



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

3 of the year 20 25

Local Law Title: "Local Law No. 3 Of 2025 for the Purpose of Amending Chapter 240, Zoning, of the Town
Code to include." Short Term Rentals"

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one)

of Wappinger as follows on the attached pages:
(Name of Local Government)

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FEB 09 2026

DEPARTMENT OF STATE

Department of State Local Law Index Number: 5 of the year 20 26

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 3 of 2025 of the (County)(City)(Town)(Village) of Town of Wappinger was duly passed by the Town of Wappinger on April 14 2025 in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.

(Name of Legislative Body)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph ¹ _____ above.

Joseph P. Paoloni

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

April 14, 2025

(Date)

(Seal)

NEW YORK STATE DEPARTMENT OF STATE
STATE STREET
ALBANY, NY 12231

Local Law Filing

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

Town of WAPPINGER

Local Law No. 3 of the year 2025

A local law entitled "A Local Law 3 for the Purpose of Amending Chapter 240, Zoning, of the Town Code to include." Short Term Rentals"

Be it enacted by the TOWN BOARD of the Town of WAPPINGER as follows:

BE IT ENACTED by the Town Board of the Town of Wappinger as follows:

Section 1. Title

This Local Law shall be known and cited as "Local Law No.3 of 2025, for the Purpose of Amending Chapter 240, Zoning, of the Town Code with Respect to Short Term Rentals."

Section 2. Legislative Intent

240-69.1. Short Term Rentals

Legislative intent. This Local Law is enacted to allow the use of housing units in the Town of Wappinger for short-term rental purposes so as to enhance the tourism economy of the Town while protecting the safety of renters and the privacy of residents; ensuring that the value of housing is tied to its use for residential purposes; and helping to maintain the affordability of both home ownership and rental units. The intent of this Local Law is to regulate the use of residential structures for short-term rental purposes by defining such uses in the Town of Wappinger Zoning Law and providing minimum quality of life, environmental, land use, building code safety and short-term rental operational

requirements to be met in permitting these uses to be established. This Local Law is intended to apply to all existing and future housing units in the Town and to dictate the requirements for the establishment of a short-term rental.

Section 3. Amendments to Chapter 240-69.1 Zoning

DEFINITIONS: As used in this section, the following words shall have the meaning indicated:

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities for one family.

OCCUPIED PRIMARY RESIDENCE

A dwelling unit used by the owner as his or her primary residence. All owners of the business entity must use the premises as his or her primary residence. When a property is titled in the name of a trustee, the property shall be considered an occupied primary residence if the grantor or grantee is the occupant of the property.

OWNER

Any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the real property. The term "owner" shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership.

PERSON

Any person, individual, corporation, governmental entity, partnership, association, trustee, or other legal entity.

PRIMARY RESIDENCE

The primary location that a person inhabits throughout the year.

SHORT-TERM RENTAL

A dwelling unit, or a room or group of rooms within a dwelling unit, made available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days. The term "short-term rental " does not include dormitories, hotel or motel rooms, bed-and-breakfast inns or lodging houses, as permitted, and regulated by the Town of Wappinger.

STR: Short-Term Rental

TENANT

Any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others for more than six months.

Section 4: RESTRICTIONS

The following restrictions shall apply to all short-term rental properties:

- 1.) Short-term rental properties shall not be located in anything other than a single-occupancy building. STRs are prohibited in multi-family residences, accessory buildings, RV's and mobile homes.
- 2.) Short-term rental properties are permitted in the following Zoning Districts. **R-40, R-40/80, R-80, R-3A & R-5A only.** They shall also be prohibited on properties with nonconforming lots.
- 3.) Short-term rental properties are prohibited from sharing a driveway with another

- property.
- 4.) Garbage and other refuse can only be left out for collection the night before pickup, and all refuse containers shall be removed from the curb once emptied.
 - 5.) Short-term rentals may not advertise for occupancy greater than two people per bedroom.
 - 6.) The owner of the property or the owner's agent must respond and be present at the property upon 24 hours notice when the property is rented.
 - 7.) Not more than one Short-Term rental shall be permitted on any lot.
 - 8.) No short-term rental shall be permitted on any lot which is located within 1,500 feet of any other lot containing a Short-Term rental.
 - 9.) No Short-Term rental shall be permitted in any building which is located within four hundred feet of any lot on which there is located a school or day-care center.

