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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: A Local Law Amending and Strengthening Certain Enforcement Provisions of the Chapter
125 of the Town of Rhinebeck Town Code, the Town of Rhinebeck Zoning Law

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

County City Town Village
(Select one)

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

For Office Use Only

Department of State Local Law Index Number: 3 of the year 20 25

(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.)

**Town of Rhinebeck
Dutchess County, New York**

Local Law No. 3 of 2025

**A Local Law Amending and Strengthening Certain Enforcement Provisions of the
Chapter 125 of the Town of Rhinebeck Town Code, the Town of Rhinebeck Zoning Law.**

BE IT ENACTED by the Town Board of the Town of Rhinebeck, Dutchess County, New York,
as follows:

Section 1. Title of Local Law.

This Local Law shall be entitled "*A Local Law Amending and Strengthening Certain Enforcement Provisions of the Chapter 125 of the Town of Rhinebeck Town Code, the Town of Rhinebeck Zoning Law.*"

Section 2. Authorization.

This Local Law amending Town of Rhinebeck Town Code Chapter 125, the Town of Rhinebeck Zoning Law, is enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, by Article 2 of the New York State Statute of Local Governments, and by Article 16, Chapter 62, of the Consolidated Laws of the State of New York, also known as the New York State Town Law.

Section 3. Purpose, Background and Findings.

The Town of Rhinebeck Town Board maintains an ongoing awareness of the state of the Town of Rhinebeck Zoning Law with an eye toward implementing improvements to that Law as circumstances require.

In recent years, the Town of Rhinebeck has experienced a disturbing volume of instances of property owners performing work on their properties without having secured the necessary permits from the Town. This has resulted in the issuance of Notices of Violation [NOV] by the Zoning Enforcement Officer [ZEO] and has also caused the Planning Board and/or Zoning Board of Appeals [ZBA] to review and assess *ex post facto* applications for approvals where the work is already done. This sub-optimal in a variety of ways, but primarily because it limits the range of effective discretion of these boards that is normally fully available to them when applications seek approval without any work or physical changes to the land and/or property in place.

Additionally, there have also been instances where applications for building permits are being made based on plans which do not match the plans approved by the Planning Board or the ZBA.

These situations also strain the resources of the Planning Board, the Zoning Board of Appeals (ZBA), the ZEO, and the Building Department.

These circumstances are a serious matter. The Town's Zoning Law, which is the primary tool for implementing the Town's Comprehensive Plan, plays a critical role in ensuring that all of the time, attention and effort that Rhinebeck has devoted to land use planning comes to fruition.

In response to the increase in zoning violations, the Town Board desires to strengthen the enforcement provisions of the Zoning Law. This Local Law implements amendments to a variety of provisions of the Zoning Law that strengthen the Town's ability to enforce the Zoning Law. This Local Law also implements amendments to other provisions of the Zoning Law that will encourage applicants seeking land use permits and approvals from the Town and its various boards and officials to comply voluntarily with the Zoning Law and the procedures that have been established by the Town with regard to the processing of land use permits and approvals.

Section 4. Amendments (new language is underlined, and deleted language is crossed out)

4.1. Amendment of Town of Rhinebeck Zoning Law §125-106 (L) ["Building Permits."]

Town of Rhinebeck Zoning Law § 125-106 (L) shall be amended as follows:

L. Relationship with other Town approvals.

(1) Prior to the issuance of a building permit for any work subject to site plan approval, special use permit approval and/or subdivision plat approval by the Planning Board, the Code Enforcement Officer must first receive from the Planning Board a copy of the resolution of approval and a copy of the approved site plan or subdivision plat stamped and signed by the Planning Board Chair.

(2) In all instances where the project was reviewed and approved by the Town of Rhinebeck Planning Board, the Applicant and any professionals (e.g., architect, engineer, surveyor, planner, etc.) who participated in the drafting of the approved plans, shall each submit to the Town as part of the Building Permit application, a Certification as follows:

Certification: By my signature hereon, I hereby certify to the Town of Rhinebeck that these plans submitted in support of the application for a building permit by [name] for [identify project] located at [address], Tax Map Parcel No. _____, match the plans approved by the Town of Rhinebeck Planning Board by resolution dated [date], and these plans contain no deviations from those approved plans.

Such Certification shall be personally separately signed by the landowner and all professionals who participated in creation of the subject plan.

Such Certification may appear in a Certification Block on the plans, so long as the applicable corresponding signature is original, or the Certification may be submitted as separate document(s) included in the building permit application package.

