COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508
AND LIVE VIA ZOOM

Mayor Lee Kyriacou
Councilmember Amber Grant, At Large
Councilmember Paloma Wake, At Large
Councilmember Molly Rhodes, Ward 1
Councilmember Jeff Domanski, Ward 2
Councilmember Pam Wetherbee, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

September 30, 2024
7:00 PM
City Council Agenda

Roll Call

Workshop Agenda Items

1. Lead and Copper Rule Inventory
2. Certification of Base Proportions for the 2024 Assessment
3. Proposed Local Law Concerning Local Occupancy Tax on Hotels, Motels, and Short-Term Rentals
4. Proposed Local Law Concerning Traffic Lights and Fire Lanes
5. Beacon Waterbody Protections

Announcement of Next Meeting: October 7, 2024 at 7:00 p.m

Executive Session Items

1. Executive Session (Contracts)

City of Beacon City Council Agenda
09/30/2024

Title:

Lead and Copper Rule Inventory

ATTACHMENTS

Water Department Lead and Copper Rule Summary

CITY OF BEACON
New York

WATER DEPARTMENT 845-831-3136

Lead and Copper Rule Summary

- In 1986 the Safe Drinking Water Act was amended to prohibit the use of lead in pipes, solder, or flux that were not “Lead Free.”
- The Lead and Copper Rule (LCR) is the National Primary Drinking Water Regulation and was first promulgated in 1991. The rule requires water systems to reduce levels of lead and copper in drinking water.
- The purpose of the rule was to protect public health by minimizing lead and copper in drinking water based on the 90^{th} percentile. The 90^{th} percentile is the number of samples listed in ascending order then multiply the number of samples by 0.9 (e.g. 20 samples x 0.9 is the 18^{th} highest sample and that is reported level).
- The regulation also established the action level for lead at 0.015 mg/L, or 15 ppb.
- In 2022, the City of Beacon 90^{th} percentile was 1.78 ppb. The City of Beacon collects 30 samples every 3 years.
- In January 2000, the Environmental Protection Agency (EPA) published Lead and Copper Rule Minot Revisions (LCRMR) that required water suppliers to install the best available corrosion control mechanisms and continually observe water levels. The revision included areas of monitoring, treatment process, and lead service line replacement.
- In December 2023, the EPA published Lead and Copper Improvements (LCRI). The largest and most impactful change was for water utilities to establish a Lead Service Line Inventory (LSL).
- The initial inventory is due October 16, 2024 and requires utilities to identify service line material from the water main into the home or building. The EPA provided a universal template for water utilities to use.
- The City of Beacon contracted with WSP Technical Support to develop the initial LSL.
- The City, along with the technical team, developed an approach to begin cataloging the service line materials.

  1. WSP consulted with the City Assessor Offices and Dutchess County GIS to develop property list and historical property data.
  2. First used lists of homes built in or after 1986, which would not have copper.
  3. Reviewed building records and historical documents.
  4. Coordinated with Central Hudson (CH) and their contractors, because CH as they install new gas mains, they document service line materials.
  5. Coordinated with the City of Beacon Highway Superintendent who used streets and roads that are to milled and paved; City staff performed “pot holing” to identify service line materials.
  6. Coordinated with contractor performing meter upgrade to inspect internal plumbing and document service line material.

One Municipal Plaza, Suite One, Beacon, New York 12508 Fax (845) 838-5026

United States Environmental Protection Agency

Lead and Copper Rule: A Quick Reference Guide

Overview of the Rule

Title[1]	Lead and Copper Rule (LCR)[2], 56 FR 26460 - 26564, June 7, 1991
Purpose	Protect public health by minimizing lead (Pb) and copper (Cu) levels in drinking water, primarily by reducing water corrosivity. Pb and Cu enter drinking water mainly from corrosion of Pb and Cu containing plumbing materials.
General Description	Establishes action level (AL) of 0.015 mg/L for Pb and 1.3 mg/L for Cu based on 90th percentile level of tap water samples. An AL exceedance is not a violation but can trigger other requirements that include water quality parameter (WQP) monitoring, corrosion control treatment (CCT), source water monitoring/treatment, public education, and lead service line replacement (LSLR).
Utilities Covered	All community water systems (CWSs) and non-transient non-community water systems (NTNCWSs) are subject to the LCR requirements.

Public Health Benefits

Implementation of the LCR has resulted in	► Reduction in risk of exposure to Pb that can cause damage to brain, red blood cells, and kidneys, especially for young children and pregnant women. ► Reduction in risk of exposure to Cu that can cause stomach and intestinal distress, liver or kidney damage, and complications of Wilson's disease in genetically predisposed people.

Major Monitoring Provisions

Lead and Copper Tap

Applicability	► All CWSs and NTNCWSs.
Standard	► CWSs and NTNCWSs must collect first-draw samples at taps in homes/buildings that are at high risk of Pb/Cu contamination as identified in 40 CFR 141.86(a). ► Number of samples is based on system size (see Table 1). ► Systems must conduct monitoring every 6 months unless they qualify for reduced monitoring.
Reduced	► See Table 1 for sample number and Table 2 for criteria.

Water Quality Parameter (WQP)

Applicability	► Systems serving > 50,000 people. ► Systems serving ≤ 50,000 during monitoring periods in which either AL is exceeded.
Standard	► WQP samples at taps are collected every 6 months. ► WQPs at entry points to distribution system (EPTDS) are collected every 6 months prior to CCT installation, then every 2 weeks.
Reduced	► See Table 1 for sample number and page 2 for criteria. Does not apply to EPTDS WQP monitoring.

Table 1: Lead and Copper Tap and WQP Tap Monitoring

Size Category	System Size	Number of Pb/Cu Tap Sample Sites[3]		Number of WQP Tap Sample Sites[4]	
		Standard	Reduced	Standard	Reduced
Large	> 100K	100	50	25	10
	50,001 - 100K	60	30	10	7
Medium	10,001 - 50K	60	30	10	7
	3,301 - 10K	40	20	3	3
Small	501 - 3,300	20	10	2	2
	101 - 500	10	5	1	1
	≤ 100	5	5	1	1

[3] With written State approval, PWSs can collect < 5 samples if all taps used for human consumption are sampled.
[4] Two WQP tap samples are collected at each sampling site.