Section 5: Annual operating permit; application.

A. Application process

- 1.) The owner of a short-term rental property shall register the property with the Building Department on an annual basis. The information provided shall include the name, address, and contact information for the owner, as well as the name, address, and contact information for the local agent, if different from the owner. As part of the registration process, each applicant shall complete an annual fire inspection with the Town of Wappinger Fire Inspector.
- 2.) In submitting the application for a new permit or any renewal, the owner consents to an inspection of the property to ensure compliance with all conditions. The property shall be inspected by the Building Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with the section and all other applicable provisions of the Town Code, the International Series of Codes and New York State Code Supplement. If the Building Inspector determines that the short-term rental space is not in compliance, the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the Building Department, subject to an additional fee as set forth in the Town of Wappinger Fee Schedule.
- 3.) Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent, or lease any property as a short-term rental without first having obtained a short-term rental permit.
- 4.) Copy of utility bill in the applicant's name.
- 5.) Application fee \$250.00
- 6.) Yearly renewal \$250.00 (To include evidence of payment of the hotel occupancy tax required by Dutchess County for the prior fiscal year.)

B. Required Submittals

The following shall be provided:

- 1.) A completed annual permit application and fee as designated by the Town Board by Resolution.
- 2.) Proof, such as a Health Dept. approval for the structure, that the sanitary sewer or septic system has the capacity for the number of bedrooms in the structure.
- 3.) A property map that clearly depicts the property boundaries.
- 4.) A floor plan showing the location of the short term rental area within the structure with the location of a smoke detector in each sleeping room and each other room, the location a fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector. Floor plans are not required to be professionally prepared.
- 5.) A safety/egress plan, to be posted in the rental unit in a visible location and on the back of each bedroom door.
- 6.) A parking layout plan identifying where visitors' parking is to be located. This plan shall accommodate sufficient parking for tenants and residents. The parking shall include one (1) parking space per bedroom plus, one (1) additional space. Parking design and placement shall be accommodated off-street and shall not restrict access for fire and safety vehicles.
- 7.) Provide a waste removal plan. Garbage shall not be allowed to remain curbside for a period greater than 24 hours and shall be placed within a sealed container. Property owners shall be responsible for clean-up of any garbage strewn by animals.
- 8.) A statement that littering is illegal.
- 9.) A statement that all outdoor fires must be always attended. Only seasoned wood may be used for the fire.

C. Operational Requirements

- 1.) STR's must register with Dutchess County and a copy of said registration is to accompany STR Applications to the Town of Wappinger Building Department.
- 2.) STR's must pass a yearly fire/safety inspection by the Town of Wappinger Fire Inspector and the report of said inspection is to be attached to STR annual renewal permit applications. All STR units must comply with NY State Building Code requirements and shall have no open violations.
- 3.) STR shall be limited to Single Rentals (multiple rentals simultaneously are not permitted) per home.
- 4.) The STR establishment shall be limited to a maximum capacity of two (2) guests per bedroom. Children twelve years old and under are not counted as guests.
- 5.) Complaints and Violations issued by the Town of Wappinger CEO will be considered at annual renewal. Three (3) Violations within any 12-month period or portion thereof will be grounds for permit termination.
- 6.) Only the property owner is permitted to register an STR.
- 7.) The host will provide guests with copies of local laws pertaining to noise, fire, and safety requirements. Emergency contact information as well as E911

