

# Local Law Filing

(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  
(Select one:)

of Beekman

FILED  
STATE RECORDS  
JUN 12 2023

DEPARTMENT OF STATE

Local Law No. 4 of the year 2023

A local law ADOPTING LOCAL LAW NO.4 OF THE YEAR 2023, AMENDING CHAPTER 126.1  
(Insert Title)  
'SHORT-TERM RENTALS' and CHAPTER 155 'ZONING' OF THE CODE OF THE TOWN  
BEEKMAN"

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of BEEKMAN as follows:

SEE ATTACHED

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

(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, designated as local law No. 4 of 2023 of the (County)(City)(~~Town~~)(Village) of BEEKMAN was duly passed by the TOWN BOARD on JUNE 7 2023, 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, designated as local law No. \_\_\_\_\_ 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 \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20    , in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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, designated as local law No. \_\_\_\_\_ 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 \_\_\_\_\_ 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\*)*

\* 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.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been 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 hereto, designated as local law No. \_\_\_\_\_ 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 paragraph \_\_\_\_\_ above.

*James Hobart*

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

Date: June 8, 2023



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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.

**TOWN OF BEEKMAN  
LOCAL LAW NO. 4 OF THE YEAR 2023**

**LOCAL LAW AMENDING CHAPTER 126.1 “SHORT-TERM RENTALS” AND  
CHAPTER 155 “ZONING” OF THE CODE OF THE TOWN OF BEEKMAN**

**BE IT ENACTED** by the Town Board of the Town of Beekman as follows:

**SECTION 1. LEGISLATIVE INTENT**

The Town Board finds that it is necessary to update and amend Chapter 126.1 “Short-Term Rentals” and Chapter 155 “Zoning” of the Code of the Town of Beekman to efficiently and effectively regulate short-term rental uses.

**SECTION 2. APPLICATION**

This Local Law shall apply within the Town of Beekman.

**SECTION 3. AMENDMENTS TO CHAPTER 126.1 “SHORT-TERM RENTALS”**

*Chapter 126.1 is hereby amended to read as follows:*

**CHAPTER 126.1. SHORT-TERM RENTALS**

**§ 126.1-1. Purpose.**

The Town Board of the Town of Beekman has determined it is in the best interest of the Town and its residents to regulate short-term rentals. The Town Board recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Town. However, to protect the health, safety and welfare of the Town and its residents, it is necessary to restrict the rental of dwelling units for terms shorter than 30 consecutive days because such use has the potential to negatively impact residential neighborhoods by allowing what are effectively transient lodging uses in buildings and areas where commercial uses may not be permitted. In addition, the presence of short-term rentals also can lead to a reduction in the affordable housing supply by removing dwelling units from the market and driving up demand for the limited remaining housing supply. This can result in fewer available units and increased prices or rents for those units that are available. The Town Board believes that the restrictions and requirements imposed herein further the Town’s goals and objectives and

promotes the protection of the health, safety and welfare of the Town and its residents. This Chapter describes procedures and requirements for obtaining a permit for a short-term rental and is intended to operate in conjunction with the regulations of the Town of Beekman Code Chapter 155 entitled "Zoning."

### **§ 126.1-2. Definitions.**

As used in this chapter, the following words shall have the meanings indicated:

#### **PRIMARY RESIDENCE**

The domicile and principal dwelling that a person inhabits and resides in for the majority of the year. If title to the property is not held in the name of a natural person, then the following shall apply: if the property is held in the name of a trust, the person that inhabits the residence must be a grantor or a beneficiary of the trust; if the property is held by an entity other than a trust (corporation, limited liability company, partnership, etc.), the resident must be a majority owner of the entity.

#### **OWNER**

Any person having a fee interest in the real property to be used as a short-term rental. For purposes of a short-term rental, the definition of an owner includes members of the owner's immediate family.

#### **IMMEDIATE FAMILY**

The "immediate family" of an owner of a dwelling unit shall include the owner's spouse or domestic partner, adult children, parents, adult step-children, father-in-law and mother-in-law.

#### **PERSON**

A natural person, partnership, corporation, limited liability company, trust, governmental entity or other legal entity.