Table 2: Criteria for Reduced Pb/Cu Tap Monitoring

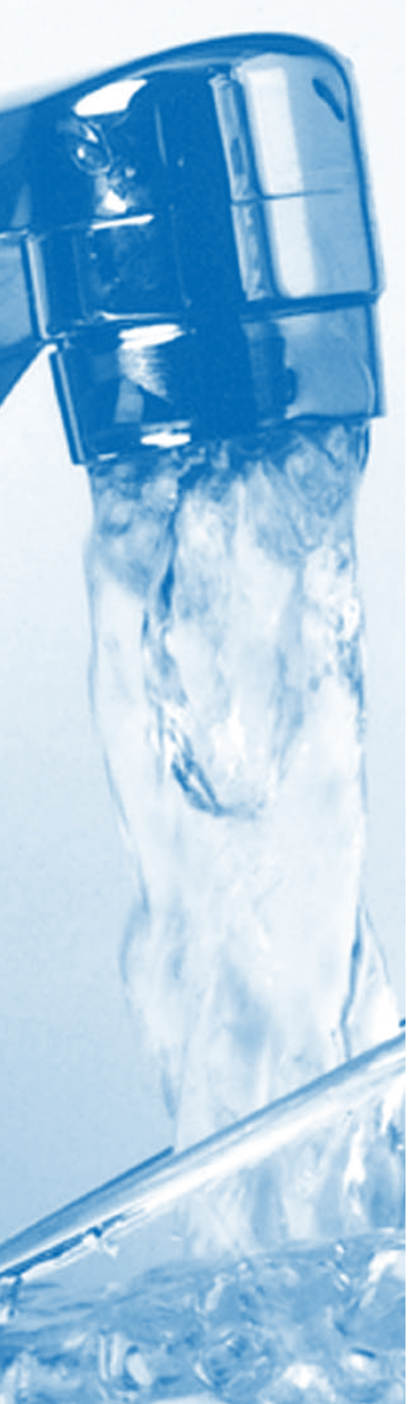
Annual	1. PWS serves ≤ 50,000 people and is ≤ both ALs for 2 consecutive 6-month monitoring periods; or 2. Any PWS that meets optimal WQPs (OWQPs) and is ≤ Pb AL for 2 consecutive 6-month monitoring periods.
Triennial	1. PWS serves ≤ 50,000 people and is ≤ both ALs for 3 consecutive years of monitoring; or 2. Any PWS that meets OWQP specifications and is ≤ Pb AL for 3 consecutive years of monitoring; or 3. Any PWS with 90th percentile Pb and Cu levels ≤ 0.005 mg/L and ≤ 0.65 mg/L, respectively, for 2 consecutive 6-month monitoring periods (i.e., accelerated reduced Pb/Cu tap monitoring).
Every 9 years	PWS serves ≤ 3,300 people and meets monitoring waiver criteria found at 40 CFR 141.86(g).

Lead Consumer Notice

Within 30 days of learning the results, all systems must provide individual Pb tap results to people who receive water from sites that were sampled, *regardless of whether the results exceed the Pb AL*, as required by 40 CFR 141.85(d).

Consumer Confidence Report (CCR)

All CWSs, irrespective of their lead levels, must provide an educational statement about lead in drinking water in their CCRs as required by 40 CFR 141.154. Must be in 2008 CCR (due July 1, 2009) if EPA is Primacy Agency, State adopts t rule by reference automatically, or adopts during 2008. Otherwise, this statement is required in the 2009 CCR (due July 1 2010).



[1] This document provides a summary of federal drinking water requirements; to ensure full compliance, please consult the federal regulations at 40 CFR 141 and any approved state requirements.

[2] The June 1991 LCR was revised with the following Technical Amendments: 56 FR 32112, July 15, 1991; 57 FR 28785, June 29, 1992; 59 FR 33860, June 30, 1994.

It was subsequently revised by: the LCR Minor Revisions, 65 FR 1950, January 12, 2000; and the LCR Short-Term Revisions, 72 FR 57782, October 10, 2007.

For additional information on the LCR

Call the Safe Drinking Water Hotline at 1-800-426-4791; visit the EPA Web site at http://water.epa.gov/drink; or contact your State drinking water representative.

Treatment Technique and Sampling Requirements if the AL is Exceeded[5]

[5] Based on 90th percentile level. Multiply number of valid samples by 0.9 (e.g., 10 samples x 0.9 = 9; thus, use 9th highest Pb and Cu test result to compare to AL). For 5 samples, average 4th and 5th highest results. For < 5 samples, use highest result.

Water Quality Parameter (WQP)	
Applicability	Refer to page 1.
Parameters	► pH, alkalinity, calcium *(initial only, unless calcium carbonate stabilization is used)*, conductivity *(initial monitoring only)*, orthophosphate *(if inhibitor is phosphate-based)*; silica *(if inhibitor is silicate-based)*, and temperature *(initial monitoring only)*.
Frequency	► Systems installing CCT, must conduct follow-up monitoring for 2 consecutive 6-month periods. ► WQP tap monitoring is conducted every 6 months, EPTDS monitoring increases to every 2 weeks. ► After follow-up monitoring, State sets OWQP specifications that define optimal CCT.
Reduced Tap Monitoring	► Collect reduced number of sampling sites (see Table 1) if meet OWQPs for 2 consecutive 6-month periods. ► Collect reduced number of sampling sites at reduced frequency if meet OWQPs for: – 6 consecutive 6-month monitoring periods can monitor annually; – 3 consecutive years of annual monitoring can monitor triennially.
Public Education (PE)	
Applicability	► Systems that exceed the Pb AL (*not required if only the Cu AL is exceeded*).
Purpose	► Educates consumers about lead health effects, sources, and steps to minimize exposure.
Delivery Method	► CWSs: deliver materials to bill-paying customers and post lead information on water bills, work in concert with local health agencies to reach at-risk populations (children, pregnant woman), deliver to other organizations serving “at-risk” populations, provide press releases, include new outreach activities from list in 40 CFR 141.85(a)(2)(vi), and post to Web site (CWSs serving > 100,000 only). ► NTNCWSs: posting and distribution to all consumers (can be electronic with State permission). Can apply to CWSs such as hospitals and prisons where population cannot make improvements.
Timing	► Within 60 days *after end of monitoring period* in which Pb AL was exceeded if not already delivering PE.[6] ► Repeat annually except: water bill inserts - quarterly; press releases - 2x/year, and Web posting - continuous. ► Can discontinue whenever ≤ Pb AL but must recommence if subsequently exceed Pb AL.
[6] State may allow extension in some situations. Also, State may require approval of message content prior to delivery.	
Source Water Monitoring and Source Water Treatment (SOWT)	
Applicability	► Systems that exceed Pb or Cu AL.
Purpose	► Determine contribution from source water to total tap water Pb and Cu levels and need for SOWT.
Timing	► One set of samples at each EPTDS is due within 6 months of first AL exceedance. ► System has 24 months to install any required SOWT. ► State sets maximum permissible levels (MPLs) for Pb and Cu in source water based on initial and follow-up source water monitoring.
Standard	► Ground water PWSs monitor once during 3-year compliance periods; surface water PWSs monitor annually.
Reduced	► Monitor every 9 years if MPLs are not exceeded during 3 consecutive compliance periods for ground water PWSs or 3 consecutive years for surface water PWSs.
Corrosion Control Treatment (CCT)	
Applicability	► All large systems except those meeting requirements of 40 CFR 141.81(b)(2) or (b)(3). ► Medium and small systems that exceed either AL; may stop CCT steps if ≤ both ALs for 2 consecutive 6-month periods but must recommence CCT if subsequently exceed either AL.
Study	► All large systems except as noted above. ► If State requires study for small or medium systems, it must be completed within 18 months.
Treatment	► Once State determines type of CCT to be installed, PWS has 24 months to install. ► Systems installing CCT must conduct 2 consecutive 6 months of follow-up tap and WQP monitoring.
OWQPs	► After follow-up Pb/Cu tap and WQP monitoring, State sets OWQPs. *Refer to WQP section above.*
Lead Service Line Replacement (LSLR)	
Applicability	► Systems that continue to exceed the Pb AL after installing CCT and/or SOWT. ► Can discontinue LSLR whenever ≤ Pb AL in tap samples for 2 consecutive 6-month monitoring periods; must recommence if subsequently exceed.
Monitoring	► Optional: Sample from LSL to determine if line must be replaced. If all samples are ≤ 0.015 mg/L, line is considered “replaced through testing”; must reconsider these lines if Pb AL is subsequently exceeded. ► Required: Sample from any LSLs not completely replaced to determine impact on Pb levels.
Replacement	► Must replace at least 7% of LSLs annually; State can require accelerated schedule. ► If only portion of LSL is replaced, PWS must: – Notify customers at least 45 days prior to replacement about potential for increased Pb levels. – Collect samples within 72 hours of replacement and provide results within 3 days of receipt.