- address of property shall be clearly identifiable.
- 8.) The street address of the property shall be clearly identifiable from the street and shall be posted in a visible location on the bedroom door.
 - 9.) Approved STR's will be assigned a registration number that must be included in all rental listings, both print and on-line and posted within the STR.
 - 10.) Exterior advertising is prohibited.
 - 11.) Temporary Structures, Sleeping Tents, Trailers, and RVs are not permitted in this regulation and are prohibited for the purpose of STR.
 - 12.) There shall be one functioning smoke detector in each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector. In addition, the premises must comply with all NYS Building and Fire Code regulations, as the same may be amended.
 - 13.) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - 14.) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 - 15.) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
 - 16.) No owner shall offer or use any part of the property as a short-term rental not approved for residential use, including but not limited to, vehicles parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent.
 - 17.) A short-term rental property shall not be rented for any other purpose, commercial or otherwise, not expressly permitted under this section, such as concerts or weddings or a special event.
 - 18.) The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental.

Section 7. Violations.

Any of the following shall constitute a violation of this chapter:

A.

- 1.) Failure to comply with any provision of this chapter including without limitation by reason of specification, the Restrictions and the Operational Requirements listed above and any of the following numbered items.
- 2.) Advertising or listing an STR without a valid permit or registration, or without including the permit or registration number on the advertising or listing, or advertising or listing an STR for a greater occupancy than permitted. Presumptive evidence. The existence of any of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental: The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO or similar websites; or the property is offered for lease or rent using any other advertising mechanism for a period of fewer than thirty consecutive days.

- 3.) Operation of an STR without a valid permit or registration or for a greater occupancy than permitted.
- 4.) Failure to properly display a valid annual operating permit or registration or the required safety/egress plan, waste management plan, copy of Chapter 166 (Noise.
- 5.) Fraud or misrepresentation with respect to any information provided to the Town in connection with the STR application or its operation
- 6.) Violation of Chapter 166, Noise.
- 7.) Activity at the property that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare, or morals.
- 8.) Failure to have on operating smoke detector or carbon monoxide detector or having an expired fire extinguisher.

B.

Suspension or revocation of a permit or registration.

- 1.) A notice of violation may be issued by the Zoning Enforcement Officer or Building Inspector for any violation of this Chapter. The notice of violation shall describe the violation and require the permit holder to immediately correct the violation or cause the violation to be corrected.
- 2.) The notice of violation shall be provided to the permit holder by personal service, by regular mail to the address submitted with the permit application, or by posting at the STR.
- 3.) Failure to correct the violation or cause the violation to be corrected shall be grounds for immediate suspension or revocation of the permit or registration.

C.

Enforcement.

- 1.) The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Wappinger, the Town of Wappinger Zoning Enforcement Officer, Code Enforcement Official/Building Inspector and Town Attorney or his/her designee and such other employees and/or officials authorized by the Town Board.
- 2.) In addition to any administrative remedy, pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, § 150.10, Police Officers, the Zoning Enforcement Officer and Code Enforcement Official/Building Inspector of the Town of Wappinger are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Town Court of the Town of Wappinger, when he or she has reasonable cause to believe a person has violated, in his or her

presence, Chapter 240-69.1 of the Code of the Town of Wappinger, entitled "Short-Term Rentals," and to prosecute the violation in Town Court.

D.

Penalties for offenses.

- 1.) Violation of any provision or requirement of this chapter or violation of any statement, application, permit, or registration approved under the provisions of this chapter shall be considered an offense punishable by a fine set annually by resolution of the Town Board which shall not be less than \$500 and/or imprisonment for not more than six months for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$1,000 nor more than \$2,000 and/or imprisonment for not more than six months; and upon conviction for a third or subsequent time within a period of five years, punishable by a fine of not less than \$3,000 nor more than \$5,000 and/or imprisonment for a period of not more than six months.
- 2.) The owner, agent, or operator of a building, premises, or part thereof where such violation has been committed or does exist and any agent, corporation or other person who commits, takes part, or assists in such violation shall be individually liable for such an offense. All such penalties shall be collectible by and in the name of the Town. Every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense.
- 3.) Conviction of a violation of this chapter shall constitute and effect an immediate forfeiture of any permit or registration hereunder held by the person so convicted.
- 4.) Without limiting any other remedy, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

Section 8. Zoning Amendment

District Schedule of Use Regulations shall be amended by adding a new use category entitled Short-Term Rentals, which shall be permitted, subject to issuance of a permit by the Town of Wappinger Building Department, under the heading ACCESSORY USES and shall be added under residential uses as Permitted (P), in **R-40, R-40/80, R-80, R-3A & R-5A District** zoning districts.