#### **SHORT-TERM RENTAL**

A dwelling made available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast establishments, or inns as regulated by the Town of Beekman Zoning Law, and does not include the use of any accessory structure(s) for dwelling purposes.

The following are types of short-term rentals:

- (1) *Hosted short-term rental.* A short-term rental where the owner is residing in the dwelling overnight with their guest(s). A hosted short-term rental shall not include an accessory structure.
- (2) *Unhosted short-term rental.* A short-term rental where the owner is not present in the dwelling overnight with their guest(s) but must designate a resident agent for the property. An unhosted short-term rental shall not include an accessory structure.

## **RESIDENT AGENT**

A representative of an owner who resides within the designated boundaries within 20 miles of the short-term rental as defined at the time of periodic property registration. All resident agents must be natural persons at least 21 years of age and shall not be corporations, limited liability companies or other similar entities.

### **§ 126.1-3. Short-Term Rental Permit.**

- A. Permit required. It shall be unlawful to use, establish, maintain, operate, rent or lease, or advertise for rent or lease, any property as a short-term rental within the Town of Beekman without first having obtained a short-term rental permit for such purpose in accordance with provisions of this chapter. The failure or refusal to obtain a short-term rental permit prior to the commencement of a short-term rental use shall be deemed a violation of this chapter.
- B. A total of up to fifteen (15) short-term rental permits or renewal of permits will be issued by the Town per year on a first come, first serve basis.
- C. Only one (1) short-term rental permit shall be issued by the Town per owner per year.
- D. Zoning use authorized. Subject to the conditions set forth in this chapter and in Chapter 155, including §155-39.1, a short-term rental shall be a permitted accessory use to a lawful dwelling.
- E. Advertisement. If an owner advertises their rental online or in print, the short-term rental permit number issued by the Town must be included in the listing.
- F. Presumptive evidence. The presence or existence of any of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
  - (1) 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
  - (2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of fewer than thirty (30) consecutive days.

### **§ 126.1-4. Term of Permit.**

A short-term rental permit shall be issued annually and shall expire on the last day of December next succeeding the date of issuance, unless sooner terminated, revoked or suspended. An owner may apply for renewal for the following calendar year up to 90 days prior to the expiration of the permit, but no later than 30 days prior to such expiration.

### **§ 126.1-5. Application for permit.**

- A. Application. An application for a short-term rental permit shall be made to the Building Department on forms provided by the Town and signed by the owner of the property. The form and content of the permit application shall be as determined from time to time by the Town and shall request such information and materials as the Town deems necessary. Such application shall contain, at a minimum, the information required by this chapter, including the following:

- (1) For hosted property. The name, address, e-mail address, and telephone number of the owner.
- (2) For unhosted property. The name, address, e-mail address and telephone number of both the owner and the resident agent.
- (3) Property information, including:
  - (a) The property address and Tax Parcel ID number;
  - (b) The total number of bedrooms and bathrooms in the dwelling;
  - (c) The total number of bedrooms proposed for short-term rental use;
  - (d) The square footage and ceiling height of bedroom(s) proposed to be used for short-term rental;
  - (e) A sketch indicating the location of each bedroom in the dwelling proposed to be rented, and two means of egress from each such bedroom; and
  - (f) The number of persons (1 or 2) to be accommodated in each short-term rental bedroom.
- (4) For hosted property. Certification that the property is the owner's primary residence. Primary residency shall be verified by one of the following:
  - (a) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property; or
  - (b) A copy of a filed federal or state tax return showing the owner being domiciled at the property address; or
  - (c) Other evidence satisfactory to the Town that the property meets the primary residence criteria.
- (5) For unhosted property. Certification that the property is owned by the non-host owner, a deed or other satisfactory evidence to the Town that the property is owned by the non-host owner.
- (6) Proof of insurance coverage for the short-term rental use.
- (7) A sketch map or photos of the site sufficient to show the location of driveway, the number and location of existing on-site parking spaces, and the number of available on-site parking spaces for the short-term rental. It is not necessary for the sketch map to be prepared by a licensed professional surveyor or engineer.
- (8) A signed and notarized certification in a form acceptable to the Town Attorney by the owner attesting to the fact that:
  - (a) If a hosted short-term rental. The property is the applicant's primary residence.
  - (b) If a hosted short-term rental. The applicant/owner will reside in the dwelling during the rental.
  - (c) If an unhosted short-term rental. The applicant is the owner or resident agent of the property.
  - (d) If an unhosted short-term rental. A designated resident agent who shall be responsible and authorized to act on the owner's behalf and who resides within the designated

boundaries within 20 miles of the short-term rental and is available on a 2 hour basis to address any violations of the conditions of occupancy.