The New Lead and Copper Rule

On December 22, 2020, U.S. Environmental Protection Agency (EPA) finalized the first major update to the Lead and Copper Rule (LCR) in nearly 30 years. EPA's new rule strengthens every aspect of the LCR to better protect children and communities from the risks of lead exposure. The new LCR will **better protect children** at elementary schools and child care facilities**, get the lead out** of our nation's drinking water, and **empower communities** through information.

In older homes and buildings, lead can leach from service lines, solder, and fixtures into tap water and become a significant source of lead exposure. In children, lead exposure can cause irreversible and life-long health effects, including decreasing IQ, focus, and academic achievement. EPA's new Lead and Copper Rule strengthens regulatory requirements to better protect children and communities from lead in drinking water.

Better Protecting Children at Elementary Schools and Child Care Facilities

Children spend a large amount of time in elementary schools and child care facilities and lead in the internal plumbing of these facilities can pose a risk to children's health. For the first time, the new Lead and Copper Rule requires that community water systems test for lead in drinking water in elementary schools and child care facilities that they serve. The old rule had no federal requirement for community water systems to test for lead in drinking water in these buildings. This common sense and critical improvement ensures that children—who are at increased risk from lead exposure—are protected where they spend a significant amount of time learning and playing. The water system is also required to provide timely results along with information about the actions the elementary school or child care facility can take to reduce lead in drinking water.

Getting the Lead Out

EPA's new rule uses science-based testing protocols to find more sources of lead in drinking water. The new rule also triggers actions to address lead earlier in more communities and reduces lead by more effectively managing corrosion control treatment, closing loopholes, and replacing more lead service lines in their entirety.

Better Science, Better Testing

The old rule enabled sampling techniques that could underestimate lead in drinking water. Based on better science, the new LCR requires water systems to follow new, improved tap sampling procedures that will better locate elevated levels of lead in drinking water. One key improvement in testing protocols is the new "fifth liter" sampling requirement, which captures lead that can enter drinking water from a lead service line (LSL)—a lead pipe that connects tap-water service between a water main and house or building. Under the new rule, a sampler must draw four liters of water before collecting a test sample so that the water is more likely to come from the lead service line and not the internal plumbing of a building. To get the most accurate test results, the rule also requires wide-mouth bottles for collecting samples and prohibits sampling instructions that recommend flushing and cleaning or removing the screen (called an aerator) that covers the faucet before collecting samples. Additionally, to target homes with the highest potential for elevated lead levels, systems must collect samples at homes with lead service lines. If there are no LSLs, systems must collect samples from other leaded plumbing. When an individual sample at a home exceeds 15 ppb, systems must conduct follow-up sampling as part of a find-and-fix process to identify sources of lead and actions to reduce lead in the drinking water.

Triggering Actions to Reduce Lead Exposure Earlier and in More Communities

The new LCR jumpstarts corrosion control and actions to replace lead service lines—the primary sources of lead in drinking water—in more communities across the country. Because lead can corrode (or leach) from leaded plumbing as water flows through it, systems that take steps to control that corrosion or remove lead service lines can reduce the amount of lead that makes it into the drinking water supply. The rule establishes a new threshold of 10 ppb, that when exceeded, requires more and rapid implementation of corrosion control treatment to reduce lead in drinking water. The old rule allowed up to 48 months—four years—to pass in our small towns after a system exceeded the 15 ppb action level before corrosion control was in place. The new rule's trigger level requires systems that already have corrosion control to re-optimize their treatment. It also requires systems that do not have corrosion control to conduct a corrosion control study to identify the best treatment approach. If that system exceeds the action level in the future, the system must install the treatment it identified in its study right away. The 10 ppb trigger level also requires systems to start lead service line replacement programs.

Closing Loopholes and Replacing More Lead Service Lines in Their Entirety

The new LCR will drive more instances where lead service lines are replaced in their entirety. The old rule created so many loopholes that since 1991—over nearly 30 years—only 1 percent of utilities actually replaced lead pipes as a result of an action level exceedance. Under the new rule, water systems will be required to fully replace at least 3 percent of lead service lines each year when 10 percent of sampling results are above 15 ppb. The new rule's real 3 percent replacement rate will do more to remove lead service lines than the old rule's unmet 7 percent rate by propelling early action, closing loopholes, and strengthening replacement requirements. Under the new rule, systems:

- Must have a plan in place and must start replacing lines as soon as sample results are above the trigger or action level.
- Cannot avoid replacing lead service lines through testing.
- Are required to replace the water system-owned portion of a lead service line when a customer chooses to replace their customer-owned portion of the line.

Additionally, partial lead service line replacements, which can lead to short term spikes in lead concentrations, will not meet the new requirements. Under the old rule, partial service line replacements were allowed and were common.

Empowering Communities

In order for individuals, communities, water systems, and local governments to effectively take action to reduce lead in drinking water, they need to know where lead service lines are and what resources are available to help address lead in drinking water. The new Lead and Copper Rule builds the information infrastructure needed to empower these decisions.

Public Inventory of Lead Service Lines

Under the new rule, water systems are required to identify and make public the locations of lead service lines, following the example of many cities across the country who have proactively taken this step. By providing thorough and transparent information on where lead service lines exist, communities can make informed decisions to reduce lead exposure. Additionally, residents with a known or potential lead service line will be notified and receive information about steps that they can take to reduce their exposure to lead in drinking water.

Timely Testing Notifications and Lead Reduction Options for Homeowners

If a sample taken from a home has a result over 15 ppb of lead, the water system must notify occupants of the home within three days, so that steps to reduce lead exposure can be taken immediately. Notification of tap sample results under 15 ppb will occur within 30 days. If there is a systemwide action level exceedance, water systems will notify all customers within 24 hours and provide educational materials within 60 days. Water systems will also notify homeowners and building owners about opportunities to replace lead service lines, including information about financial assistance programs, if available, to help pay for replacing the customer-owned side of the line.

Information on Funding Resources to Support Lead Service Line Replacement

To help communities as they make decisions about funding, EPA has compiled information about federal funding, case studies, and other additional resources to assist states, local and tribal governments, and water utilities. These options include EPA's Drinking Water State Revolving Loan Fund, the Water Infrastructure Improvements for the Nation Act (WIIN) Grant, Water Infrastructure Finance and Innovation Act (WIFIA) financing program, as well as the Housing and Urban Development's (HUD) Community Development Block Grants. For a list of funding opportunities and for additional information on how to apply for and meet the funding requirements please visit: www.epa.gov/safewater/pipereplacement.

For more information on the new Lead and Copper Rule visit:
https://www.epa.gov/ground-water-and-drinking-water/final-revisions-lead-and-copper-rule

City of Beacon City Council Agenda
09/30/2024

Title:

Certification of Base Proportions for the 2024 Assessment

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding Adoption of the 2024 Adjusted Base Proportions

Approved 2024 Adjusted Base Proportions

Draft Resolution Certifying Base Percentages and Proportions for the 2024 Assessment

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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New York City
60 East 42nd Street
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New York, NY 10165
Phone 646.794.5747

MEMORANDUM

TO: Beacon City Council

FROM: Judson K. Siebert JKS

RE: Annual Resolution -
Adoption of Adjusted Base Proportions
Homestead/Non-Homestead Taxes

DATE: September 25, 2024

Because the City of Beacon adheres to the homestead/non-homestead tax option, the City Council must annually adopt "adjusted base proportions" that are applied for tax levy purposes. Specifically, the adjusted base proportions are utilized to allocate the levy of real property taxes within the City upon homestead and non-homestead (commercial) parcels.

The adjusted base proportions have been computed for the 2024 City of Beacon Assessment Roll. These computations are made based upon New York State criteria, and the 2024 adjusted base proportions to be approved by the City Council have been vetted by the New York State Department of Taxation.

