



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
TEL 870-3100 FAX 870-3102
www.ellington-ct.gov

MAURICE W. BLANCHETTE
First Selectman

RONALD F. STOMBERG
Deputy First Selectman

A. LEO MILLER, JR.
JAMES M. PRICHARD
LORIL SPIELMAN
JOHN W. TURNER
RACHEL WHEELER-ROSSOW

LEGAL NOTICE OF PUBLIC HEARING TOWN OF ELLINGTON Monday, November 5, 2012

Notice is hereby given that the Board of Selectmen will hold a public hearing on Monday, November 5, 2012 at 7:15 p.m. prevailing time at the Ellington Town Hall, 55 Main Street, Ellington, CT for the purpose of allowing citizens to comment upon the following proposed new ordinance:

TAX EXEMPTION FOR FARM BUILDINGS

The proposed new ordinance is available for review in the Town Clerk's Office, First Selectman's Office and on our website at www.ellington-ct.gov. Interested citizens are encouraged to attend and comment on the proposed new ordinance.

Dated at Ellington, Connecticut, this 18th day of October, 2012.

BY ORDER OF THE
BOARD OF SELECTMEN


Maurice Blanchette
First Selectman

Reminder News: 10/25/2012

Draft Ordinance Attached



TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
TEL 870-3100 FAX 870-3102
www.ellington-ct.gov

TAX EXEMPTION FOR FARM BUILDINGS:

Pursuant to the authority granted by Connecticut General Statutes, Section 12-91(c) that gives the Town the option to provide an additional exemption for farm buildings, the Town hereby provides that the Assessor shall grant a reduction on the property tax assessment for any building used actually and exclusively in farming, as defined in Section 1-1, or for any building used to provide housing for seasonal employees of such farmer in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) in the assessed value of each eligible building. The exemption shall not apply to any residence except for a building used exclusively as a residence for seasonal employees. On or before the first day of November on which the Assessor's Office is open, the owner shall make written application on forms prescribed by the Commissioner of Agriculture or as adopted by the Assessor identifying each building for which this exemption or reduction in assessment is claimed listing the then current assessed value of the building and the claimed exemption. The application shall include a notarized affidavit certifying that the owner, derived at least fifteen thousand dollars (\$15,000.00) in gross sales or incurred at least fifteen thousand dollars (\$15,000.00) in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year (October 1) for which such application is made. In the event the farm is owned by one person or entity and leased to another who actually farms, then the lessee shall also file the financial affidavit and it is the lessee's income or expenses that must meet the minimum amount. Any rental expense shall be a lessee expense except rent paid to an immediate family member or entity owned by an immediate family member. The owner shall file an affidavit attesting to the identity of the lessee. Failure to file the application on or before the first day of November on which the Assessor's office is open shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the Assessor shall have the same rights and remedies for appeal and relief as are provided in the General Statutes for taxpayers claiming to be aggrieved by the doings of the Assessor.

APPROVAL RECORD FOR ORDINANCES:

| | |
|--|------------------|
| Board of Selectmen Approved for Public Hearing: | October 15, 2012 |
| Public Hearing Notice Published On: | October 25, 2012 |
| Public Hearing Held On: | November 5, 2012 |
| Board of Selectmen Recommend Adoption: | _____ |
| Town Meeting Notice Published On: | _____ |
| Approved by Town Meeting On: | _____ |
| Town Clerk Published Legal Notice upon Passage On: | _____ |
| Effective Date of Ordinance: | _____ |

EFFECT OF/EXPLANATION OF THE FARM BUILDING EXEMPTION ORDINANCE

1. Town has the option to authorize the Assessor to grant a reduction in the assessed value of farm buildings and shall set the maximum amount of reduction at any level up to \$100,000.
 - a. The draft and the direction of the Ordinance Sub-Committee uses the maximum allowable reduction.
2. The farmer must apply for the reduction every year.
 - a. Application must be filed by 11/1 each year. Draft codifies that if 11/1 is not a day when the Assessor's Office is open then, the next day the office is open is the last day for filing consistent with generally accepted rules.
 - b. Because the real estate of many farms is owned by one individual or entity and the farm is operated by another person or entity, the draft recognizes this and requires an identification affidavit from the owner and a financial affidavit from the lessee or the actual farm operator although the reduction in assessment will be granted to the owner of the real estate or building.
3. Building must be used actually and exclusively for farming
 - a. A building no longer used in active farming will not qualify although it previously did
 - b. A farm building now partially used for storage of non-farm equipment will be disqualified.
 - c. A building partially a residence and partially a barn or shed used in farming will not qualify.
 - d. There is no provision for pro-ration. Farming use will be tested as of October 1.
4. Farm must have gross receipts or expenses of \$15,000 or more.
 - a. Financial test is as to the person or entity that actually farms
 - b. The time period for the income/expense test is the preceding *taxable year* or for calendar year taxpayers Dec. 31 prior to Oct. 1
 - c. Hobby farming may become an issue where there is no expectation of receipts but there may be sufficient expenses to qualify although not allowable on a tax return.
5. If farmer complies with and meets 2, 3 & 4, Assessor must reduce assessed value of each building.
 - a. If assessed value is \$25,000 & qualifies, then assessment is reduced to 0.
 - b. If assessed value is \$250,000 & qualifies, then assessment is reduced to \$150,000.