

Town of Rhinebeck Historic Buildings Protection Law

Local Law Filing

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STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
FEB 22 2005

County  
City of Rhinebeck  
Town  
Village

MISCELLANEOUS  
& STATE RECORDS

Local Law No. 1 of the year 2005

A local law Historic Buildings Protection Law  
(Insert Title)

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

County  
City of Rhinebeck  
Town  
Village as follows:

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

**Town of Rhinebeck  
Local Law No. 1, 2005  
Enactment of Historic Buildings Protection Law**

Be it enacted by the Town Board of the Town of Rhinebeck as follows:

Section 1.

The Town Board of the Town of Rhinebeck hereby amends the Town Code through the addition of the annexed Historic Buildings Protection Law as Town Code Chapter 78.

Section 2.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**TOWN OF RHINEBECK  
TOWN CODE CHAPTER 78  
HISTORIC BUILDINGS PROTECTION LAW**

LOCAL LAW 1 OF 2005

**SECTION 1. PURPOSE AND INTENT**

Within the Town of Rhinebeck, there exist a significant number of buildings of historic importance. The Town of Rhinebeck believes it important that these historic buildings be both afforded proper recognition by Town residents and protected for the continuing use and enjoyment of future residents within this community.

The Town of Rhinebeck specifically finds that many of these vital and irreplaceable historic buildings have heretofore been afforded recognition, though not protection, through their inclusion on the National Register of Historic Places.

Listed buildings within the Town-outside-Village area of Rhinebeck include those identified as "contributing buildings" within the National Register Hudson River National Historic Landmark District (1990) and its predecessor Sixteen Mile District (1979), those buildings within the Evangelical Lutheran Church of St. Peter (1975), Grasmere (1987) and Rock Ledge (1989) National Register Historic Districts, and those individual buildings included on the National Register of Historic Places, including first the Robert Sands Estate (1975), then more than thirty (30) individual buildings, or complexes of buildings, concomitantly nominated as part of the Town of Rhinebeck Multi-Resource Area (1987) and recently the Neher-Elseffer House (2003).

The Town of Rhinebeck has also designated four buildings, Wilderstein, the Neher-Elseffer House, the Old Stone Church and Quitman House, as Local Landmarks.

This Local Law is designed to provide for the protection of those historic buildings situated within the Town-outside-Village area which, by reason of their antiquity, uniqueness, setting or architectural construction, have been recognized, or may so be similarly recognized in the future, for both their contribution to a strong sense of identity within the community and for the tangible linkages the buildings provide to the Town's historic, architectural and cultural heritage.

This Local Law does not regulate appurtenances to historic buildings, i.e. stone walls, gates, fences, gazebos, gardens, landscapes or "non-contributing structures" listed within the documentation supporting the historic designations noted above. However, the Town of Rhinebeck recognizes these appurtenances as important features integral to historic properties and because of their community value encourages voluntary protection and conservation measures be considered by property owners.

Similarly, while this Local Law does not regulate exterior architectural features, including building elements such as windows and doors and cornices and materials such as roofing and siding, the Town of Rhinebeck recognizes these features as important to the

integrity of historic buildings and encourages voluntary efforts to preserve these features and where replacement may be necessary employ either in-kind architectural elements and building materials or those exhibiting similar historical style.

The purpose of this Local Law is to reinforce the importance of the historic buildings of the Town of Rhinebeck and support the objectives of the aforementioned special historic designations, the Town's Comprehensive Plan and the Local Waterfront Revitalization Program, by:

- A. Providing for the careful, thoughtful evaluation of any proposed action that would cause the removal or demolition of any such recognized historic building;
- B. Emphasizing as a statement of local policy that the conservation, protection, enhancement and preservation of such historic buildings is necessary to promote the economic, cultural, educational, and general welfare of the Town's residents; and
- C. Allowing the continuing identification and recognition of historic buildings that represent distinctive elements of historic, architectural and cultural heritage.

## **SECTION 2. DEFINITIONS**

Unless specifically defined below, words or phrases in this Local Law shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Local Law its most reasonable application.

