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PROPERTY TAX ABATEMENT FOR FARMS

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| § -1. Purpose. | § -5. Notification. |
| § -2. Legislative Authority. | § -6. Recapture. |
| § -3. Eligible Farms. | § -7. Right to Appeal. |
| § -4. Property Tax Abatement Application. | |

[HISTORY: Adopted by the Town of Ellington _____, effective _____.]

§ -1. Purpose. Agriculture is a significant part of Ellington’s heritage and is essential to the quality of life, environment, and local economy. The purpose of this ordinance is to promote agricultural operations in Ellington and establish a program whereby tax relief may be granted to eligible farms.

§ -2. Legislative Authority. This ordinance was enacted pursuant to Sections 7-148 and 12-81m of the Connecticut General Statutes.

§ -3. Eligible Farms. The following farms may be eligible for property tax abatement: dairy farms, fruit orchards, vegetable farms, nursery farms, vineyards for growing of grapes for wine, tobacco farms, or any farm which employs nontraditional farming methods, including, but not limited to, hydroponics.

§ -4. Property Tax Abatement Application. The Town Assessor may abate fifty percent (50%) of the property tax for buildings only for eligible farms after review of an abatement application in accordance with the following.

- a. A request for a farm abatement must be made by application to the Town Assessor by the record owner of the property.
- b. Application must be submitted no later than October 1, for the upcoming grand list year. An applicant must provide the Town Assessor with evidence to support the status of the property as an eligible farm and a notarized affidavit certifying that the applicant derived at least fifteen thousand dollars in gross sales or incurred at least fifteen thousand dollars in expenses from the eligible farm with respect to the most recently completed tax year. An eligible farm shall own a minimum of twenty (20) cumulative acres of farmland and be doing business as an eligible farm, otherwise such abatement application shall be denied.
- c. In determining whether a property is an eligible farm, the Town Assessor shall take into account, among other factors: the acreage of properties, the number and types of livestock, vegetable production, fruit trees, nursery crops, the quantity of milk sold by the facility, the gross income of the farm derived from dairy, fruit, vegetable, nursery, vineyards for growing of grapes for wine, tobacco, or from other types of eligible farm related activities; and, in the case of a dairy farm, evidence of Dairy Farm or Milk Producing Permit or Dairy Plant or Milk Dealer Permit, as provided by Connecticut General Statutes Section 22-173.
- d. All residences used as farm homesteads and buildings used for housing for workers shall be excluded.
- e. Farms subject to an abatement agreement pursuant to the Town of Ellington’s Economic Development Tax Abatement Policy are not eligible for additional abatement pursuant to this Chapter.
- f. An abatement shall be effective (1) for one year; (2) until such time as the eligible farm is sold or farming operations cease; or (3) until determined by the Town Assessor that the abatement beneficiary has failed to show that they derived at least fifteen thousand dollars in gross sales or incurred at least fifteen thousand dollars in expenses related to the eligible farm with respect to the most recently completed tax year, whichever shall occur first.

§ -5. Notification. The eligible farm receiving the abatement must notify the Town Assessor in writing within thirty (30) days of the sale of any property granted abatement pursuant to the ordinance or the cessation of eligible farming operations.

§ -6. Recapture. Upon sale of the property or cessation of eligible farming operations, the property owner must pay to the Town a percentage of the original amount of the taxes abated, pursuant to the following schedule:

If an eligible farm is sold or farming operations cease for a property that received abatement prior to ten (10) years from the initial abatement, the abatement beneficiary shall pay the Town a percentage of the original amount of taxes abated pursuant to the following schedule.

Between 1 day and 365 days.....	100%
Between 1 year 1 day and 2 years	90%
Between 2 years 1 day and 3 years	80%
Between 3 years 1 day and 4 years	70%
Between 4 years 1 day and 5 years	60%
Between 5 years 1 day and 6 years	50%
Between 6 years 1 day and 7 years	40%
Between 7 years 1 day and 8 years	30%
Between 8 years 1 day and 9 years	20%
Between 9 years 1 day and 10 years	10%
More than 10 years	0%

- a. Upon affirmative vote by the Board of Selectmen, the Town Assessor may waive any of the amounts which would otherwise be owed pursuant to the foregoing recapture provision if after the sale of the property the property continues to be used as an “eligible farm,” “forest land,” or “open space,” as defined in Section 12-107b of the Connecticut General Statutes.
- b. The taxes owed to the Town of Ellington pursuant to the recapture provisions of this chapter shall be due and payable by the abatement beneficiary to the Town of Ellington at the time of recording of the deed or other instrument of conveyance or within thirty (30) days of the notice provided in section ___-5 above that the eligible farm ceased operations, as the case may be. Any recapture payment received by the Town shall become part of the general revenue of the Town of Ellington. No deed or other instrument of conveyance which is subject to the recapture of tax abatement, as set forth herein, shall be recorded by the Town Clerk unless the funds due under the recapture provision have been paid, or the obligation has been waived by the Board of Selectmen.
- c. The Town Assessor shall file, not later than sixty (60) days after abatement is approved, with the Town Clerk, a certificate for any such eligible farm, setting forth the date of initial abatement and the obligation to pay the recapture funds as set forth herein. Said certificate shall be recorded in the land records of the Town of Ellington.

§ -7. Right of Appeal. Any person claiming to be aggrieved by any action or inaction of the Town Assessor regarding this ordinance may appeal to the Board of Assessment Appeals in the manner set forth in Connecticut General Statutes Section 12-111, as amended. Appeals from any decision of the Board of Assessment Appeals may be taken to the Superior Court for the Judicial District of Tolland pursuant to Connecticut General Statutes Section 12-117a, as amended.