Accordingly, I have attached a proposed Resolution adopting the 2024 adjusted base proportions for adoption by the City Council. The Resolution is accompanied by required computations (on standard NYS forms), which are to be certified by the City Clerk upon adoption of the attached Resolution.

Adjusted Base Proportions

The City of Beacon implemented the use of a homestead/non-homestead tax structure when it conducted City-wide assessment revaluations in 1988 and 2007. The New York Real Property Tax law authorizes the use of this taxing option, which is intended to encourage assessing jurisdictions to administer annual revaluation programs. This option is designed to avoid – as can often occur when revaluations occur – a sudden shift of the overall tax burden from commercial to residential properties.

When these dual tax rates were first employed by the City, the base proportions represented the share of all real property taxes levied from residential (homestead) and commercial (non-homestead) properties in the year before new assessments from the revaluation were utilized for tax collection purposes. In the years that followed, the City has made annual adjustments (the annual adjusted base proportions) to these figures based upon the addition and removal of properties from its assessment roll and the rate of market value appreciation in the two property classes.

The adjusted base proportions are computed annually through a series of NYS-mandated calculations. They are reviewed by City Assessor Kathy Martin with oversight from NYS before their presentation to the City Council.

Again, the adjusted base proportions will be applied to the City's overall tax levy (the total amount of taxes to be levied) to determine the share that will be carried by homestead and non-homestead properties, respectively. In this way, the adjusted base proportions fix the tax rates to be charged to each property class.

The Attached Resolution

The City Council is required to adopt a Resolution approving the use of these proportions for the upcoming tax levy. For this reason, the City Council should adopt the attached Resolution at its October 7, 2024 meeting.

cc: Christopher White
Kathy Martin
Benjamin Swanson
Nicholas M. Ward-Willis, Esq.

RP-6701 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES 09/26/24
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND
CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE
LEVY OF TAXES ON TH **2024** ASSESSMENT ROLL

Approved Assessing Unit City of Beacon, 130200
Name of Portion City of Beacon, 130200

DETERMINATION OF BASE PERCENTAGES

Section I

Class	**(A)** 1991 Taxable Assessed Value	**(B)** 1995 Class Equalization Rate	**(C)** Estimated Market Value **A/(B/100)**	**(D)** Base Percentages **(C/sum of C)**
Homestead	217,426,298	53.72	404,739,944	76.7080
Nonhomestea	59,052,189	48.05	122,897,376	23.2920
Total	276,478,487		527,637,320	100.0000

DETERMINATION OF CURRENT PERCENTAGES

Section II

Class	**(E)** 2023 Taxable Assessed Value including Special Franchise	**(F)** 2023 Class Equalization Rate	**(G)** Estimated Market Value **E/(F/100)**	**(H)** Current Percentages **(G/sum of G)**
Homestead	1,587,292,505	100.00	1,587,292,505	80.87488
Nonhomestea	375,359,513	100.00	375,359,513	19.12512
Total	1,962,652,018		1,962,652,018	100.00000

DETERMINATION OF CURRENT BASE PROPORTIONS

Section III

Class	**(I)** Local Base Proportion for the 1992 Assessment Roll	(J) Updated Local Base Proportion I*(H/D)	**(K)** Prospective Current Base Proportion Part (J) Prorated to 100.00 **(J/sum of J)**	**(L)** Adusted Base Proportion used for Prior Tax Levy	**(M)** % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion **((K/L)-1*100)**	**(N)** Maximum Current Base Proportion **(L*1.05)**	**(O)** Current Base Proportions
Homestead	68.89	72.63221	73.98112	73.04568	1.28		73.98112
Nonhomestea	31.11	25.54448	26.01888	26.95432	-3.47		26.01888
Total	100.00	98.17669	100.00000	100.00000			100.00000

CERTIFICATION

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on ___________ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

____
signature

____
title

____
date

RP-6703 NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES 09/30/24
16 SHERIDAN AVENUE, ALBANY, NY 12210-2714

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPT
FOR THE **2024** ASSESSMENT ROLL

Approved Assessing Unit: City of Beacon, 130200
Name of Portion: City of Beacon, 130200
Reference Roll: **2023**
2024

Section I

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUA
EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACT

Class	(A) Total Assessed Value on the Reference Roll Excluding SpecialFranchise and Wholly Exmt	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
Homestead	1,612,214,690	20,096,310	20,000	20,076,310	1,612,194,690
Nonhomestead	343,332,336	20,160,300	3,621,400	16,538,900	339,710,936

Class	(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes (F-G)	(I) Change in Level of Assessment Factor (H/E)+1	
Homestead	102,163,900	2,315,800	99,848,100	1.06193	1.0064
Nonhomestead	20,623,405	1,069,198	19,554,207	1.05756	1.0218

Section II

COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

Class	(J) Taxable Assessed Value on the Levy Roll Excluding SpecialFranchise	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)
Homestead	1,705,642,304	1,606,167,487	0	1,606,167,487	1,587,292,505	1.01189
Nonhomestead	378,313,443	357,722,469	33,992,171	391,714,640	375,359,513	1.04357

Section III

COMPUTATION OF ADJUSTED BASE PROPORTIONS

Class	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions (Q/sum of Q)
Homestead	73.98112	74.86085	73.38333
Nonhomestead	26.01888	27.15257	26.61667
Total	100.00000	102.01342	100.00000

CERTIFICATION

0

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on ___________ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

____
signature

____
title

____
date

1.0044
1.0626

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. __ OF 2024

CERTIFYING BASE PERCENTAGES AND PROPORTIONS FOR THE 2024 ASSESSMENT ROLL PURSUANT TO ARTICLE 19 OF THE REAL PROPERTY TAX LAW

BE IT RESOLVED, that pursuant to Article 19 of the Real Property Tax Law, the City Council hereby approves and certifies the “Base Percentages, Current Percentages and Current Base Proportions” as set forth in the attached certification form (RP-6701 dated 09/24/24) entitled “Certificate of Base Percentages, Current Percentages and Current Base Proportions Pursuant to Article 19, RPTL” for the levy of taxes on the 2024 City of Beacon assessment roll; and

BE IT FURTHER RESOLVED, that pursuant to Article 19 of the Real Property Tax Law, the City Council hereby approves and certifies the “Adjusted Base Proportions” as set forth in the attached certification form (RP-6703 dated 09/24/24) entitled “Certificate of Adjusted Base Proportions Pursuant to Article 19, RPTL” for the levy of taxes on the 2024 City of Beacon assessment roll; and

BE IT FURTHER RESOLVED, that pursuant to Article 19 of the Real Property Tax Law, the City Council hereby adopts and establishes the Adjusted Base Proportions for the 2024 City of Beacon Assessment Roll as 73.38333% for Homestead parcels and 26.61667% for Non-Homestead parcels, which are to be used for real property tax purposes; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes and directs the City Clerk to sign the attached certification forms (Form RP-6701 and Form RP-6703 both dated 09/24/24) and deliver same to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Resolution No. __ of 2024 **Date: _____, 2024**
☐ Amendments **☐ 2/3 Required**
☐ On roll call **☐ 3/4 Required**

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
09/30/2024

Title:

Proposed Local Law Concerning Local Occupancy Tax on Hotels, Motels, and Short-Term Rentals

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding a Proposed Local Law Concerning Local Occupancy Tax on Hotels, Motels, and Short-Term Rentals

NYS Tax Law 1202 Concerning Hotel or Motel Taxes in the City of Beacon

Draft Local Law Concerning Local Occupancy Tax on Hotels, Motels, and Short-Term Rentals

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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Phone 646.794.5747

MEMORANDUM

TO: **Lee Kyriacou, Mayor**
Members of the City Council

FROM: **Keane & Beane, P.C.**

RE: **Proposed Local Law Concerning Local Occupancy Tax on Hotels, Motels, and Short-Term Rentals**

DATE: **September 26, 2024**

For the City Council's consideration is a proposed local law to provide for a room occupancy tax on hotels, motels, and short-term rentals. This proposed local law is authorized under New York State Tax Law §1202-mm. While the enabling statute is brief and only includes a few key provisions, the proposed local law has been modeled after other municipalities and counties with the same room occupancy tax authorization. Approximately 100 jurisdictions in New York have the same or similar ability to impose this room occupancy tax on hotels, motels, and short-term rentals. A copy of the enabling statute is attached to this memorandum. Please find below a summary of the local law's provisions as well as several key areas for further consideration.