- (e) The property is fit for human habitation and is safe.
  - (f) The applicant will comply with all of the conditions and restrictions of the permit.
  - (g) No portion of the area to be used for the short-term rental will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the New York State Uniform Fire Prevention and Building Code; and
  - (h) The property is in compliance with all of the provisions of this chapter, the applicable provisions of the Town Code, and the New York State Uniform Fire Prevention and Building Code.
- (9) A non-refundable application fee, in accordance with the Schedule of Fees, payable upon application. In no instance shall the filing of an application or the payment of an application fee be construed as permission to operate a short-term rental, or to exonerate the owner from responsibility for compliance with the building, housing, fire and maintenance requirements of any local, county, state or federal agency having jurisdiction.
- (10) If the owner intends to prepare and serve food to guests, proof of compliance with the licensing requirements administered by the Dutchess County Department of Behavioral and Community Health applicable to bed-and-breakfast establishments.
- (11) Any such other information and/or documentation deemed necessary by the Building Inspector or the Town Board.
- B. Inspection. The property shall be inspected by a Town Building Inspector at the time of the initial application and prior to any permit renewal to determine whether the property is in compliance with this chapter and all other applicable provisions of the Town Code and the New York State Uniform Fire Prevention and Building Code. The Building Inspector will confirm that the short-term rental contains functioning smoke and carbon monoxide detectors in appropriate locations as required by the New York State Uniform Fire Prevention and Building Code, as well as a functioning fire extinguisher, and two safe means of ingress/egress for each rented bedroom. The inspection report shall indicate the number of bedrooms in the dwelling permitted by the certificate of occupancy and/or as permitted by the size of the sanitary sewage disposal system approved for the dwelling by the Dutchess County Department of Behavioral and Community Health. A non-refundable inspection fee shall be payable upon application in accordance with the Schedule of Fees. If the Building Inspector determines that the short-term rental space is not in compliance, any existing permit shall be revoked, and the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected, as confirmed by re-inspection by the Building Inspector, which shall be subject to an additional fee as set forth in the Schedule of Fees.
- C. Permit Fee. A non-refundable permit fee shall be payable upon issuance of the permit in accordance with the Schedule of Fees.
- D. Duty to amend. If the information submitted as part of the permit application changes at any time after submittal, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this chapter.



**§ 126.1-6. Renewal of permit.**

A short-term rental permit may be renewed by application to the Building Department as in the case of an original permit application as outlined in § 126.1-5 above. All applications for a renewal of a permit shall be filed within the time period outlined in § 126.1-4 above. A permit may only be renewed by the same owner for the same property upon the payment of the requisite fees. In addition to the application and information required pursuant to § 126.1-5 above, for any renewal application, evidence of payment of the Hotel Occupancy Tax required by Dutchess County for the fiscal year covered by the current permit shall be submitted. No permit shall be issued for a renewal until such proof is provided.