- (3) In all instances where area variances for the project were granted by the Town of Rhinebeck Zoning Board of Appeals [ZBA], the Applicant and any professionals (e.g., architect, engineer, surveyor, planner, etc.) who participated in the drafting of the approved plans, shall each submit to the Town as part of the Building Permit application, a Certification as follows:

Certification: By my signature hereon, I hereby certify to the Town of Rhinebeck that these plans submitted in support of the application for a building permit by [name] for [identify project] located at [address], Tax Map Parcel No. _____, exactly incorporate the area variances approved and granted for this project by the Town of Rhinebeck Zoning Board of Appeals by resolution dated [date], and these plans contain no deviations from those approved area variances.

Such Certification shall be personally separately signed by the landowner and all professionals who participated in creation of the subject plan.

Such Certification may appear in a Certification Block on the plans, so long as the applicable corresponding signature is original, or the Certification may be submitted as separate document(s) included in the building permit application package.

- (4) Prior to the issuance of any Certificate of Occupancy and/or Certificate of Use, the Applicant and any professionals (e.g., architect, engineer, surveyor, planner, etc.) who participated in the work conducted shall each submit to the Town, a Certification as follows:

Certification: By my signature hereon, I hereby certify to the Town of Rhinebeck that such work and structure(s) have been constructed in conformity with the application and plans submitted in support of Building Permit Number [Building Permit Number] and that such plans and construction match the plans approved by the Town of Rhinebeck Planning Board and/or Town of Rhinebeck Zoning Board of Appeals, these plans contain no deviations from those approved plans.

Such Certification shall be personally separately signed by the landowner and all professionals who participated in creation of the subject plan.

Such Certification may appear in a Certification Block on the plans, so long as the applicable corresponding signature is original, or the

Certification may be submitted as separate document(s) included in the building permit application package.

Section 4.2. Amendment of Zoning Law §125-106 (D), ["Building Permits."]

Town of Rhinebeck Zoning Law § 125-106 (D) shall be amended as follows:

- D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the proposed work;
 - (2) The Tax Map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) At least two sets of construction documents (drawings and/or specifications) which:
 - (a) Define the scope of the proposed work;
 - (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended

work, and the distances between the buildings and structures and the lot lines.

- (6) An application for a Building Permit must include a list identifying any contractor, subcontractor, engineer, architect, surveyor, or other professional working on the project which is the subject of the Building Permit application along with their mailing address, phone number, and email address. Such list shall be kept up-to-date, and any new professional working on the project must be identified to the Building Department during the course of work. This information is necessary to facilitate service of stop work orders as per Zoning Law § 125-108(C).

Section 4.3. Amendment of Town of Rhinebeck Zoning Law § 125-119 ["Enforcement; penalties for offenses."]

Town of Rhinebeck Zoning Law § 125-119 shall be amended as follows:

- A. Compliance orders. The Code Enforcement Officer and ZEO are authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the officer shall issue a compliance order.
- (1) The compliance order shall:
- (a) Be in writing;
 - (b) Be dated and signed by the officer;
 - (c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;
 - (d) Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;
 - (e) Specify the period of time which the officer deems to be reasonably necessary for achieving compliance;
 - (f) Direct that compliance be achieved within the specified period of time; and
 - (g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
- (2) The officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property

personally or by registered or certified mail. The officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

- B. Appearance tickets. The Code Enforcement Officer and each inspector and the ZEO are authorized to issue appearance tickets for any violation of the Uniform Code or Zoning Law.
- C. Violation of approval or conditions. Any violation of the approval or conditions, including specific covenants or easements, established by the Planning Board with respect to a specific site plan application shall be deemed a violation of this chapter and punishable in accordance herewith.
- D. Violations. Where a violation of this chapter has been committed or shall exist, the owner and the agent or contractor of the building, structure or lot where such violation has been committed or shall exist, the lessee or tenant of the part of or of the entire building, structure or lot where such violation has been committed or shall exist, and the agent, architect, engineer, contractor or any other person who takes part or assists in such violation or who maintains any building, structure or lot in which any such violation shall exist shall be guilty of a violation of this chapter.
- G.E. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of use, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.
- D.F. Criminal penalties and enforcement. Any violation of the Uniform Code, Energy Code or Zoning Law is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; upon conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700, or imprisonment for a period not to exceed six months, or both; and upon conviction of a

third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000, or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon the courts and judicial officers generally, violations of the Uniform Code, Energy Code or Zoning Law shall be deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E.G. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, the Zoning Law, or any term or condition of any building permit, certificate of occupancy, certificate of use, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer or ZEO pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of this Town.

