

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Yorktown

Local Law No. 3 of the year 2019

A local law to amend Chapter 198, entitled "LANDMARK PRESERVATION" by amending Section  
(Insert Title)  
198-2, 198-3(C)(5), 198-4, 198-6(A), and 198-4(G)

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

County  City  Town  Village  
(Select one.)

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 provisions of the Statute of Local Governments, 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.

Chapter 198 of the Town Code entitled "LANDMARK PRESERVATION" is amended by the amendment of §198-2 entitled "Definitions." by adding the definition for "INTERIOR LANDMARK" to read as follows:

INTERIOR LANDMARK: The interior of a property that is open to the public that has special historical or aesthetic interest or value or value as part of the development, heritage or cultural characteristics of the Town of Yorktown

### Section III.

Chapter 198 of the Town Code entitled "LANDMARK PRESERVATION" is amended by the amendment of §198-3(C)(5) entitled "Landmark Preservation Commission (c) The Power of the Commission shall include." by replacing the text to read as follows:

(5) Recommend to the Town Board that identified structures or resources be designated as landmarks, interior

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

Page 2A.

Section III. (Continued)

landmarks, and historic districts, respectively;

Section IV.

Chapter 198 of the Town Code entitled "LANDMARK PRESERVATION" is amended by the amendment of §198-4 entitled "Designation of landmarks or historic districts" by adding the text to read as follows:

(E)The commission may designate the interior or any portion of the interior of a property as an interior landmark if such interior or portion thereof has special historical or aesthetic interest or value or value as part of the development, heritage or cultural characteristics of the Town of Yorktown and:

- i. It is customarily open or accessible to the public; or
- ii. It is an interior into which the public is customarily invited.

Section V.

Chapter 198 of the Town Code entitled "LANDMARK PRESERVATIONS" is amended by the amendment of §198-5 entitled "Certificate of appropriateness for alteration, demolition or new construction affecting landmarks or historic districts" by replacing the text to read as follows:

(A) No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a landmark or property, nor shall any person make any material change in the exterior appearance of such property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements which affect the appearance and cohesiveness of the landmark or historic district, nor be issued a building permit, without first obtaining a certificate of appropriateness from the Landmarks Preservation Commission.

(B) No person shall carry out any interior alteration, restoration, reconstruction, demolition, new construction, of the interior of a premises that has been designated a Landmark, nor shall any person make any material change in the appearance of the interior of such property, its architectural style, design, general arrangement and components, including but not limited to, the kind, color, and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such interior, which affect its interior appearance, nor be issued a building permit, without first obtaining a certificate of appropriateness from the Landmarks Preservation Commission.

Section VI.

Chapter 198 of the Town Code entitled "LANDMARK PRESERVATIONS" is amended by the amendment of §198-6 entitled "Criteria for approval of Certificate of appropriateness" by replacing the text of §198-6(A) to read as follows:

In passing upon an application for a certificate of appropriateness, the Landmarks Preservation Commission shall not consider changes to interior spaces, unless they have been designated a landmark. The Commission's decision shall be based on the following principles:

Section VII.

Chapter 198 of the Town Code entitled "LANDMARK PRESERVATIONS" is amended by the amendment of §198-4 entitled "Designation of landmarks or historic districts" by replacing the text of §198-4(G) to read as follows:

Within 15 days after closing the public hearing, the Town Board shall adopt a resolution rendering its decision with respect to the Commission's recommendation. The Town Board may either approve the recommendation (with or without modifications), reject the recommendation setting forth the reasons in writing, or remand the matter to the Commission with instructions for further review and consideration.

Section VIII. 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 IX. Repeal

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

Section X. 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.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2019 of the ~~(County)(City)~~(Town)(Village) of Yorktown was duly passed by the Town Board on July 16 2019, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20   , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Diana L. Quadt*

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

Date: July 22, 2019

(Seal)