

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. 7 of the year 2024

A local law to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING" to allow
(Insert Title)
Pet Care Facilities in the C-3, C-4, and OB Zoning Districts

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. Section 300-3 of the Code of the Town of Yorktown is amended by adding the following definitions:

PET CARE FACILITY
A commercial business providing boarding or pet related services including feeding, day care, exercise, training, bathing, or grooming, during the day and/or overnight.

VETERINARY HOSPITAL
A building for the medical and/or surgical care of animals.

Section III. Section 300-21(C)(12)(b) of the Code of the Town of Yorktown is amended by adding the following main uses permitted by special permit in the C-3 Commercial Limited Districts:

- [9] Pet care facilities as provided in §300-81.6

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

Section IV. Section 300-21(C)(13)(b)[1] of the Code of the Town of Yorktown is amended by adding [9] to the list of allowed main uses by special permit in the C-4 Commercial Highway district.

Section V. Section 300-21(C)(14)(b) of the Code of the Town of Yorktown is amended by adding the following main uses permitted by special permit in the OB Research Laboratory and Office Districts:

[4] Pet care facilities as provided in § 300-81.6.

Section VI. Article VII of Chapter 300 of the Code of the Town of Yorktown is amended by adding § 300-81.6, as follows:

§ 300-81.6 Pet care facilities.

The Planning Board may permit the construction and/or operation of a Pet care facility subject to the following standards and the requirements:

- A. No veterinary or medical services or care shall be provided at a Pet care facility.
- B. On-site staff shall be provided during all times that animals are present at the pet care facility.
- C. The Planning Board may approve limited overnight boarding on parcels greater than 5 acres and located in a single detached building.
- D. Indoor space. Adequate indoor space must be provided for all animals under the care of the pet care facility and comply with all state, federal and local laws and regulations.
- E. Outdoor spaces. Outdoor spaces are permitted subject to the following requirements:
 - (1) All pet care facilities shall provide appropriate access to a safe outdoor dog walking area.
 - (2) While outdoors, all animals must be under the direct control of the pet care facility operator or the facility staff at all times.
 - (3) A wall or fence enclosing the outdoor area must be provided and be of sufficient construction to protect animals from injury, prohibit animals from escaping, and separate animals from other domestic animals and unauthorized individuals.
 - (4) Provide areas of shelter from excessive sunlight, rain, snow, wind or other elements unless animals are provided indoor facilities to protect them from adverse climate conditions.
 - (5) The outdoor surface, other than grass runs and exercise areas, must be concrete, gravel, or other materials that can be regularly cleaned and kept free of waste accumulation.
 - (6) Grass runs and exercise areas must maintain adequate ground cover, holes must be promptly filled, solid waste must be removed prior to watering, the ground cover must be watered sufficiently to dilute and clean the ground cover to avoid disease, and the ground cover must not be overgrown.
 - (7) Outdoor areas must be designed so that the water used to clean outdoor areas drains, but does not overflow onto a public right-of-way, an adjacent property, body of water, or public stormwater drain.
- F. Sanitation.
 - (1) Facilities must be kept clean and sanitary at all times in order to maintain a healthy

environment for the animals and staff.

- (2) All indoor and outdoor spaces must be cleaned at least once each day.
 - (3) Trash and animal waste generated at the facility must be disposed of promptly and hygienically, and in accordance with all applicable federal, state and local laws and regulations so as to minimize the risk of disease, contamination, and vermin.
 - (4) Fecal wastes must be disposed of through either solid waste pick-up service or the sanitary sewer system. Disposal of cat litter must be through solid waste pick-up and not through the sanitary sewer system. Fecal wastes may not be used for on-site or off-site composting operation.
- G. Noise. Pet care facilities shall comply with Town of Yorktown Town Code Chapter 216: Peace and Good Order, and make every effort to minimize noise generated as a result of the use. In multi-tenant buildings, sound proofing shall be to the satisfaction of the Planning Board.
- H. Pet care facilities must obtain a Permit to Operate an Animal Facility from the Westchester County Department of Health. Any special permit granted by the Planning Board is subject to obtaining a permit from the Westchester County Department of Health and the facility must comply with the requirements of that permit and all state, federal and local laws and regulations.
- I. The Planning Board may require additional measures or standards as it deems appropriate to maintain orderly use of a site and protection of the public welfare.

Section VII. 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 VIII. Repeal

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

Section IX. Effective Date

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

(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. 7 of 2024 of the ~~(County)(City)~~(Town)(Village) of Yorktown was duly passed by the Town Board on August 8 2024, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

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. Quast

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

Date: August 12, 2024

(Seal)