**§ 126.1-7. Issuance of permit; conditions and restrictions.**

- A. **Transferability.** Only the owner or resident agent of the property containing a proposed short-term rental may apply for and operate a short-term rental. Short-term rental permits are specific to the designated owner or resident agent and property, and cannot be transferred to other owners, agents or properties. Any person who purports to transfer a permit, or who uses a permit that has been transferred, shall be in violation of this chapter.
- B. **Primary residence.** It shall be unlawful for a person to use, establish, maintain operate, rent or lease any property as a hosted short-term rental if the property is not the person's primary residence. The property used as a hosted short-term rental shall be the primary residence of the owner at all times during the term of the permit. An owner is prohibited from renting more than one property per year. An owner may only operate one short-term rental per parcel in the Town.
- C. **Violations.** No short-term rental permit shall be issued to any owner or for any property with an outstanding notice of violation under the Town of Beekman Code, nor to any owner or property with a permit that was suspended or revoked and remains uncured, or that was suspended or revoked two or more times during the two-year period preceding the year applied for.
- D. **Authority of Building Inspector.** The Building Inspector may issue a permit upon such restrictions and conditions as he/she deems reasonable and necessary under the circumstances.
- E. **Conditions and restrictions of permit.** All permits issued pursuant to this Chapter shall be subject to the following conditions and restrictions, whether or not they are itemized on the permit:
  - (1) **Signage.** There shall be no signage on the property advertising or identifying any portion of the property as a short-term rental.
  - (2) **Residential appearance and character.** All outward appearances of the property in which the short-term rental will be located must remain residential in character. A short-term rental shall be conducted in a manner which does not give the outward appearance of a business, does not have commercial-type outdoor lighting, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their residential premises, and does not alter the residential character of the property or the neighborhood.
  - (3) **Parking.** Off-street parking shall be located on the parcel on which the short-term rental is located, and shall be comply with § 155-56 of the Town Code to the satisfaction of the Building Inspector and the Town Board.

- (4) Number of bedrooms. The number of bedrooms used by the residents of the dwelling unit and the short-term rental use shall not exceed the number of bedrooms that are permitted by the certificate of occupancy and/or as permitted by the size of the sanitary sewage disposal system approved for the dwelling by the Dutchess County Department of Behavioral and Community Health.
- (5) Number of guests. No more than two guests per bedroom may be accommodated on any occasion. Children under 5 years of age shall not count towards this maximum.
- (6) Size of bedrooms. Every bedroom in a short-term rental occupied by one (1) person shall contain at least seventy (70) square feet of floor area and every bedroom in a short-term rental occupied by two (2) persons shall contain at least one hundred (100) square feet of floor area. Children under five (5) years of age shall not be included in this calculation.
- (7) Traffic. Traffic attributed to the short-term rental must not result in significant adverse impacts to existing traffic patterns nor create a hazard to pedestrians in the neighborhood.
- (8) Code Compliance. Compliance with the provisions of Chapter 108 (Noise) and Chapter 124 (Sewage Disposal Systems) shall be required.
- (9) Solid Waste. Facilities to handle solid waste, including recycling, shall be made available to short-term rental guests and shall be easily accessible, secure and screened from adjacent properties. Instructions shall comply with (14) below.
- (10) Assembly. It shall be unlawful for a short-term rental property to be utilized by short-term rental guests for any type of assembly. As used in this Chapter, assembly shall include, but not be limited to, a wedding; bachelor or bachelorette party; or any similar party, activity or gathering; or a luncheon, banquet, or meeting; or similar activities.
- (11) Meals. No restaurant may be operated, and no meals may be prepared or served to guests other than the rental occupants of the short-term rental. Meals served to permitted occupants of the short-term as in a typical "bed-and-breakfast" are permitted, subject to compliance with the regulations of the Dutchess County Department of Behavioral and Community Health.
- (12) Non-habitable structures. No owner shall offer or use any part of the property not approved for residential use as a short-term rental, including but not limited to a recreational or other vehicle parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent or treehouse.
- (13) Transient recreational use not part of short-term rental use. It shall be unlawful for an owner to offer for use, rent or lease, or advertise for use, rent or lease, any portion of the residential property, such as pool or hot tub rentals, party or yard rentals, or sport court rentals, to any third-party for transient recreational use separate from a permitted short-term rental use.
- (14) Postings. The owner shall post a copy of the following in an open and conspicuous place in the rental unit, readily visible to all guests:
  - (a) Short-term rental Permit Number.
  - (b) A copy of Chapter 108 (Noise) of the Town Code.