- A. Appurtenances -- Any structures and/or features, such as entrance gates, fences, gazebos, gardens, landscapes, stone walls, hitching posts and signs, which are accessory to the historic building, or the historic buildings, on the property.
- B. Certificate of Economic Hardship-- A certificate issued by the Planning Board authorizing removal or demolition of an historic building, or portion thereof, even though a Certificate of Removal or Demolition has previously been denied.
- C. Certificate of Removal or Demolition -- A certificate issued by the Planning Board indicating its approval of plans for removal or demolition of an historic building, or portion thereof.
- D. Contributing Building -- Any building, including residential, commercial, public, institutional and agricultural structures, having one or more of the following characteristics:
  - 1. Designated as a "contributing building" within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District.
  - 2. Included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Register Historic Districts.
  - 3. Listed as individual buildings, or building complexes, on the National Register of Historic Places.

4. Designated as a "local landmark" by the Town of Rhinebeck.

All of which are referred to in this Local Law as "an historic building" or "historic buildings".

The term "contributing building" shall also apply to any building, or any other structure, that in the future is designated and included as an individual building, or building complex, or a contributing building within a district on the National and/or State Register of Historic Places and/or designated as a local landmark by the Town of Rhinebeck.

E. Demolition -- Any act or process that destroys an historic building or portion thereof.

F. Demolition Permit -- A type of "building permit" issued by the Town Zoning Enforcement Officer pursuant to Section X (B) of the Town of Rhinebeck Zoning Law, Town Code Chapter A136, which is required before an historic building is removed or demolished.

G. Historic Building -- Any building having one or more of the following characteristics:

1. Designated as a "contributing building" within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District.
2. Included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Register Historic Districts.
3. Listed as individual buildings, or building complexes, on the National Register of Historic Places.
4. Designated as a "local landmark" by the Town of Rhinebeck.

The term "historic building" shall also apply to any building that in the future may be included on the National and/or State Register of Historic Places and/or designated as a local landmark by the Town of Rhinebeck.

H. Local Landmark -- Any building designated as a "local landmark" by the Town Board and referred to in this law as an historic building.

I. Non-Contributing Building -- Any building neither identified as a "contributing building" within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District, included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Historic Districts, nor either listed as an individual building, or part of a building complex, on the National Register of Historic Places, and/or designated as a local landmark by the Town of Rhinebeck.

J. Partial or Portion Thereof -- As applied to either of the terms "Demolition" or "Removal", a change in exterior building mass involving any modification in either roofline or any reduction in building footprint.

K. Planning Board -- The Planning Board of the Town of Rhinebeck.

- L. Removal – Any relocation of an historic building or portion thereof within its site or to another site.
- M. Town-outside-Village area – All area within the Town of Rhinebeck outside the Incorporated Village of Rhinebeck.
- N. Town of Rhinebeck – The Town Board of the Town of Rhinebeck.
- O. Zoning Enforcement Officer – The Zoning Enforcement Officer of the Town of Rhinebeck.

**SECTION 3. CERTIFICATE OF REMOVAL OR DEMOLITION OR CERTIFICATE OF ECONOMIC HARDSHIP REQUIRED PRIOR TO ISSUANCE OF DEMOLITION PERMIT FOR HISTORIC BUILDING**

- A. No person shall carry out any removal or demolition of an historic building as defined in above Section 2 of this Local Law, for which a demolition permit is required, without obtaining both a Certificate of Removal or a Demolition or Certificate of Economic Hardship from the Planning Board and a Demolition Permit from the Zoning Enforcement Officer.
- B. Where the Certificate of Removal or Demolition is required, every application for a demolition permit, including the accompanying plans and specifications, and the name, address and telephone number of the individual, contractor, or corporation, responsible for undertaking the proposed removal or demolition, shall be forwarded by the Zoning Enforcement Officer to the Planning Board within seven (7) calendar days of receipt of the application by the Zoning Enforcement Officer.
- C. The Zoning Enforcement Officer shall issue no permit for any activity regulated by this Local Law until the Planning Board has issued in the first instance a Certificate of Removal or Demolition or subsequently, upon request for review of the disapproval of such Certificate of Removal or Demolition, a Certificate of Economic Hardship.

