law shall remove any non-compliant tobacco advertisement within thirty (30) days from the effective date of this Local Law.

Section Six. Tobacco product promotion restricted.

It shall be unlawful for any person or manufacturer or distributor of tobacco products to conduct a tobacco product promotion on or within 1,000 feet of the perimeter of any school premises, playground, child day care center, children's institution or youth center within the County of Rensselaer.

Section Seven. Enforcement.

The Rensselaer County Sheriff's Department shall enforce the provisions of this Local Law within the geographical jurisdiction of such department. This Local Law shall also be subject to enforcement by any other law enforcement agency within the County of Rensselaer.

Section Eight. Violations and penalties.

A. Any person found to be in violation of this Local Law shall be liable for civil penalty of not more than Three Hundred (\$300.00) Dollars for the first violation, not more than Five Hundred (\$500.00) for the second violation within a two-year period, and not more than One Thousand (\$1,000.00) Dollars for the third and each subsequent violation within a two-year period.

Section Nine. Waiver application.

Within thirty (30) days of the date of enactment of this Local Law, the Rensselaer County Executive shall apply to the Secretary of the Department of Health and Human Services for a waiver pursuant to Section 360K(b) of Title Twenty-one of the United States Code, in relation to such provisions of this Local Law as may be more restrictive than federal law or rules promulgated pursuant thereto concerning the distribution, sale, advertising or promotion of tobacco products.

Section Ten. Severability. If any provision of this Local Law shall be adjudged by any 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 the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section Eleven. This Local Law shall take effect thirty (30) days after the granting of a waiver by the Secretary of the

Department of Health and Human Services following an application filed by the Commissioner of Health and filing with the Secretary of State of the State of New York pursuant to the applicable provisions of the Municipal Home Rule Law of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 17

Nays: 0

Abstain: 0

November 12, 1997

Approved by the County Executive:

Dated December 5, 1997 Signature 

(Use this form to file a local law with the Secretary of State.)

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NOV 13 1997

County

~~City~~~~Town~~~~Village~~

of RENSSELAER, NEW YORK

Local Law No. 4 of the year 1997.

A local law RESTRICTING THE ADVERTISING OF TOBACCO PRODUCTS FOR THE PROTECTION
(Insert Title) OF YOUTH

By: KELLEHER

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~City~~~~Town~~~~Village~~

of RENSSELAER, NEW YORK as follows:

Section One. This local law is filed at the request of the Rensselaer County Executive.

Section Two. Legislative Intent.

The Rensselaer County Legislature finds that while smoking among adults nationwide has decreased substantially over the past twenty years, studies indicate a recent sharp increase in smoking by children. Nearly 90 percent of all smokers begin to smoke prior to reaching the age of 18. The Rensselaer County Legislature finds that advertising of tobacco products undermines state laws prohibiting the sale or distribution of tobacco products to minors. The Rensselaer County Legislature further finds that reasonably targeted limitations on advertising and promotion of these products near schools and other locations regularly frequented by children is constitutionally permissible.

Section Three. Definitions.

A. "Child day care center" shall mean (i) any public, private or parochial child care center, school-age child care program, day nursery school, kindergarten, play school or other similar school or service and (ii) any facility that provides child care services as defined in Section 410-p of the New York State Social Services Law. Child day care center shall not include child day care centers located in private residences and multiple dwelling units.

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B. "Children's institution" shall mean (i) any public, private or parochial congregate institution, group residence, group home or other place where, for compensation or otherwise, seven or more children under three (3) years of age are received for day and night care apart from their parents or guardians, (ii) youth center or facilities for detention as defined in Section 527-A or 502 of the New York State Executive Law, (iii) group homes for children as defined in Section 371 of the New York State Social Services Law, (iv) public institutions for children as defined in Section 371 of the New York State Social Services Law, and (v) residential treatment facilities for children and youth as defined in Section 1.0 of the New York State Mental Hygiene Law. The term "children's institution" shall not include children's institutions located in private residences and multiple dwelling units.

C. "Person" shall mean any natural person, partnership, corporation, government agency, association or other legal entity.

D. "Playground" shall mean an outdoor area open to the public where children play, which contains play equipment such as a sliding board, swing, jungle gym, sandbox, play platform, or which is designated as a public play area or which includes, but is not limited to, a baseball diamond or basketball courts.