- (c) A safety/egress plan, which shall be posted on the back of the door of each rented bedroom.
  - (d) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries, and a notice to guests not to trespass on neighbors' property.
  - (e) Information identifying the location of easily accessible solid waste and recycling facilities, days and times when garbage is picked up, and any recycling requirements (comingled, single stream, required receptacle, etc.).
- (15) Registry of Guests. The owner of the short-term rental shall maintain a true and accurate registry of the short-term rental use, including the dates and total number of days rented, number of bedrooms rented, and number of short-term rental occupants. Such registry shall be retained for at least three years, and shall be available for inspection by the Town upon request.
- (16) Hotel Occupancy Tax. The owner shall be responsible for payment of the Hotel Occupancy Tax to Dutchess County either directly or through Airbnb or other similar websites if applicable, and for collecting and remitting all applicable occupancy and sales taxes required by state and/or County law. Failure to pay all required taxes shall be a violation of this chapter. The Town may transmit permit and registration information to Dutchess County for enforcement purposes.
- (17) Compliance with applicable laws. The owner shall comply with all applicable state, federal, and local laws.
- (18) Conditions and restrictions. It shall be unlawful for an owner to violate, fail, neglect or refuse to fully comply with any condition, restriction or requirement of the short-term rental permit.
- F. Notification Requirements. The Building Department shall provide a packet of information with each permit summarizing the restrictions, guidelines, and requirements applicable to the short-term rental use. The owner shall provide a copy of the information packet to the occupant(s) of the short-term rental.

**§ 126.1-8. Denial or revocation of application.**

- A. Basis for denial. Any application for a short-term rental permit, including the renewal of a permit, may be denied for the reasons set forth in § 126.1-10.
- B. Basis for revocation. Any permit for a short-term rental may be revoked or the reasons set forth in § 126.1-11.
- C. Form of denial or revocation. In the event an application is denied, revoked or suspended, notice of the same shall be given in writing by mail to the applicant at the address shown on the application. If the notice is returned by the Post Office as undeliverable for any reason, as long as it was properly addressed, service of the notice shall be presumed valid.
- D. Notice of denial, revocation or suspension. The notice of denial, revocation or suspension shall set forth the grounds therefor and contain a statement that the applicant may appeal such determination pursuant to § 126.1-12 herein. The notice shall also contain a statement that the

applicant may submit written objections, and any other information the applicant deems advisable or necessary.

**§ 126.1-9. Reapplication for a permit.**

Once an application has been denied or revoked, no reapplication for a permit or a renewal of the permit shall be accepted for filing until the applicant has remedied the condition(s) that formed the basis for denial or revocation to the satisfaction of the Building Inspector.

**§ 126.1-10. Basis for denial of a permit.**

An application for the issuance of a short-term rental permit, or renewal thereof, may be denied under the following circumstances:

- A. Failure of the owner or resident agent to file a full, true and complete application;
- B. Failure of the owner or resident agent to meet any of the requirements for obtaining a short-term rental permit;
- C. Occupancy of the property or the short-term rental area(s) creates a hazard, public nuisance, or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community as determined by the Building Inspector; or
- D. The owner had a previous short-term rental permit revoked by the Town.

**§ 126.1-11. Revocation of a permit.**

The grounds upon which a permit can be revoked shall include but shall not be limited to:

A. Permanent Revocation.

- (1) The permit was issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted as part of the application, including but not limited to the schematic or certification.
- (2) For hosted short-term rentals. The owner ceases to be an owner, or fails to continue to occupy the property as a primary residence, or fails to remain an occupant during the time of hosted rentals.
- (3) For unhosted short-term rentals. The owner ceases to be an owner or fails to designate a resident agent.
- (4) The Town either has suspended, or is in the process of suspending or revoking, the certificate of occupancy or letter in lieu thereof for the property;
- (5) The use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community, as determined by the Building Inspector;
- (6) The failure by the applicant to comply with, or violation of, the conditions and restrictions of the permit; or
- (7) The failure by the applicant to comply with, or violation of, any federal, state, or local law, regulation or rule.

**B. Temporary Revocation/Suspension.**

- (1) The receipt by the Town of three (3) or more complaints about the short-term rental use within a thirty-day period shall cause the permit to be revoked for a period of thirty days.
- (2) The receipt by the Town of more than six (6) complaints about the short-term rental use within a forty-five-day period shall cause the permit to be revoked for a period of time to be determined by the Building Inspector, such time to be determined based upon the type and nature of the complaint, the complainant, and the ability to remedy the complaint.

