

## **Tax Cap Override**

Local Law No. 4 of the year 2025 Town of Byron, County of Genesee

A local law to override the tax levy limit established in General Municipal Law §3-c.

Be it enacted by the town board of the Town of Byron as follows:

### **Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and to allow the Town of Byron to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal law §3-c, which expressly authorizes the town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

### **Section 3. Tax Levy Limit Override**

The Town Board of the Town of Byron, County of Genesee is hereby authorized to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

### **Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### **Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State

## **TOWN OF BYRON TOWN BOARD TO INTRODUCE THE TOWN OF BYRON PROPOSED LOCAL LAW ENTITLED RESOLUTION #**

"Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit"

WHEREAS, on September 24, 2025 the Town Board of the Town of Byron introduced a proposed local law entitled "Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit,"

WHEREAS, the Town Board of the Town of Byron recognizes the need to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and

WHEREAS, the Town of Byron's current Code does not adequately meet the Town's objectives, which include allowing the Town of Byron to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c, and

WHEREAS, consideration is warranted of a proposed local law to allow for the need to override the limit on the amount of real property taxes that may be levied by the Town of Byron pursuant to General Municipal Law §3-c, and

WHEREAS, Section 20, subsection 4 of New York State's Municipal Home Rule Law allows for the introduction of a proposed local law by a member of a Town Board, and

NOW, THEREFORE proposed "Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit" is attached hereto and made a part hereof.

**TOWN OF BYRON TOWN BOARD ENACTMENT OF THE PROPOSED LOCAL LAW ENTITLED RESOLUTION#**

"Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit"

IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE PROPOSED LOCAL LAW AS AN UNLISTED ACTION UNDER SEQRA

WHEREAS, on September 24, 2025 the Town Board of the Town of Byron introduced a proposed local law entitled "Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit," and

WHEREAS, the adoption of the proposed local law is subject to SEQRA as it would involve the Town adopting a local law that may impact the environment, and

WHEREAS, on September 24,, 2025, the Town Board of the Town of Byron prepared a Short Environmental Assessment Form for the proposed Action, and

NOW THEREFORE, the Town Board of the Town of Byron hereby declares itself lead agency for purposes of SEQRA review.

AND THEREFORE, the Town Board of the Town of Byron finds that the adoption of the current version of the proposed local law entitled "Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit," would qualify as an Unlisted action under SEQRA because it involves an action that does not fall under 6 NYCRR 617.4 or 6 NYCRR 617.5.

AND THEREFORE, the Town Board of the Town of Byron further resolves that the proposed action is classified as an Unlisted Action under SEQRA.

NOW THEREFORE, the Town Board of the Town of Byron further resolves that a public hearing on the proposed action shall be held on \_\_\_\_\_ at \_\_\_\_\_ PM at the Town of Byron Town Hall.

**TOWN OF BYRON TOWN BOARD TO REFER THE TOWN OF BYRON PROPOSED LOCAL LAW ENTITLED RESOLUTION #**

“Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit”

TO THE GENESEE COUNTY PLANNING BOARD PURSUANT TO GML 239-M

WHEREAS, the Town Board of the Town of Byron has introduced a proposed local law entitled “Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit”

WHEREAS, on September 23, 2025 the Town Board of the Town of Byron declared itself lead agency for purposes of SEQRA review of the proposed action and completed the Short Environmental Assessment Form, and

WHEREAS, the Town Board of the Town of Byron is required to refer any adoption or amendment of a zoning ordinance or local law to the County Planning Board pursuant to GML 239-m.

NOW, THEREFORE, Town Board of the Town of Byron hereby refers the proposed local law entitled “Local Law Number 4 of 2025, Town of Byron Law Overriding the Tax Levy Limit” to the Genesee County Planning Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof.

AND IT IS FURTHER RESOLVED, that the Town Clerk shall transmit a copy of this resolution and the completed portions of the Short Environmental Assessment Form to the Genesee County Planning Board.

AND IT IS FURTHER RESOLVED, that failure of the Genesee County Planning Board to provide said report and recommendation to the Town Board within thirty (30) days after receipt of the referral by the Town Board shall be deemed approval of the proposed local law