**SECTION 4. APPLICATION REQUIREMENTS FOR CERTIFICATE OF REMOVAL OR DEMOLITION AND PLANNING BOARD REVIEW PROCEDURE**

- A. In all cases where a Certificate of Removal or Demolition is required, the applicant shall provide the Planning Board with the following information on the form prescribed by the Planning Board:
  - 1. Name, address and telephone number of both the applicant and owner of record if not the applicant;
  - 2. Location, tax map number, and photographs of each side of the building; and a brief description of the structure indicating approximate date of construction, name of architect if known, historic and/or architectural and archaeological

significance and a description of its setting, including related grounds, accessory buildings and structures and property boundaries;

3. Past 10 years' chronology of the use, occupancy and ownership of the property;
  4. Receipt for application fee, if any, as may be set forth on the Town's Fee Schedule as annually reviewed and established by the Town Board; and
  5. Any other information specific to the removal or demolition required by the Planning Board to make a determination on an application for a Certificate of Removal or Demolition, including data to demonstrate compliance with the "criteria for approval of a Certificate of Removal or Demolition" as set forth in below Section 5 of this Local Law.
- B. The Planning Board shall hold a public hearing within sixty-two (62) calendar days after receipt of an application completed in accordance with this Section. At the hearing, all interested persons shall be provided the opportunity to present their views. Notice of the public hearing shall both be sent by certified mail to adjacent property owners and all other property owners within two hundred (200) feet of the parcel for which the Certificate of Removal or Demolition is requested and published at least once in a newspaper of general circulation in the Town, i.e., the Town's official newspaper, at least ten (10) calendar days prior to the date of the public hearing.
- C. At the public hearing, the Planning Board may request and take testimony and entertain the submission of written evidence from any person including, but not limited to the following:
1. History of the environmental setting, use, occupancy and ownership of the property;
  2. Engineering evaluation of the physical condition of the property;
  3. The economic feasibility of rehabilitation or reuse of the historic building on the property, including consideration of both uses permitted by right and those uses permitted upon issuance of a special use permit by the Planning Board;
  4. The cost of the proposed removal or demolition;
  5. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  6. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
  7. Assessed value of the property according to the two most recent assessments;
  8. Real estate taxes for the previous two years;
  9. For income-producing property, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the

previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

10. The importance of the structure and the related property to the community's heritage; and

11. Any other information considered necessary by the Planning Board to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

D. Using the criteria set forth in below Section 5 of this Local Law, the Planning Board shall act to approve, deny or approve with conditions the application for a Certificate of Removal or Demolition within sixty-two (62) calendar days after the conclusion of the public hearing except where such time shall be extended by mutual agreement of the Planning Board and the applicant. Such determination shall be in writing and accompanied by findings. Such findings shall seek to balance, to the extent practicable, the objectives of the applicant with broader issues that may be associated with the value of the historic building to the community's heritage. Within seven (7) calendar days following the determination, the applicant shall be sent, by registered mail, either a Certificate of Removal or Demolition in the case of an approval, or a written notice of denial in the case of disapproval. A copy thereof shall be provided to both the Town Clerk's Office and the Zoning Enforcement Officer.

In the case of an approval of the application for a Certificate of Removal or Demolition, the Planning Board shall be empowered to impose reasonable conditions upon the applicant to ensure that the activity is conducted in a manner consistent with the spirit and intent of this Local Law and to cause a dialogue with the applicant to ensure to the extent practicable opportunity is made available for the historic building to be recorded and, in the case of demolition, salvageable architectural elements are removed prior to the demolition for use in the rehabilitation of other historic buildings.

A written statement of the reasons for the denial of the Certificate of Removal or Demolition shall accompany any such denial. In the case of denial, the Planning Board shall be required to make non-binding recommendations to the applicant concerning reuse or restoration of the building. The Planning Board may also notify a governmental agency with the authority to acquire the property and prevent its demolition through exercise of its power of eminent domain.