**§ 126.1-12. Appeals.**

- A. Upon the denial, suspension or revocation of a permit, the applicant may, within 20 business days from the date of the written notice, file a request for a hearing before the Town Board. Such request shall be filed with the Town Clerk. The Town Clerk shall promptly forward a copy of the appeal to the Town Attorney and the Building Inspector for further processing. Notice of the date, place and time of the hearing shall be given in writing by mail to the applicant at the address shown on the application. If the notice is returned by the Post Office as undeliverable for any reason, as long as it was properly addressed, service of the notice shall be presumed valid. The hearing shall be scheduled no later than 30 days after the date on which the request was filed.
- B. In the event that demand for a hearing is not made within the prescribed time or in the event that the applicant does not timely appear for the hearing, the Building Inspector's decision shall become final.
- C. The applicant shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the permit, should be modified or withdrawn. The Building Inspector or his or her designated agent may also give testimony or submit evidence in support of the proposal to deny or revoke the permit. All hearings shall be recorded and may be adjourned by the Town Board upon good cause shown. Upon consideration of the evidence presented, the Town Board shall within fifteen (15) days of the close of the hearing sustain, modify or reverse the decision of the Building Inspector, and the Town Board's decision shall be filed with the town Clerk,
- D. The applicant may file an Article 78 proceeding under the New York Civil Practice Law and Rules challenging the Town Board's decision. The Article 78 proceeding must be filed within 30 days of the filing of the Town Board's decision with the Town Clerk.

**§ 126.1-13. Effect of Revocation.**

- A. If a permit is revoked, the owner shall not be eligible to re-apply for a permit for a period of one (1) year from the date of the revocation. Following the one (1) year period, no application for a new permit will be accepted for filing until the applicant has remedied the conditions that formed the basis of the revocation to the satisfaction of the Building Inspector, if applicable. A prior revocation may be a factor in the determination as to whether a new permit will be issued. Once remedied, the applicant will have to apply for a new permit.
- B. Notwithstanding the foregoing paragraph and the provisions of § 126.1-11(B), if an owner moves to a new residence in the Town and provides timely notice to the Town of the same, the failure to continue to occupy the original residence shall not subject the owner to the one-year waiting period.

**§ 126.1-14. Violations and Enforcement.**

- A. It shall be the duty of the Building Inspector and his or her duly authorized representatives, to enforce the provisions of this Chapter.
- B. Appearance tickets. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, as well as orders to remedy and notices of violation, to enforce the provisions of this Chapter.
- C. A violation of any provision of this Chapter is an offense, punishable as provided for in § 126.1-15.

**§ 126.1-15. Penalties for offense(s).**

Every person violating any provision of this Chapter shall also be subject to a civil penalty as follows:

- A. For the first offense: a civil penalty in a minimum amount of \$350 and a maximum amount of \$500;
- B. For the second and subsequent offenses: a civil penalty in a minimum amount of \$500 and a maximum amount of \$5,000; and
- C. Each violation shall be deemed a separate violation.

**SECTION 4. AMENDMENTS TO ARTICLES V AND VIII OF CHAPTER 155 "ZONING"**

*Chapter 155-39.1 is hereby amended to read as follows:*

**§ 155-39.1. Short-term rentals.**

- A. Purpose. The purpose of this section, and of Chapter 126.1 of the Town Code, is to regulate short-term rentals within the Town of Beekman in a manner that protects the public health, safety, and welfare.
- B. Definitions. As used in this section, the following words shall have the meanings indicated:

**PRIMARY RESIDENCE**

The domicile and principal dwelling that a person inhabits and resides in for the majority of the year. If title to the property is not held in the name of a natural person, then the following shall apply: if the property is held in the name of a trust, the person that inhabits the residence must be a grantor or a beneficiary of the trust; if the property is held by an entity other than a

trust (corporation, limited liability company, partnership, etc.), the resident must be a majority owner of the entity.

#### **OWNER**

Any person having a fee interest in the real property to be used as a short-term rental. For purposes of a short-term rental, the definition of an owner includes members of the owner's immediate family.

#### **IMMEDIATE FAMILY**

The "immediate family" of an owner of a dwelling unit shall include the owner's spouse or domestic partner, adult children, parents, adult step-children, father-in-law and mother-in-law.

#### **PERSON**

A natural person, partnership, corporation, limited liability company, trust, governmental entity or other legal entity.

#### **SHORT-TERM RENTAL**

A dwelling made available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast establishments, or inns as regulated by the Town of Beekman Zoning Law, and does not include the use of any accessory structure(s) for dwelling purposes.