E. "Private residence" shall mean any building or structure designed and occupied for residential purposes by not more than two families, including the grounds of such building or structure.

F. "Publicly visible location" means any (i) outdoor location visible to the public including, but not limited to, outdoor billboards, roofs and sides of buildings, water towers and free-standing signboards and (ii) doors or windows reasonably visible to the public from the outside at a distance of two feet or more from such doors or windows.

G. "Publicly visible location" shall not include any location intended to be visible only by those inside a premises, or a private residence or any door or window of a multiple dwelling unit.

H. "School premises" shall mean the buildings, grounds

or facilities, or any portion thereof, owned, occupied by or under the custody or control of public, private or parochial institutions for the primary purpose of providing educational instruction to students at or below the twelfth grade level.

I. "Smokeless tobacco" shall mean any product that consists of cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

J. "Tobacco advertisement" shall mean any words, pictures, posters, placards, signs, photographs, symbols, devices, graphic displays or visual images of any kind, or any combination thereof, the purpose or effect of which is to promote the use or sale of a tobacco product including through the identification of a brand of a tobacco product, a trademark, a tobacco product or trade name associated exclusively with a tobacco product.

K. "Tobacco product" shall mean cigarettes, smokeless tobacco and cigarette tobacco.

L. "Tobacco product promotion" shall mean (i) the marketing, licensing, sale or distribution of items or services, or causing items or services to be marketed, licensed, sold, or distributed, whether indoors or outdoors, which are not tobacco products but which bear the brand name, alone or in conjunction with any work, logo, symbol, motto, selling, message, recognizable color or pattern or colors, or any other indicia or product identification identical or similar to, or identifiable with, or those used for any brand of tobacco product; or (ii) offering or causing to be offered any gift or item other than a tobacco product to any person purchasing a tobacco product in consideration of the purchase thereof, or to any person in consideration of furnishing evidence, such as credits proofs-of-purchase, or coupons, of such purchase.

M. "Youth center" shall mean any designated indoor public, private or parochial facility, other than a private residence or a multiple dwelling unit, which contains programs that regularly provide activities or services for persons who have not yet reached the age of eighteen years including, but not limited to, community-based programs, after-school programs, weekend programs, violence prevention programs, leadership development programs, vocational programs, substance abuse

prevention programs, individual or group counseling, case management, remedial, tutorial or other educational assistance or enrichment, music, art, dance and other recreational or cultural activities, physical fitness activities and sports programs.

Section Four. Tobacco advertisement restriction.

A. It shall be unlawful for any person to place, cause to be placed, or to maintain a tobacco advertisement in any publicly visible location on or within 1,000 feet of the perimeter of any of the following:

1. school premises;
2. playground or playground area in a public park;
3. child day care center;
4. children's institution; or
5. youth center.

B. A single sign poster, placard or label no larger than six (6) square feet and containing only black text on a white background may be placed or maintained within ten feet of an entrance to a commercial establishment where tobacco products are sold or offered for sale.

C. Except as otherwise permissible under Section 897.32 of Title 21 of the Code of Federal Regulations, the format of any tobacco advertisements which are placed or maintained in a publicly visible location on the premises of a commercial establishment where tobacco products are sold or offered for sale and which are not subject to the requirements of subdivision A or B of this section shall be black text on white background.

Section Five. Non-compliant advertisements to be removed.

The owner, operator or lessee of any location or premises where a tobacco advertisement is prohibited or restricted pursuant to Section Three of this local law shall remove any non-compliant tobacco advertisement within thirty (30) days from the effective date of this Local Law.

Section Six. Tobacco product promotion restricted.

It shall be unlawful for any person or manufacturer or distributor of tobacco products to conduct a tobacco product promotion on or within 1,000 feet of the perimeter of any school premises, playground, child day care center, children's institution or youth center within the County of Rensselaer.

Section Seven. Enforcement.

The Rensselaer County Sheriff's Department shall enforce the provisions of this Local Law within the geographical jurisdiction of such department. This Local Law shall also be subject to enforcement by any other law enforcement agency within the County of Rensselaer.

Section Eight. Violations and penalties.

A. Any person found to be in violation of this Local Law shall be liable for civil penalty of not more than Three Hundred (\$300.00) Dollars for the first violation, not more than Five Hundred (\$500.00) for the second violation within a two-year period, and not more than One Thousand (\$1,000.00) Dollars for the third and each subsequent violation within a two-year period.