Decision Areas:

1. Taxation amount: The enabling statute permits a tax not to exceed 5% of the per diem rate for each room. The draft provides for a 2% tax.

2. Effective Date. As proposed, the local law will go into effect on January 1, 2025. Additionally, existing operators will have a ten-day grace period to register their establishment, and new operators will have a three-day grace period after the effective date.

3. Filing of Tax Returns and Collection of the Tax. The draft local law provides for the quarterly filing of tax returns and collection of taxes. This timeframe may be increased or shortened.

4. Penalties and Fines. The local law establishes a 5% penalty of the amount of tax due for filing to file a return or pay over the tax due, plus an interest rate of 1% for each month of delay. However, this penalty may be waived by the Director of Finance if the delay is excusable. Violations of the proposed local law are also punishable as a misdemeanor with a fine not to exceed $1,000 or incarceration

for up to one (1) year, or both. This criminal penalty is consistent with other municipalities our office surveyed.

Overview:

The proposed room occupancy tax on hotels, motels, and short-term rentals will be paid by those who stay at such establishments. However, the operators are personally liable for the collection and payment of the tax to the City. All revenues collected from the proposed room occupancy tax must be deposited into the City's general fund, but may be used for any lawful purpose. The room occupancy tax is also required to be stated and charged separately from the room rate on any records, bill, or statement issued by the operator. Permanent residents (i.e., at least 90 days of consecutive occupancy), "exempt occupants" (those receiving certain types of public assistance), as well as governmental entities and most not-for-profits will be exempt from the room occupancy tax. Forms, including a registration form, Certificate of Authority, and tax return form will need to be created.

Registration:

Unless amended by the City Council, the local law will not become effective until January 1, 2025. This effective date, and/or grace period set forth in the local law may be shortened or extended by the City Council during its consideration of the local law. Once registered with the City of Beacon, the Director of Finance will issue the operator a Certificate of Authority, which is also required to be displayed in a conspicuous place. The Certificate of Authority is non-transferable and must be surrendered to the City upon closure or transfer of ownership. Operators who fail to register, collect, or remit the tax could face penalties, interest, fines, and/or jail.

Returns & Refunds:

The proposed local law provides that operators must file a tax return with the City of Beacon four times per year. This schedule is consistent with other local room occupancy taxes. Returns would be due within 20 business days of March 30th, June 30th, September 30th, and December 31st. The Director of Finance, however, has the discretion to request returns be filed for other periods and on such dates as determined to be appropriate (e.g., in the event of a holiday or emergency). Operators who believe they have overpaid the tax due may submit a request for a return of the overpaid amount within one year of payment by the occupant to the operator. However, if a refund is determined to be owed, the Director of Finance cannot remit the refund until the operator establishes it has already repaid the occupant.

Please do not hesitate to contact our office with any questions. Thank you.

cc: Chris White, City Administrator
Susan Tucker, Director of Finance

McKinney's Consolidated Laws of New York Annotated
Tax Law (Refs & Annos)
Chapter Sixty. Of the Consolidated Laws
Article 29. Taxes Authorized for Cities, Counties and School Districts (Refs & Annos)
Part I. Authority to Impose Taxes
Subpart A. Taxes Administered by Cities, Counties and School Districts

McKinney's Tax Law § 1202-mm

§ 1202-mm. Hotel or motel taxes in the city of Beacon

Effective: August 23, 2023
Currentness

<[Expires and deemed repealed Aug. 23, 2026, pursuant to L.2023, c. 295, § 2.]>

(1) Notwithstanding any other provisions of law to the contrary, the city of Beacon, in the county of Dutchess, is hereby authorized and empowered to adopt and amend local laws imposing in such city a tax, in addition to any other tax authorized and imposed pursuant to this article such as the legislature has or would have the power and authority to impose upon persons occupying hotel or motel rooms in such city. For the purposes of this section, the term "hotel" or "motel" shall mean and include any facility consisting of rentable units and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities. The rates of such tax shall not exceed five percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or motel. For the purposes of this section the term "permanent resident" shall mean a person occupying any room or rooms in a hotel or motel for at least ninety consecutive days.

(2) Such tax may be collected and administered by the chief fiscal officer of the city of Beacon by such means and in such manner as other taxes which are now collected and administered by such officer or as otherwise may be provided by such local law.

(3) Such local laws may provide that any tax imposed shall be paid by the person liable therefor to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the city of Beacon imposing the tax and that such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax; and that such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to nonpayment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the chief fiscal officer of the city, specified in such local law, shall be joined as a party in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(4) Such local laws may provide for the filing of returns and the payment of the tax on a monthly basis or on the basis of any longer or shorter period of time.

(5) This section shall not authorize the imposition of such tax upon any transaction, by or with any of the following in accordance with section twelve hundred thirty of this article:

a. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

b. The United States of America, insofar as it is immune from taxation;

c. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

(6) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

a. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of financial services of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

b. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(7) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(8) Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(9) All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of the city of Beacon and shall be credited to and deposited in the general fund of the city. Such revenues may be used for any lawful purpose.

(10) If any provision of this section or the application thereof to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

Credits

(Added L.2023, c. 295, § 1, eff. Aug. 23, 2023.)

McKinney's Tax Law § 1202-mm, NY TAX § 1202-mm
Current through L.2023, chapters 1 to 480. Some statute sections may be more current, see credits for details.

End of Document

LOCAL LAW NO. ___ OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 199 OF THE BEACON CITY CODE CONCERNING TAXATION ON HOTELS, MOTELS, AND SHORT-TERM RENTALS

A LOCAL LAW to create Article XII, of Chapter 199, of the City Code of the City of Beacon concerning local taxation on hotels, motels, and short-term rentals.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 199 of the City Code of the City of Beacon is hereby amended to create a new Article XIII, entitled "Room Occupancy Tax" as follows:

Article XIII **Room Occupancy Tax.**

§ 199-59 **Purpose.**

Pursuant to Home Rule Legislation enacted by the New York State Legislature, Article 29, § 1202-mm of the New York State Tax Law, the City of Beacon is authorized to adopt a local law relating to the implementation and assessment of tax on persons occupying hotel and motel rooms in the City of Beacon.

§ 199-60 **Definitions.**

For the purposes of this Article, the following terms shall have the following meanings:

DIRECTOR OF FINANCE
The Director of Finance of the City of Beacon, or such other person as may be designated by the City Council to administer and collect the tax provided for under this Article.

EFFECTIVE DATE
January 1, 2025.

EXEMPT OCCUPANT
Any occupant of any room or rooms in a hotel whose rent is paid from public assistance from the County of Dutchess shall be deemed an "exempt occupant" with respect to the period of such occupancy, regardless of the length thereof.

HOSTING COMPANY

An internet, application, technology, and/or similarly based service through which a third party desiring to offer lodging (a "host") and a third party desiring to book lodging (a "guest") for one or more nights have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting company is not a party but still facilitates and is entitled to receive payments for rent on behalf of or for the host. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting company.