#### **SECTION 5. CRITERIA FOR REVIEW OF APPLICATION FOR CERTIFICATE OF REMOVAL OR DEMOLITION FOR AN HISTORIC BUILDING**

A. In reviewing an application for a Certificate of Removal or Demolition for an historic building, the Planning Board decision shall consider whether:

1. The building is of such architectural or historic significance that its removal or demolition would be to the detriment of the public interest;



2. Retention of the building in its current form and/or at its present location is important to the Town's history or character;
  3. The building is of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty;
  4. Retention of the building would help preserve and protect a historic place or area of historic interest in the Town;
  5. Retention will promote the general welfare by maintaining real estate values and encouraging interest in American history and architecture; and
  6. Whether throughout the review process the applicant has consulted cooperatively with the Planning Board, local preservation groups and other identified interested parties in a diligent effort to seek an alternative that will result in preservation of the historic building.
- B. In order to approve an application for a Certificate of Removal or Demolition for an historic building, the Planning Board shall find that one or more of the following criteria have been met:
1. The building or portion of the building is in such condition that it is not feasible to preserve or restore.
  2. In the case of the removal or demolition of a portion of the building, the historic characteristics of the remaining portion of the building will remain intact.
  3. After considering the interests of the public and the owner, the benefits of demolition of the building outweigh any reasonable interest in preserving the building.

The Planning Board shall further determine that the removal or demolition will not result in a significant avoidable diminution of the historic character of the community.

- C. If the Planning Board denies approval of the application for a Certificate of Removal or Demolition, the applicant may apply for relief, in accordance with the procedures set forth in Section 6 of this Local Law, on the grounds that the determination results in an economic hardship.

#### **SECTION 6. APPLICATION REQUIREMENTS AND REVIEW PROCEDURE AND CRITERIA FOR APPROVAL OF A CERTIFICATE OF ECONOMIC HARDSHIP**

- A. An applicant whose Certificate of Removal or Demolition has been denied may apply for a Certificate of Economic Hardship to obtain relief on the grounds set forth in this Section. Upon receipt of an application for relief in such form as the Planning Board may prescribe, the Planning Board shall, within thirty (30) calendar days thereafter, hold a public hearing and give notice in the same manner as required in above

Section 4 (B). At the public hearing, all interested persons shall be afforded the opportunity to present their views.

- B. At the public hearing, the Planning Board may take testimony and entertain the submission of written evidence from the applicant and/or the public, including, but not limited to the following:
1. The cost of the proposed removal or demolition and an estimate of any other cost that would be incurred relating to compliance with a Certificate of Removal or Demolition;
  2. The economic feasibility of rehabilitation or reuse of the existing building on the property;
  3. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  4. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
  5. Assessed value of the property according to the two most recent assessments;
  6. Real property taxes for the previous two years;
  7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
  8. For income-producing property, the previous two years' annual gross income, itemized operating and maintenance expenses, depreciation deduction, and annual cash flow before and after debt service, if any; and
  9. Any other reasonable information considered necessary by the Planning Board in order to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- C. To obtain a Certificate of Economic Hardship, the applicant must prove the existence of economic hardship by establishing that:
1. The building in its current state is incapable of earning a reasonable return; and/or is causing an unreasonable financial burden;
  2. The building cannot be adapted for any other use permissible under the Town's Zoning Law, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  3. Reasonable efforts to find a purchaser interested in acquiring the property at fair market value for rehabilitation and preservation have been made and have failed.
- D. The Planning Board shall take into consideration the economic feasibility of alternatives to removal or demolition, and balance the interest of the public in

preserving the historic building or portion thereof and the interest of the owner in removing or demolishing it.

