

TOWN OF WAPPINGER BUILDING DEPARTMENT

20 Middlebush Road, Wappingers Falls, N.Y. 12590

telephone: 845-297-6256 fax: 845-297-0579

INSTRUCTIONS FOR SHORT TERM RENTALS

1. Completed application, signed with non-returnable application fee.
2. Copies of the following:
 - a. Utility bill in owner's name.
 - b. Dutchess County registration for hotel occupancy tax.
 - c. Proof of health department approval. (If on septic)
 - d. Survey of parcel.
 - e. Parking layout for guests.
 - f. Square footage layout of entire house, including area to be used for STR.
 - g. Building permit for renovations to house if applicable.
 - h. Sign to be posted for guests, which includes:
 1. Safety/egress plan.
 2. Waste removal plan.
 3. Statement that littering is illegal.
 4. Noise code for quiet time.
 5. Statement that all outdoor fires must be attended at all times and only seasoned wood to be used.
3. Dutchess County registration must accompany the application.
4. Insurance Certificate showing rental property is insured.
5. Owner's consent will allow the building inspector and fire inspector to inspect the premises prior to issue the STR permit.
6. Please read the attached Town of Wappinger STR Code: Chapter 240-69.1
7. All paperwork **MUST** be brought in all at one time.
8. Fee: \$250.00 (Fees are non-refundable).

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APPLICATION FOR SHORT TERM RENTAL

APPLICATION TYPE:

☐ NEW STR ☐ RENEWAL - STR

ZONE: _____ **DATE:** _____

APPL #: _____ **PERMIT #** _____

GRID: _____

OWNER'S NAME: _____

ADDRESS: _____

TEL #: _____ **CELL:** _____ **E-MAIL:** _____

AGENT: (IF DIFFERENT FROM OWNER) _____

MAILING ADDRESS: _____

TEL #: _____ **CELL:** _____ **E-MAIL:** _____

SUBMIT COPIES OF THE FOLLOWING:

OWNER'S UTILITY BILL: _____

DUTCHESS COUNTY REGISTRATION: (Register at DC Finance Department) _____

DUTCHESS COUNTY: Hotel Tax proof for renewals: _____

PROOF: Health Dept approval: (If house is on septic) _____

PROPERTY MAP: that clearly depicts parcel boundaries: _____

FLOOR PLAN: (see requirements in code) _____

PARKING LAYOUT PLAN: _____

Insurance Certificate: showing house is insured for rentals. _____

Explain what part of the house will be used for STR: _____

What renovations will be / have been made: _____

GROSS SIZE OF STRUCTURE: (SF) _____ **STR SF:** _____

NON-REFUNDABLE APPL. FEE: _____ **PAID ON:** _____ **CHECK #** _____ **RECEIPT #:** _____

APPROVALS:

ZONING ADMINISTRATOR:

☐ Approved ☐ Denied **Date:** _____

FIRE INSPECTOR: INSPECTION DATE: _____

☐ Approved ☐ Denied **Date:** _____

Signature of Applicant

Signature of Building Inspector

TOWN OF WAPPINGER



BUILDING DEPARTMENT
20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590-0324
(845) 297-6256
FAX: (845) 297-0579

OWNER CONSENT FORM - STR REGISTRATION

BUILDING PERMIT # _____ APPLICATION # _____

SITE LOCATION: _____

GRID: # _____

Name of APPLICANT: _____
(Person PHYSICALLY coming in to apply) (IF other than the Owner)

THIS CONSENT ALSO COVERS THE FIRE INSPECTOR & BUILDING INSPECTOR TO INSPECT THE ABOVE PREMISES FOR COMPLAINEE WITH THE NYS RESIDENTIAL BUILDING CODE.

~ CERTIFICATION ~

NOTICE TO APPLICANTS: 240-109 Certificate of Occupancy

It shall be unlawful for a building owner to use or permit the use of any building or premises, or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure until a Certificate of Occupancy shall have been issued by the Building Inspector and the Zoning Administrator.

FAILURE TO COMPLY MAY RESULT IN COURT PROCEEDINGS.

I, _____, owner of the land/site/building hereby give my permission for the Town of Wappinger to approve or deny the above application in accordance with local and state codes and ordinances. I understand that this permit will not be closed out unless all proper inspections are completed which can include the building inspector having access to the interior of my residence. If this permit is not renewed before the expiration date it will remain as a violation on my property until it is renewed. After the expiration date the permit fee and application will have to be re-submitted in order to complete the renewal for another calendar year. I understand that I am ultimately responsible for the renewal of this permit.