The following are types of short-term rentals:

- (1) Hosted short-term rental. A short-term rental where the owner is residing in the dwelling overnight with their guest(s). A hosted short-term rental shall not include an accessory structure.
- (2) Unhosted short-term rental. A short-term rental where the owner is not present in the dwelling overnight with their guest(s) but must designate a resident agent for the property. An unhosted short-term rental shall not include an accessory structure.

#### **RESIDENT AGENT**

A representative of an owner who resides within the designated boundaries within 20 miles of the short-term rental as defined at the time of periodic property registration. All resident agents must be natural persons, at least 21 years of age and shall not be corporations, limited liability companies or other similar entities.

C. Subject to the requirements set forth in this section, short-term rentals shall be permitted as follows:

- (1) A short-term rental shall only be permitted as an accessory use to a dwelling.
- (2) For hosted short-term rentals. The dwelling shall be the primary residence of the property owner.
- (3) For unhosted short-term rentals. The owner is limited to one permit per year and the owner must designate a resident agent for the property.

- (4) A property owner may only operate a short-term rental on one parcel in the Town.
- (5) A short-term rental shall only be permitted within a principal building, not an accessory building.
- (6) A short-term rental shall not be permitted on the same lot as an accessory dwelling unit or a home occupation.
- (7) Zoning districts. A hosted or unhosted short-term rental shall be a permitted use in any lawful dwelling.

#### **SECTION 5. RATIFICATION, READOPTION AND CONFIRMATION**

Except as specifically modified by the amendments contained herein, the Code of the Town of Beekman 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 6. NUMBERING FOR CODIFICATION**

*It is the intention of the Town of Beekman and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Beekman; 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 7. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

#### **SECTION 8. EFFECTIVE DATE**

This local law shall take effect immediately upon the filing in the office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law, or as soon as permissible thereafter.



RESOLUTION NO. 06:07:23 -2  
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN  
ADOPTING NEGATIVE DECLARATION FOR "LOCAL LAW NO. 4 OF THE YEAR 2023, AMENDING CHAPTER 126.1 'SHORT-TERM RENTALS' AND CHAPTER 155 'ZONING' OF THE CODE OF THE TOWN OF BEEKMAN"

WHEREAS, the Town of Beekman Town Board is considering the adoption of a Local Law entitled "Local Law No. 4 of the Year 2023, Amending Chapter 126.1 'Short-Term Rentals' and Chapter 155 'Zoning' of the Code of the Town of Beekman"; and

WHEREAS, the Town Board has determined that the Proposed Action is a Type I action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA"); and

WHEREAS, the Town Board has determined that the proposed Local Law 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, the Attorney to the Town has prepared a Full Environmental Assessment Form (FEAF) regarding the proposed Local Law, which FEAF analyzes the potential environmental impacts regarding said Local Law; and

WHEREAS, the Town Board has reviewed the Local Law and the Full Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Beekman hereby adopts the attached Negative Declaration, for the reasons stated therein, thereby finding that the proposed Local Law entitled "Local Law No. 4 of the Year 2023, Amending Chapter 126.1 'Short-Term Rentals' and Chapter 155 'Zoning' of the Code of the Town of Beekman" will have no significant adverse impact upon the environment, and thereby ending the SEQRA process with respect to said Local Law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause the Negative Declaration to be circulated to the involved agencies and to have it published in the Environmental Notice Bulletin as required by SEQRA regulations.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Stiegler	AYE
Councilman Battaglini	AYE
Councilman Lemak	AYE
Councilwoman Wohrman	AYE
Supervisor Covucci	AYE

Dated: June 7, 2023

BY ORDER OF THE TOWN BOARD  
LAUREEN ABBATANTUONO, TOWN CLERK

DATED: June 8, 2023  
BEEKMAN, NY

CERTIFICATION

I, LAUREEN ABBATANTUONO, the duly qualified and acting Clerk for the Town of Beekman Town Board, Dutchess County, State of New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of a regular/adjourned meeting of the Town Board of the Town of Beekman, held on the 7th day of June, 2023 and that the Resolution set forth herein is a true and correct copy of the of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, the 8th day of June, 2023.

  
LAUREEN ABBATANTUONO  
TOWN CLERK