F.H. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Article X, § 125-108, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 125-108, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 381 of the Executive Law.

Section 4.4. Amendment of Town of Rhinebeck Zoning Law §125-11. ["Effect of existing violations."]

Town of Rhinebeck Zoning Law § 125-11 shall be amended as follows:

~~A. No application for subdivision plat approval, site plan approval, special use permit, certificate of demolition or removal, change of nonconforming use, or variance pursuant to this Zoning Law shall be deemed complete for purposes of commencing review of the same by either the Planning Board or the Zoning Board of Appeals, as applicable, for any premises or property on which there is an existing violation of this Zoning Law or of any Town, county or state law or regulation governing building construction and/or the development and use of land, buildings and structures within the Town of Rhinebeck. This provision shall not be interpreted to prohibit the issuance of a certificate of demolition or removal if demolition or removal is deemed by the Code Enforcement Officer to be the reasonable means to remedy a condition determined by the Code Enforcement Officer to be an imminent threat to public health and safety.~~

A (1) No local board or agency of the Town of Rhinebeck shall accept, determine to be complete, or otherwise process or review a new application, or process, review or approve a pending application for any premises or property on which there is an existing violation of this Zoning Law, or of any Town, County, or State law or regulation governing building construction and/or the development and use of land, buildings and structures within the Town of Rhinebeck. The application of this provision shall include, but not be limited to, applications to the Town of Rhinebeck Planning Board or Zoning Board of Appeals for subdivision plat approval, site plan approval, special use permit, certificate of demolition or removal, change of nonconforming use, or area or use variance.

(2) This provision shall not be interpreted to prohibit the issuance of a certificate of demolition or removal if demolition or removal is deemed by the Code Enforcement Officer to be the reasonable means to remedy a condition determined by the Code Enforcement Officer to be an imminent threat to public health and safety.

(3) This subsection shall not apply to an application brought to the appropriate local agency for the necessary approvals to remedy the violation, nor for an interpretation, variance or change of zone to permit the structure or use which is the subject of the violation.

B. No building permit, sign permit, certificate of occupancy or

certificate of compliance shall be issued by the Zoning Enforcement Officer or Code Enforcement Officer for any premises or property on which there is an existing violation of this Zoning Law or of any Town, county or state law or regulation governing building construction, and/or the development and use of land, buildings and structures within the Town of Rhinebeck.

- C. For purposes of this section, a premises or property shall be deemed to be in violation of this Zoning Law where a stop-work order, notice of violation, order to remedy violation or similar notice or order has been issued by the Town's Code Enforcement Officer and/or Zoning Enforcement Officer in accordance with the provisions of the Code of the Town of Rhinebeck or the Town of Rhinebeck has filed a criminal or civil action in a court of competent jurisdiction and the violation which is the subject of the order, notice or legal action has not been remedied by the property owner. In the event the automatic stay provisions of § 125-111 of the Code of the Town of Rhinebeck, or § 267-a, Subdivision 6, of the Town Law, are invoked by timely appeal of any such order or notice to the Zoning Board of Appeals, the applicable Board or the Zoning Enforcement Officer can deem the application complete for purposes of commencing review but no final approval shall be granted by the Board until such time as the Zoning Board of Appeals has reversed the determination of the officer or the violation has been remedied. For purposes of this provision, remedy of a violation shall be deemed to have occurred when the officer who issued the order or notice has inspected the property and has notified the property owner in writing that the violation has been satisfactorily remedied.

Section 5. Severability.

If any article, subsection, paragraph, clause, or other provision of this Local Law shall be held to be invalid, the invalidity of such section, subsection, paragraph, clause, or other provision or language shall not affect any other provisions of this Law.

Section 6. Supersession.

This Local Law is intended to supersede any provisions of the New York State Town Law, the laws of the Town of Rhinebeck, and the New York State General Municipal Law which are inconsistent with the provisions of this Local Law.

Section 7. Effective Date.

This Local Law shall become effective upon filing with the New York State Department of State.

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 Rhinebeck was duly passed by the Town Board on October 27 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 _____ 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, 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 _____ 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, 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 _____ 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.

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.

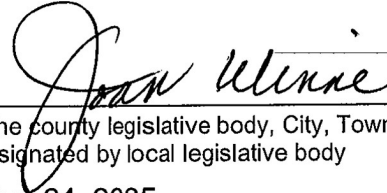
6. (County local law concerning adoption of Charter.)

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 _____ above.

(Seal)



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

November 24, 2025

(Date)