- E. The Planning Board shall render its written decision and findings within thirty (30) calendar days of the conclusion of the public hearing. In the case of an approval of the application for a Certificate of Economic Hardship, the Planning Board shall be empowered to impose reasonable conditions upon the applicant to insure that the activity is conducted consistent with the spirit and intent of this Local Law, including causing a dialogue with the applicant to insure to the extent practicable opportunity is made available for the historic building to be recorded and for salvageable architectural elements to be removed prior to demolition for use in the rehabilitation of other historic buildings.

A copy of the decision shall be sent within seven (7) calendar days to the applicant by registered mail and a copy thereof filed with both the Town Clerk's Office and the Zoning Enforcement Officer.

## **SECTION 7. ENFORCEMENT**

All work performed pursuant to a Certificate of Removal or Demolition or Certificate of Economic Hardship issued under this Local Law shall conform to both any requirements included therein and those further requirements that may be imposed by the Zoning Enforcement Officer in the ensuing issuance of the Demolition Permit. It shall be the duty of the Zoning Enforcement Officer to inspect periodically any such work to assure compliance. In the event it is found that it is not being performed in accordance with the requirements of the Certificate of Removal or Demolition, the Certificate of Economic Hardship and/or the Demolition Permit, the Zoning Enforcement Officer shall immediately issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

## **SECTION 8. VIOLATION AND PENALTIES**

### **A. Penalties for Violation.**

As provided for by Section 268 of the New York State Town Law, any owner, agent, contractor, or other person, who commits a violation of the provisions of this Local Law or violation of any application or statement submitted, certificate issued or permit approved under the provisions of this Local Law, or otherwise takes parts in or assists in the violation, shall be considered liable for an offense punishable by a fine not to exceed three hundred and fifty dollars (\$350.) and/or imprisonment for not more than six (6) calendar months for a first offense.

Any subsequent violations shall further be considered offenses punishable by fine and/or imprisonment in the maximum amounts and/or terms set forth in the aforementioned Section 268 of the Town Law.

Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offence provided such initial notice and subsequent weekly notice shall be given either by registered mail or personal service.

**B. Other Remedies.**

The opportunity for citation of violations of the provisions of this Local Law and related imposition of the penalties herein prescribed for such offenses shall not preclude the Town or any person from instituting an appropriate legal action or proceeding in a court of competent jurisdiction to prevent either the unlawful removal or demolition of an historic building or the conduct of such work in a manner inconsistent with the requirements of both the Demolition Permit and the underlying Certificate of Removal or Demolition or Certificate of Economic Hardship, including the restraining of such activity by injunction.

**C. Role of the Town Attorney.**

The Town Attorney is authorized and directed to cooperate with the Zoning Enforcement Officer and institute any and all actions and proceedings necessary to timely enforce this Local Law. Any civil remedy pursued shall be in addition to and not in lieu of any criminal prosecution and penalty.

**SECTION 9. TAKING OF EMERGENCY ACTION**

Nothing herein shall, however, be construed to prevent the demolition in whole or in part of any building which has been officially certified pursuant to Section 106 of the New York State Town Law by the Zoning Enforcement Officer or other appropriate Town authorities as being imminently dangerous to life or public health. In the event such demolition is authorized, the property shall be cleared and left in a manner that will neither have an adverse impact on any adjacent properties nor present a public danger.

**SECTION 10. SEVERABILITY**

The Town Board deems the provisions of this Local Law to be severable. Should a court of competent jurisdiction find any provision of this Local Law to be invalid, such determination shall not affect the validity of any part or provision hereof other than the provision so found to be invalid.

**SECTION 11. EFFECTIVE DATE**

This Local Law shall be effective immediately upon its filing in the Office of the Secretary of State of the State of New York in accordance with the applicable provisions of law, specifically Section 27 of the New York State Municipal Home Rule Law.



(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. 1 of 2005 of the (County)(City)(Town)(Village) of Phinebrook was duly passed by the Town Board on Feb 14 2005, 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\_\_\_\_. 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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.

*Arlene Blum*  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: 2/14/2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Dutchess

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Signature]*  
Signature

Town Counsel  
Title

County  
City of Rhinebeck  
Town  
Village

Date: February 14, 2005