HOTEL or **MOTEL**

Any facility, or portion thereof, consisting of rentable units and providing lodging of guests on an overnight basis. For the purposes of this Article, the term "hotel" shall mean and include any facility providing lodging on an overnight basis including those facilities designated and commonly known as "bed-and-breakfast" and "tourist" facilities, and shall include but not be limited to hotels, motels, tourist homes, motel courts, bed-and-breakfast establishments, short-term rentals, vacation rentals, clubs or similar facilities, whether or not meals are served to guests or residents thereof, and/or a location that is otherwise made available for transient lodging accommodation for rent directly by the owner or through an agent, operator or hosting companies.

OCCUPANCY

The use or possession, or the right to the use or possession, of any room in a hotel.

OCCUPANT

A person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

OPERATOR

Any person operating a hotel in the City of Beacon, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.

PERMANENT RESIDENT

Any person occupying any room or rooms in a hotel for at least ninety (90) consecutive calendar days shall be considered a “permanent resident”.

PERSON

An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other Person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of the foregoing.

RENT

The per diem rental rate or charge received for occupancy of each room, valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any period of time.

RETURN

Any return filed or required to be filed as provided herein.

ROOM

Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

ROOM REMARKETER

A person who reserves, arranges for, conveys, or furnishes occupancy, whether directly or indirectly, to an occupant for rent in an amount determined by the room remarketer, directly or indirectly, whether pursuant to a written or other agreement. Such person's ability or authority to reserve, arrange for, convey, or furnish occupancy directly or indirectly, and to determine rent therefore, shall be the "rights of a room remarketer." A room remarketer is not a permanent resident with respect to a room for which such person has the rights of a room remarketer.

§ 199-61 **Imposition of Tax.**

On and after January 1, 2025, a tax of 2% shall be paid based upon the per diem retail rental rate for every occupancy of a room or rooms in a hotel or motel in the City of Beacon, except that such tax shall not be imposed upon a permanent resident thereof, or an Exempt Occupant, as otherwise provided herein.

§ 199-62 **Exemptions.**

Except as otherwise provided herein, any use or occupancy by any of the following shall not be subject to the tax imposed by this Article.

A. The State of New York, or any of its agencies or instrumentalities, any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

B. The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation.

C. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this section.

D. A permanent resident of a hotel or motel, notwithstanding that the tax shall be charged for each and every day of occupancy until permanent residency is established.

E. Any occupant of any room or rooms in a hotel whose rent is paid from public assistance from a political subdivision of the State of New York, the United States of America, or similar public assistance from another State or territory of the United State of America, with respect to the period of such occupancy, regardless of the length thereof.

§ 199-63 **Territorial limits.**

The tax imposed under this Article shall only apply within the territorial limits of the City of Beacon.

§ 199-64 **Registration.**

A. Within ten (10) days after the Effective Date of this Article or, in the case of Operators commencing business after such Effective Date, within three days after such commencement or opening, every Operator shall file with the Director of Finance a certificate of registration in a form prescribed by the Director of Finance.

B. The Director of Finance shall, within five days after such registration, issue without charge to each Operator a certificate of authority empowering such Operator to collect the tax from the Occupant and a duplicate thereof for each additional Hotel of such Operator. Each certificate or duplicate shall state the Hotel to which it is applicable.

C. The operator shall prominently display the certificate of authority or duplicate in the hotel in such a manner that it may be seen and noticed by all occupants and persons seeking occupancy.

D. A certificate of authority shall be non-assignable and nontransferable and shall be surrendered immediately to the Director of Finance upon the cessation of business at the hotel named or upon the sale or transfer of the hotel business or land thereof.

§ 199-65 **Administration and collection.**

A. The tax imposed by this Article shall be administered and collected by the Director of Finance or such other City employee as the Director of Finance may designate by such means and in such manner as are other taxes which are now collected and administered or as otherwise provided by this Article.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or state of charges made for said occupancy issued or delivered by the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Article, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to the nonpayment of the tax by the occupant, as if the tax were owing, including all rights of eviction, dispossession, repossession, and enforcement of any innkeeper's lien that such person may have in the event of nonpayment of the rent by the occupant; provided, however, that the Director of Finance or employees or agents duly designated by the Director of Finance shall be joined as a party in any action or proceeding brought by the operator to collect and enforce collection of the tax.

C. Hosting companies and/or room remarketers shall collect and remit the applicable tax to the City, as the collector, for booking transactions completed through the respective hosting company or room remarketer for hotels located within the City; and the host or operator of the hotel who is not the collector hosting company or room remarketer shall not be responsible for collecting and remitting the tax to the City on any transaction for which it has received confirmation that the hosting company or room remarketer has collected the aforementioned tax and remitted it back to the City; otherwise, operators or hosts of hotels and motels shall be liable for the collection and remittance of the tax. For the sole purposes of tax registration, collection, and remittance under this Article, a hosting company or room remarketer shall assume and be limited to the duties of hotel/motel operator for only those booking transactions completed through the respective hosting company or room remarketer.

(1) If the hosting company or room remarketer fails to separately state the tax on the rent on a sales slip, invoice, receipt or other statement of the transaction between the hosting company or room remarketer and the occupant or fails to maintain records of all prices of all components of a transaction covered by this Article, the entire consideration shall be treated as rent subject to tax under the Article. Nothing herein shall be construed to be subject to tax or exempt from tax any service or property or amusement charge or other items otherwise subject to tax or exempt from tax under any other New York State law. A hosting company's or room remarketer's records of the consideration payable for all components of a transaction covered by this Article are records required to be maintained for purposes of § **199-66** of this Article.

(2) In regard to the collection of tax on occupancies by hosting companies and room remarketers, the requirements of this Article shall be deemed satisfied if the hosting company or room remarketer provides the customer and/or occupant a sales slip, invoice, receipt or other statement of the price prior to the customer and/or occupant's completion of occupancy, on which the amount of tax due under this Article is stated. The hosting company or room remarketer must keep a copy of the sales, slip, invoice, receipt or statement as required by § **199-66** of this Article, or must keep electronic records that accurately reflect the information on the sales slip, invoice, receipt or statement provided to the customer and/or occupant.

D. Except where the occupant has paid rent in full prior to the effective date, the tax imposed by this Article shall be paid upon any occupancy on and after the effective date, even if such occupancy is contracted or agreed to pursuant to a contract, lease or other arrangement made prior to the effective date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the effective date of this Article.

E. For the purpose of the proper administration of this Article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax provided for under this Article until the contrary is established, and the burden of proving that rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of § **199-62** of this Article, the rent shall be deemed taxable hereunder unless:

(1) The operator shall receive from the occupant claiming such exemption a copy of a New York State sales tax exemption certificate;

(2) The operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association;

(3) An attestation from the occupant that such person is the recipient of public assistance and that such rent is to be paid from said public assistance.

§ 199-66 **Records.**

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable of, in such form as the Director of Finance may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Director of Finance, or their authorized agent or employee, and shall be preserved for a period of three years, except that the Director of Finance may consent to their destruction within that period or may require that they be kept together.

§ 199-67 **Returns.**

A. Every operator shall file with the Director of Finance a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of March, June, September and December on and after the effective date of this Article. Such returns shall be filed within twenty (20) business days from the expiration of the period covered thereby. The Director of Finance may permit or require returns to be made for other periods upon such dates as it may specify. If the Director of Finance deems it necessary in order to ensure the payment of the tax imposed by this Article, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as the Director of Finance may specify.

B. The forms of return shall be prescribed by the Director of Finance and shall contain such information as it may deem necessary for the proper administration of this Article. The Director of Finance may require amended returns to be filed within twenty (20) business days after notice and to contain the information specified in the notice.