Date

Owner's Signature

Owner's Telephone Number

Print Name

Print Owner's Address

FOR OFFICE USE ONLY

Code Enforcement Official:

(<https://www.dutchessny.gov/Index.htm>)

Menu

Home (<https://www.dutchessny.gov/Index.htm>) Departments (<https://www.dutchessny.gov/county-departments.htm>) Finance (<https://www.dutchessny.gov/Departments/Finance/Finance.htm>) Hotel Occupancy Tax

Hotel Occupancy Tax

The Commissioner of Finance is responsible for the collection of hotel occupancy taxes imposed on the occupancy of hotel rooms, as authorized by Charter 208 of the Laws of 1983

Chapter 264, Article III, Sections 7-31 of the Dutchess County's Charter, Code and Ethics (<https://ecode360.com/31906905>)

Each hotel, motel, bed & breakfast, boarding house, conference center, short term rentals and tourist home, which is used for the lodging of guests must be registered with the Commissioner of Finance. The County has created a secure website to guide you through the online process. Register and pay quarterly Hotel Tax (<https://secure.hostcompliance.com/dutchess-county-ny/permit-registration>)

Notice: Dutchess County Local Law No. 1 of 2025 enacted an increase in Dutchess County's Occupancy Tax from 4% to 5% effective January 14, 2025. Please implement the change effective March 1, 2025

Contact

AccountingFinance@DutchessNY.gov

(mailto:AccountingFinance@DutchessNY.gov)

845-486-2025 (tel:8454862025)

845-486-2198

Contact Us Form

(<https://www.dutchessny.gov/Finance-Contact-Form/Contact-Finance.aspx>)

Dutchess County Office Building

Finance Department

22 Market St., 4th Fl.

Poughkeepsie NY 12601

(https://www.google.com/maps/dir//22+Market+St,+Poughkeepsie,+NY+12601/data=!4m5!4m4!1m0!1m2!1m1!1s0x89dd3e73f186c1ef:0x3a3428fc13e0e78f?sa=X&ved=0ahUKEwja4M3ckp_bAhVG34MKHYrDrsQwwUIKTAA)

Monday - Friday, 9:00am - 4:00pm

Effective March 1, 2017, Airbnb will begin collecting and remitting Occupancy taxes on behalf of all hosts for all bookings on the Airbnb platform. Please see the attached Frequently Asked Questions (.pdf) (<https://www.dutchessny.gov/Departments/Finance/Docs/Frequently-Asked-Questions-Airbnb.pdf>) for more information regarding hosts responsibilities.

You are obligated to charge, collect, and remit 5% Hotel Occupancy Taxes for all short-term rentals other than Airbnb.

If you rent using Airbnb, then the 5% tax is already being collected for you. Hotel Occupancy taxes are due on the 20th day after the end of each quarter.

The quarters are as follows:

Jan 1 – Mar 31	1st Quarter tax due April 20th
Apr 1 – Jun 30	2nd quarter tax due July 20th
Jul 1 – Sep 30	3rd quarter tax due October 20th
Oct 1 – Dec 31	4th quarter tax due January 20th.

HELPFUL LINKS

- Home (<https://www.dutchessny.gov/>)
- Site Map (<https://www.dutchessny.gov/Site-Map.htm>)
- Legal Statements (<https://www.dutchessny.gov/terms-and-conditions.htm>)
- Report a Website Accessibility Issue (<https://www.dutchessny.gov/website-accessibility/website-access-form.aspx>)
- Contact Us (<https://www.dutchessny.gov/Contact-Us-Form/Comments.aspx>)

AWARDS

§ 240-69.1. Short-term rentals. [Added 4-28-2025 by L.L. No. 3-2025]

A. Legislative intent. This section 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 section 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 section 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.

B. 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.

C. 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, RVs and mobile homes.

(2) Short-term rental properties are permitted in the following Zoning Districts: R-40, R-40/

80, R-80, R-3A and 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 400 feet of any lot on which there is located a school or day-care center.

D. Annual operating permit; application.

(1) Application process

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Copy of utility bill in the applicant's name.

- (e) Application fee: \$250.
- (f) Yearly renewal: \$250 (to include evidence of payment of the hotel occupancy tax required by Dutchess County for the prior fiscal year).
- (2) Required submittals. The following shall be provided:
 - (a) A completed annual permit application and fee as designated by the Town Board by resolution.
 - (b) 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.
 - (c) A property map that clearly depicts the property boundaries.
 - (d) 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.
 - (e) A safety/egress plan, to be posted in the rental unit in a visible location and on the back of each bedroom door.
 - (f) 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 parking space per bedroom plus, one additional space. Parking design and placement shall be accommodated off-street and shall not restrict access for fire and safety vehicles.
 - (g) 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.
 - (h) A statement that littering is illegal.
 - (i) A statement that all outdoor fires must be always attended. Only seasoned wood may be used for the fire.

E. Operational requirements.

- (1) STRs must register with Dutchess County and a copy of said registration is to accompany STR applications to the Town of Wappinger Building Department.
- (2) STRs 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 12 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 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 STRs 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.

F. Violations.

- (1) Any of the following shall constitute a violation of this chapter:

- (a) 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.
 - (b) 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.
 - [1] 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 30 consecutive days.
 - (c) Operation of an STR without a valid permit or registration or for a greater occupancy than permitted.
 - (d) 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).
 - (e) Fraud or misrepresentation with respect to any information provided to the Town in connection with the STR application or its operation
 - (f) Violation of Chapter 166, Noise.
 - (g) Activity at the property that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare, or morals.
 - (h) Failure to have on operating smoke detector or carbon monoxide detector or having an expired fire extinguisher.
- (2) Suspension or revocation of a permit or registration.
- (a) A notice of violation may be issued by the Zoning Enforcement Officer or Building Inspector for any violation of this section. 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.
 - (b) 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.
 - (c) 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.
- (3) Enforcement.
- (a) The requirements established by this section 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.

- (b) 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, this § 240-69.1 of the Code of the Town of Wappinger, entitled "Short-term rentals," and to prosecute the violation in Town Court.
- (4) Penalties for offenses.
- (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.