Amend Chapter 240 Attachment 2 Schedule of Use Regulations Residential Districts Town of Wappinger to include Short Term Rentals as a permitted use with a building permit in the R-40, R-40/80, R-80, R-3A & R-5A District.

Section 9. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town

of Wappinger as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted, and confirmed.

Section 10. Numbering for Codification

It is the intention of the Town of Wappinger and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Wappinger; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 11. Severable

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Wappinger that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 12. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

Resolution Adopting “A Local Law for the Purpose of Amending Chapter 240, Zoning, of the Town Code to include.” Short Term Rentals”

At a Regular Meeting of the Town Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York, on April 14, 2025.

The meeting was called to order by Joseph D. Cavaccini, Town Supervisor, and upon roll being called, the following was recorded:

✓ Vote Record - Resolution RES-2025-89							
☒ Adopted			Yes/Aye	No/Nay	Abstain	Absent	
☐ Adopted as Amended	Joseph D. Cavaccini	Voter	☒	☐	☐	☐	
☐ Defeated	William H. Beale	Seconder	☒	☐	☐	☐	
☐ Tabled	Angela Bettina	Voter	☒	☐	☐	☐	
☐ Withdrawn	Christopher Phillips	Mover	☒	☐	☐	☐	
	Al Casella	Voter	☒	☐	☐	☐	

The following Resolution was introduced by Councilman Phillips and seconded by Councilman Beale.

WHEREAS, the Town Board has considered the adoption of Resolution Introducing “Local Law No. 2 Of 2025, For The Purpose Of Regulating Smoke And Vape Sales In The Town Of Wappinger”; and

WHEREAS, a Public Hearing on the proposed Local Law was duly advertised in the Southern Dutchess News and the Poughkeepsie Journal as required by law; and

WHEREAS, a Public Hearing was held on April 14, 2025 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, the Town Board has determined that the Proposed Action is an action for which there are no other Involved Agencies and that the Town Board is therefore, by default, the Lead Agency for this action; and

WHEREAS, as in accordance with Section 239 of the New York State General Municipal Law, the Town Board referred the proposed Local Law to the Dutchess County Department of Planning and Development (DCDPD) for its advisory opinion; and

WHEREAS, in response to said referral the DCDPD responded and it was determined to be a matter of local concern; and

WHEREAS, said Local Law has been on the desks of the members of the Town Board of the Town of Wappinger for at least ten (7) days prior to the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said Local Law, and the Town Board hereby adopts Local Law No.2 of 2025, a copy of which is attached hereto and made a part of this Resolution; and

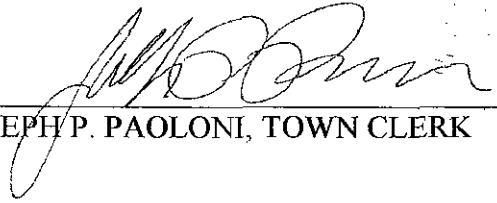
The Town Clerk is directed to enter said Local Law in the minutes of this meeting into the Local Law book for the Town of Wappinger and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

The foregoing was put to a vote which resulted as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Phillips, Councilman
SECONDER:	William H. Beale, Councilman
AYES:	Cavaccini, Beale, Bettina, Phillips, Casella

Dated: Wappingers Falls, New York
4/14/2025

The Resolution is hereby duly declared Adopted.



JOSEPH P. PAOLONI, TOWN CLERK