C. If a return required by this Article is not filed, or if a return is incorrectly filed or is insufficient on its face, the Director of Finance shall take such steps as the Director of Finance deems necessary to enforce the filing of such return or of a corrected return.

§ 199-68 **Payment of tax; filing of bond.**

At the time of filing a Return, each Operator shall pay to the Director of Finance the taxes imposed by this Article upon the Rents required to be included in such Return, as well as all other moneys collected by the Operator acting or purporting to act under the provisions of this Article; even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the Operator and payable to the Director of Finance on the date prescribed herein for the filing of the Return for such period, without regard to whether a Return is filed or whether the Return which is filed correctly shows the amount of Rents and taxes due thereon. Where the Director of Finance, in the Director of Finance's sole discretion, deems it necessary to protect revenues to be obtained under this Article, the Director of Finance may require any Operator required to collect the tax imposed by this Article to file with the Director of Finance a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this State as to solvency and responsibility, in such amount as the Director of Finance may find to secure the payment of any tax and/or penalties and interest due or which may become due from such Operator. In the event that the Director of Finance determines that an Operator is to file such bonds, the Director of Finance shall give notice to such Operator to that effect, specifying the amount of the bond required. The Operator shall file such bond within five days after the giving of such notice unless, within such five days, the Operator shall request in writing a hearing before the Director of Finance at which the necessity, propriety and amount of the bond shall be determined by the Director of Finance. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Director of Finance or cash in such amount as the Director of Finance may prescribe may be deposited with the Director of Finance, which shall be kept in the custody of the Director of Finance, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by the Director of Finance at public or private sale without notice to the depositor thereof.

§ 199-69 **Determination of tax.**

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within 30 days after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

A. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

B. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

§ 199-70 **Use of tax revenues.**

All revenues resulting from the imposition of the tax under this Article shall be paid into the treasury of the City of Beacon and shall be credited to and deposited in the general fund of the City of Beacon. Such revenues may be used for any lawful purpose.

§ 199-71 **Refunds.**

A. In the manner provided in this section, the Director of Finance shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Director of Finance for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Director of Finance, the Director of Finance shall state the reason therefor in writing. Such application may also be made by an Operator who has collected and paid over such tax to the Director of Finance, provided that the application is made within one year of the payment by the Occupant to the Operator, but no actual refund of moneys shall be made to such Operator until it shall first establish to the satisfaction of the Director of Finance, under such regulations as the Director of Finance may prescribe, that it has repaid to the Occupant, or other person who has actually paid the tax, the amount for which the application for refund is made. The Director of Finance may, in lieu of any refund required to be made, allow credit therefore on payments due or to become due from the applicant.

B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Director of Finance, and the Director of Finance shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that such proceeding is instituted within thirty (30) calendar days after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Director of Finance in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that, if such proceedings be dismissed or the tax confirmed, the petitioner will pay costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit of a tax, interest or penalty which had been determined to be due pursuant to the provisions of § **199-74** of this Article where it has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Director of Finance made pursuant to § **199-74** of this Article unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Director of Finance after a hearing or on the Director of Finance's own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

§ 199-72 **Reserve fund.**

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to said occupant or operator on the occupant or operator's application for a refund, the Director of Finance shall have the option of crediting future tax payment to meet the cost of any settlement or judgments or, at the Director of Finance's option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the City of Beacon.

§ 199-73 **Remedies exclusive.**

The remedies provided by §§ **199-69** and **199-71** of this Article shall be the exclusive remedies available to any person for the review of tax liability imposed by this Article, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that the payor of the tax may proceed by declaratory judgment if he/she institutes suit within thirty (30) calendar days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Director of Finance prior to the institution of such suit and posts a bond for costs as provided in § **199-68** of this Article.

§ 199-74 **Penalties and interest.**

A. Any person failing to file a return or to pay or pay over any tax to the Director of Finance within in the time required by this Article shall be subject to a penalty of 5% of the amount of the tax due, plus interest at the rate of 1% of such tax, for each month of delay, except the first month after such return was required to be filed or such tax became due; but the Director of Finance, if satisfied that the delay was excusable, may remit all of any part of such penalty, but not interest. Such net penalties and interest shall be paid and disposed of in the same manner as other revenues from this Article. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Article.

B. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this Article, or filing or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Article which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to § **199-68** of this Article, or failing to file a registration certificate and such data in connection therewith as the Director of Finance may by regulation or otherwise require, or failing to display or surrender the certificate of authority as required by this Article or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant; any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Article, and any such person or operator failing to keep records required by this Article, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to $1,000, imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Article and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

C. The certificate of the Director of Finance to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this Article shall be presumptive evidence thereof.

D. Except in the case of a willfully false or fraudulent Return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a Return, provided, however, that where no Return has been filed as provided by law, the tax may be assessed at any time.

§ 199-75 **Returns to be Confidential.**

A. It shall be unlawful, except in accordance with proper judicial order or as otherwise provided to the fullest extent permitted by law, for the Director of Finance or employee or designee of the Director of Finance to divulge or make known in any manner the Rents or other information relating to the business of a taxpayer contained in any Return required under this Article. The officers charged with the custody of such Returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Director of Finance in an action or proceeding under the provisions of this Article or on behalf of any party to any action or proceeding under the provisions of this Article when the Returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said Returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or their duly authorized representative of a certified copy of any Return filed in connection with their tax nor to prohibit the publication of statistics so classified to prevent the identification of particular Returns and items thereof or the inspection by the City Attorney or other legal representatives of the City or by the District Attorney of any county of the Return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the Director of Finance permits them to be destroyed.

B. Any violation of Subsection **A** of this section shall be punishable by a fine not exceeding $1,000 or by imprisonment not exceeding fifteen days, or both, in the discretion of the court, and if the offender is an officer or employee of the City, they may be, at the discretion of the Mayor, dismissed from office and be incapable of holding any further City office as may be determined according to law.

§ 199-76 **Notices; limitations for City to collect tax.**

A. Any notice authorized or required under the provisions of this Article may be given to the taxpayer to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by said taxpayer pursuant to the provisions of this Article or in any application made by taxpayer or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom said notice is addressed. Any period of time which is determined according to the provisions of this Article by the giving of notice shall commence five (5) business days after the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules, or any other law relative to limitations of time for the enforcement of a civil remedy, shall not apply to any proceeding or action taken by the City to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Article. However, except in the case of a willfully false, fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing, made before the expiration of the extended period.

§ 199-77 **Proceedings to recover tax.**

Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this Article, the City Attorney shall bring or cause to be brought an action to enforce the payment of the same on behalf of the City in any court of the State of New York or of any other state or of the United States. If, however, the Director of Finance believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, such tax or penalty may be declared to be immediately due and payable, and the Director of Finance may issue a warrant immediately.

§ 199-78 **General powers of the Director of Finance.**

In addition to the powers granted in this Article, the Director of Finance is hereby authorized and empowered to:

A. Extend, for cause shown, the time of filing any return for a period not exceeding 30 days; and, for cause shown, to remit penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

B. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this Article;

C. Delegate functions hereunder to the other Department Heads, employees, or agents of the City, with the consent of the Mayor;

D. Prescribe methods for confirming the rents for occupancy and confirm the accuracy of information on the taxable and non-taxable rents;

E. Require any operator within the City, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is claimed to be subject to the tax imposed by this Article; and to furnish such information at the request of the Director of Finance;

F. Impose as a penalty upon any operator within the City any necessary cost of auditing services generated by discrepancies discovered, upon audit, in the records of the operator; and

G. Make, adopt, and amend such other rules and regulations appropriate to the carrying out of this Article and the purposes thereof as may be approved by the City Council of the City of Beacon.