Section Nine. Waiver application.

Within thirty (30) days of the date of enactment of this Local Law, the Rensselaer County Executive shall apply to the Secretary of the Department of Health and Human Services for a waiver pursuant to Section 360K(b) of Title Twenty-one of the United States Code, in relation to such provisions of this Local Law as may be more restrictive than federal law or rules promulgated pursuant thereto concerning the distribution, sale, advertising or promotion of tobacco products.

Section Ten. Severability. If any provision of this Local Law shall be adjudged by any 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 the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section Eleven. This Local Law shall take effect thirty (30) days after the granting of a waiver by the Secretary of the

Department of Health and Human Services following an application filed by the Commissioner of Health and filing with the Secretary of State of the State of New York pursuant to the applicable provisions of the Municipal Home Rule Law of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 17

Nays: 0

Abstain: 0

November 12, 1997

Approved by the County Executive:

Dated December 5, 1997 Signature 

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

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County

~~City~~

~~Town~~

~~Village~~

of RENSSELAER

Local Law No. 5 of the year 1997

A local law A LOCAL LAW OF THE COUNTY OF RENSSELAER, NEW YORK GRANTING A
(Insert Title)
PARTIAL TAX EXEMPTION OF REAL PROPERTY OWNED BY PERSONS WITH
LIMITED INCOMES WHO ARE DISABLED IN ACCORDANCE WITH THE
PROVISIONS OF REAL PROPERTY TAX LAW SECTION 459-C

By: BREARTON

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~City~~

~~Town~~

~~Village~~

of RENSSELAER, NEW YORK as follows:

Section 1. Short Title.

This local law shall be known as the "Rensselaer County Disabled Homeowner Tax Exemption Law."

Section Two. Persons with Disabilities and Limited incomes.

Effective as hereinafter provided, there shall be an exemption from taxation for general county purposes to the extent of the percentage of assessed evaluation provided in the following schedule, determined by the maximum income exemption eligibility level also provided in the following schedule up to a maximum of fifty percent (50%) of the assessed valuation of real property owned by one (1) or more persons with disabilities, at least one of whom has a disability, and whose income, as hereinafter defined, is limited by reason of such disability:

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

<u>ANNUAL INCOME</u>	<u>PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION</u>
\$18,500 or less	50
More than \$18,500 but less than \$19,500	45
\$19,500 or more but less than \$20,500	40
\$20,500 or more but less than \$21,500	35
\$21,500 or more but less than \$22,400	30
\$22,400 or more but less than \$23,300	25
\$23,300 or more but less than \$24,200	20
\$24,200 or more but less than \$25,100	15
\$25,100 or more but less than \$26,000	10
\$26,000 or more but less than \$26,900	5

Section 3. Definitions. As used in this local law:

A) "Sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption,

B) A person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (I) is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the Federal Social Security Act, or (II) is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, or (III) had received a certification from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

Section 4. Required Proof.

An award letter from the Social Security Administration or the Railroad Retirement Board or a certification from the State Commission for the Blind and Visually Handicapped shall be submitted as proof of disability.

Section 5. Computation of Exemption.

Any exemption provided by this local law shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that

no parcel may receive an exemption for the same tax purpose pursuant to both this local law and Section 467 of the Real Property Tax Law.

Section 6. Real Property Held in Trust.

Notwithstanding any other provisions of law to the contrary, the provisions of this local law shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption pursuant to this local law.

Section 7. Cooperative Apartment Ownership.

A) Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

B) That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

Section 8. No Exemption Shall be Granted.

A) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sums authorized by the provisions of Section 459-c of the Real Property Tax Law. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a Federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum, except where the husband

or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Where title is vested in siblings, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment; but shall not include a return of capital, gifts, inheritances or monies earned through employment in the foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid by insurance. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion or wear and tear of real or personal property held for the production of income.

B) Unless the property is used exclusively for residential purposes, however, that in the event any portion of such property is not so used exclusively for residential purposes 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 local law.

C) Unless the real property is the legal residence and is occupied, in whole or in part, by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in Section 2801 of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this local law only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

Section 9. Application.

A) Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the State Board to be furnished by the appropriate local assessing unit, and shall furnish the information and be executed in the manner required or prescribed on such forms, and shall be filed in such Assessor's Office on or before the appropriate taxable status date; provided however, proof of a permanent disability need be

submitted only in the year an exemption pursuant to this local law is first sought or the disability is first determined to be permanent.

B) At least sixty (60) days prior to the appropriate taxable status date, the appropriate local assessing unit shall mail to each person who was granted an exemption pursuant to this local law on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

Section 10. Effective Date.

This law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on and after January 1, 1998.

Local Law ADOPTED by the following vote:

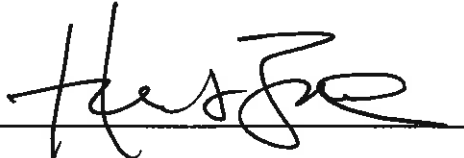
Ayes: 17

Nays: 0

Abstain: 0

December 4, 1997

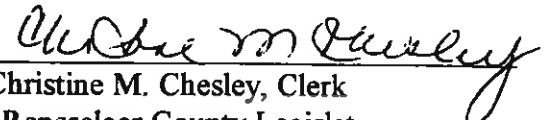
Approved by the County Executive:

Dated December 17, 1997 Signed 

NOTICE OF ADOPTION OF LOCAL LAW

I, Christine M. Chesley, Clerk of the Rensselaer County Legislature, hereby certify that the following is a true and complete copy of a local law adopted by the Rensselaer County Legislature on December 4, 1997 and approved by the Rensselaer County Executive on December 17, 1997.

SEAL


Christine M. Chesley, Clerk
Rensselaer County Legislature

County

~~XXXX~~

~~XXXX~~

~~XXXX~~

of RENSSELAER

Local Law No. 6 of the year 1997...

by: VARTIGIAN

A local law ADOPTING AN INCREASED MAXIMUM TAX EXEMPTION FOR ALTERNATIVE

VETERAN AS AUTHORIZED BY CHAPTER 417 OF THE LAWS OF NEW YORK

FOR 1997

Be it enacted by the COUNTY LEGISLATURE of the

County

~~XX~~

~~XXXX~~

~~XXXX~~

of RENSSELAER, NEW YORK as follows:

Section 1.

a. The purpose of this Local Law is to adopt an increased maximum tax exemption for alternative veterans as authorized by Chapter 417 of the laws of New York for 1997.

b. Chapter 417 of the laws of New York for 1997 amended subparagraph (ii) of paragraph (d) of subdivision 2 of Section 458-a of the New York State Real Property Tax Law allowing Rensselaer County to adopt a local law to increase the maximum exemption allowed under this section.

Section 2. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twenty-one thousand dollars or the product of twenty-one thousand dollars multiplied by the latest state equalization rate for the respective assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 3. In addition to the exemption provided in Section 2 of this local law, where the veteran served in a combat theatre or combat zone of operations; as documented by the award of a United

States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed fourteen thousand dollars or the product of fourteen thousand dollars multiplied by the latest state equalization rate for the respective assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 4. In addition to the exemptions provided by Sections 2 and 3 of this local law, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veterans disability rating; provided, however, that such exemption shall not exceed seventy thousand dollars or the product of seventy thousand dollars multiplied by the latest state equalization rate for the respective assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less. For the purpose of this section, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

Section 5. This local law shall take effect upon filing with the Secretary of the State and the Comptroller of the State of New York and shall be applied to assessment rolls finalized in 1997.

Local Law ADOPTED by the following vote:

Ayes: 17
Nays: 0
Abstain: 0
December 4, 1997

Approved by the County Executive:

Dated: December 17, 1997

Signature: _____


HENRY F. ZWACK

<u>ANNUAL INCOME</u>	<u>PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION</u>
\$18,500 or less	50
More than \$18,500 but less than \$19,500	45
\$19,500 or more but less than \$20,500	40
\$20,500 or more but less than \$21,500	35
\$21,500 or more but less than \$22,400	30
\$22,400 or more but less than \$23,300	25
\$23,300 or more but less than \$24,200	20
\$24,200 or more but less than \$25,100	15
\$25,100 or more but less than \$26,000	10
\$26,000 or more but less than \$26,900	5

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B) A person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (I) is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the Federal Social Security Act, or (II) is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, or (III) had received a certification from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

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Nays: 0

Abstain: 0

December 4, 1997

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Dated December 17, 1997

Signed


HENRY F. ZWACK