

A LOCAL LAW to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," Article VII, entitled "Permitted Special Uses," section 300-80, entitled "Sidewalk cafes"

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

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Section 300-80(C)(10) in Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," Article VII, entitled "Permitted Special Uses," is hereby amended by adding the words "to operate other than between 12:00 p.m. and 10:00 p.m." after the word "permitted".

Section 300-80 in Chapter 300 of the Code of the Town of Yorktown entitled "ZONING," Article VII, entitled "Permitted Special Uses," is hereby amended by adding the following new section (D):

- (1) Notwithstanding anything in § 300-80(B) to the contrary, the Building Inspector is authorized to issue temporary permits for the operation of sidewalk cafes or outdoor dining areas in non-residential zoning districts, regardless of the quantity of seating.
- (2) The temporary permits issued under § 300-80(D)(1) shall be upon the terms and conditions set forth in § 300-80(C), except that the fees referenced in § 300-80(C)(12) shall not be required for such temporary permits.
- (3) Notwithstanding any other provision of law to the contrary, the Building Inspector is authorized to issue temporary structure (e.g., tents) permits in connection with any permits issued under § 300-80(D)(1), and there shall be no fees required for the issuance of any such temporary structure permits.
- (4) The temporary permits issued under § 300-80(D)(1) and temporary structure permits issued under § 300-80(D)(3) shall expire on January 1, 2021.
- (5) The authority of the Building Inspector to issue permits under § 300-80(D) shall terminate on January 1, 2021.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.