§ 199-79 **Administration of oaths; compelling testimony.**

A. The Director of Finance, or employees or agent(s) duly designated and authorized, shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Article. The Director of Finance shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of the duties hereunder in the enforcement of this Article and to examine them in relation thereto. The Director of Finance shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend, or who are excused from attendance.

B. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the Director of Finance under this Article.

C. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the Director of Finance under this Article, shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

D. The officers who serve the summons or subpoena of the Director of Finance and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except otherwise provided herein. Such officers shall be members the City of Beacon Police Department, or any officers or employees of the City designated to serve such process.

§ 199-80 **Accounting and reporting of tax.**

From time to time, but no less than annually each year, the Director of Finance shall provide a report to the City Council, for its audit and review, of all actions taken pursuant to this Article. The report shall contain a list of all certificates of registration filed or issued to any operator in the City of Beacon and for each operator shall state the returns filed by all operators; the returns that have not been timely filed by any operator; the amount of tax determined to be payable by any operator; the tax paid and collected from any operator; any tax that may be due and owing or past due from any operator, and any enforcement action taken to collect any tax due under this Article.

§ 199-81 **Severability.**

If any provision of this Article, or the application thereof to any Person or circumstance, is held invalid, the remainder of this Article, and the application of such provision to other Persons or circumstances, shall not be affected thereby.

§ 199-82 **Expiration.**

Pursuant to the provisions of the enabling legislation, New York State Tax Law § 1202-mm as appliable to the City of Beacon, this Article shall be in effect until such enabling legislation expires.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 199 of the Beacon City Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification.

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the City Code of the City of Beacon; that the sections and subsections 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 Charter affected thereby.

Section 4. Severability.

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

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

City of Beacon City Council Agenda
09/30/2024

Title:

Proposed Local Law Concerning Traffic Lights and Fire Lanes

ATTACHMENTS

Proposed Local Law Concerning Traffic Lights and Fire Lanes

LOCAL LAW NO. ___ OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 211 OF THE BEACON CITY CODE CONCERNING VEHICLES AND TRAFFIC

A LOCAL LAW to amend Chapter 211, Article II, Section 211-4 and Article IV, Section 211-20 of the Beacon City Code concerning vehicles and traffic.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 211 of the Beacon City Code, Article II – Traffic Regulations, Section 211-4 entitled "Traffic Control Signals," Subsection B is hereby amended as follows:

§ 211-4 **Traffic control signals.**

A. Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I below.

B. Schedule I: Traffic Control Signals. In accordance with the provisions of Subsection **A**, traffic control signals shall be installed at the following described intersections:

Intersection

Fishkill Avenue and Mill Street
Main Street and Chestnut Street
Main Street and East Main Street
~~Main Street and North Avenue~~
~~Main Street and South Avenue~~
Main Street and Teller Avenue
South Avenue and Wolcott Avenue
Verplanck Avenue and Fishkill Avenue
Verplanck Avenue and Matteawan Road and North Cedar Street
~~Verplanck Avenue and North Avenue~~
Verplanck Avenue and Willow Street
Wolcott Avenue and Tioronda Avenue

Section 2. Chapter 211 of the Beacon City Code, Article III – Parking, Standing, and Stopping, is hereby amended to add a new Section § 211-16.3 entitled "Fire Lanes" as follows:

§ 211-16.3 **Fire Lanes.**

A. Clear, unobstructed roadways shall be maintained in areas established by the Building Inspector and/or Fire Chief or their designated representatives in areas necessary for access to places of public assembly, structures of public access, office buildings and parking lots of 10 or more spaces and residential subdivisions of 10 or more units of housing, or as may be additionally required by the Planning Board's site plan approval. Such roadways shall be designated as "fire lanes" by the Building Inspector and/or the Fire Chief or their designated representatives.

B. Types of fire lanes.

(1) Fire Lane A: Emergency access area, located in the immediate vicinity of structures and fire hydrants for emergency vehicle use only.

(2) Fire Lane B: Emergency routes, streets, roads or driveways on private property customarily used by emergency apparatus that lead to emergency vehicle access areas and fire hydrants.

C. Markings.

(1) Fire Lane A:

(a) Curb side and top shall be painted traffic yellow and paved area crosshatched out four feet from curbs. Crosshatching shall have six-inch-wide lines at an angle of 45° to the curb extending outward in the direction of oncoming traffic. Lines shall be two feet apart.

(b) Standard NO PARKING-FIRE LANE signs shall be placed every 50 feet. They shall be no more than two feet from the curb and no lower than six feet and no higher than eight feet from the street grade to the bottom edge of the sign. Signs should be at an angle of 30° to 45° to oncoming traffic, where practicable.

(2) Fire Lane B:

(a) Designated emergency route. Curb side and top shall be painted traffic yellow on the side of the street leading to the structure and Fire Lane A.

(b) Standard NO PARKING-FIRE LANE signs shall be placed every 100 feet. Signs shall be no lower than six feet and no higher than eight feet from the street grade to the bottom edge of the sign.

D. Signage. In residential areas, designated Fire Lane B signs spaced every 50 feet to 75 feet can be substituted for yellow curbs with the written approval of the Building Inspector and/or Fire Chief.

E. Modifications. The Building Inspector, or their designated representative, after consultation with the Fire Chief, shall have the right to modify all the requirements set forth in Subsection B and the painting and crosshatching requirements set forth in Subsection C herein and/or substitute therefor alternative markings and designation requirements for curbs and pavement in fire lanes and/or on emergency routes. Said modifications shall be made in the exercise of the Building Inspector's discretion, on a case-by-case basis, when such modifications are deemed appropriate for the particular facts and circumstances. Any such modifications shall be established in writing by the Building Inspector and shall be applicable only to the particular premises, lot, or building as set forth in the written modification. The Building Inspector, or designee, may, in writing, further amend or terminate such modifications.

F. Compliance. Any individual or company who owns or manages a place of public assembly or public access or an office building shall complete the markings required herein within 15 days of receiving written notice of the designated fire lanes from the Building Inspector and/or the Fire Chief or their designated representatives and shall be required to keep and maintain the designated roadways and fire lanes free and clear from any obstructions, including but not limited to motor vehicles.

G. Penalties.

(1) Parking in a fire lane shall be a violation of this section and shall be punishable by a fine not to exceed $250 per offense or by imprisonment not to exceed 15 days, or both. Officers of the City of Beacon Police Department and City of Beacon code enforcement officers are authorized to issue appearance tickets for the unlawful parking, stopping, standing of vehicles within the boundaries of fire lanes.

(2) Any individual or company who owns or manages a place of public assembly or public access or an office building who fails to keep appropriate markings on the designated fire lanes or who fails to keep and maintain the designated roadways and fire lanes free and clear from any obstructions, including but not limited to motor vehicles, shall be guilty of a violation of this section and subject to the General Penalty per § 1-3A of this Code, for each and every day which the fire lane(s) remain unmarked or obstructed.

Section 3. Chapter 211 of the Beacon City Code, Article IV – Miscellaneous Provisions, Section 211-20 entitled "Penalties for offenses," Subsection A is hereby amended as follows:

§ 211-20 **Penalties for offenses.**

A. Except as set forth in §§ **211-16.3G** or **211-20B**, every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than $75 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than $100 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than $250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

B. The penalty for violating § **211-16.1A** or **211-15C** shall be $100 and shall increase to $200 if not paid within 30 days of issuance and $250 if not paid within 60 days of issuance.

Section 4. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 211 of the Beacon City Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification.

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections 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 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.

City of Beacon City Council Agenda
09/30/2024

Title:

Beacon Waterbody Protections

ATTACHMENTS

City of Beacon City Council Agenda
09/30/2024

Title:

Executive Session (Contracts)

ATTACHMENTS