

Board of Trustees Agenda

VILLAGE OF MAMARONECK BOARD OF TRUSTEES WORK SESSION AGENDA

February 24, 2025 AT 5:30 PM - Courtroom - 169 Mt. Pleasant Avenue

**NOTICE OF FIRE EXITS AND REQUEST TO
SILENCE ELECTRONIC DEVICES**

1. PRESENTATION
 - A. Ethics Board on Code of Ethics
2. NEW BUSINESS
 - A. Outdoor Dining - Parking Spots (Village Manager)
3. ITEMS FOR TONIGHT'S REGULAR MEETING
 - A. Acceptance of Greenway Grant (Village Manager & Planner)
 - B. Acceptance of Donation for Spring Egg Hunt at HIP (Recreation Superintendent)
 - C. Discussion of PLL H-2025 - Revisions to the Village Code to Separate the Clerk-Treasurer Title and Department and the Addition of a Second Assistant Manager (Village Manager & Attorney)
 - D. Discussion of Final Revisions to PLL G-2025 - Parks and Recreation Code to Schedule Public Hearing at Tonight's Regular Meeting (PRC & Attorney)
4. EXECUTIVE SESSION - ADVICE OF COUNSEL
 - A. In accordance with OML, Article 7, Section 105 1(f) the appointment of a member to a Village Board or Committee
 - B. In Accordance with Public Officers Law, Article , Section 105 1(d) to discuss proposed, pending or current litigation in reference to the Oppenheimer Claim
 - C. In Accordance with Public Officers Law, Article 7, Section 105 1(d) to discuss proposed, pending or current litigation in reference to the Goldstein Matter
5. ADJOURN

ANY DISABLED PERSON NEEDING SPECIAL ASSISTANCE IN ORDER TO ATTEND THE MEETING SHOULD CALL THE VILLAGE MANAGER'S OFFICE AT 914-777-7703



Item Title: Ethics Board

Item Summary:

Ethics Board on Code of Ethics

Fiscal Impact:

Attachments

Presentation

The background features a large white circle in the center, partially overlapping a light blue rectangle on the left and a light pink rectangle on the right. Below the circle is a large, solid dark blue shape that resembles a stylized arch or a wide smile.

THE VILLAGE OF MAMARONECK CODE OF ETHICS

WHAT IS THE CODE OF ETHICS?

- Chapter 21 of the Laws of the Village of Mamaroneck
- It's the guide to the Standards of Conduct, or "Do's and Don'ts" for elected and appointed officials, village employees and volunteers on boards and committees

WHO SITS ON THE ETHICS BOARD?

- The EB consists of 5 members appointed by the VOM Board of Trustees
- No more than 2 members may be registered with the same political party
- Website: village.mamaroneck.ny.us/ethics

THE EB'S RESPONSIBILITIES

- Adjudicate Complaints that allege violations of the code
- Provide Advisory Opinions to VOM officials, employees and board/committee members on interpretations of the code
- Review Annual Disclosure Statements



COMPLAINTS

5

- Complaints must be filed using the form on the EB web page. They may be filed via email, US mail or in person at VOM offices
- A complainant may request anonymity, but if the complaint can't be investigated without a complainant's testimony (e.g. a violation can't be proved solely by a document or video recording, or if the complainant is the only witness) then anonymity can't be guaranteed. A complainant's testimony may be required. If so, the complainant will be given the choice of disclosing their identity or withdrawing the complaint
- The same goes for complaints received anonymously. If the EB can't proceed without more specific information, it can't conduct an investigation

COMPLAINTS – HEARINGS

- Complaints are confidential, and the EB requires that complainants not disclose the existence of their complaint. If a complainant self-publishes their complaint, the EB reserves a right to issue a public reply or comment
- After receiving a Complaint, the EB will conduct an investigation. The investigation usually involves an interview of the complainant, potential witnesses and a review of relevant records and documents. The EB may conduct interviews with a stenographer recording questions and answers

COMPLAINTS – HEARINGS

- The EB then will determine whether there are grounds to hold a formal hearing. The Respondent (the person accused of violating the Code of Ethics), has a right to a hearing and may be represented by legal counsel. At the hearing, the EB will question witnesses and testimony will be taken under oath.
- If the EB finds a violation of the Code of Ethics, it will publish its decision on the EB web page
- If a violation is found, the EB will still maintain a complainant's confidentiality, unless the complainant has self-published their complaint or made public comment

THE EB'S AUTHORITY

The EB has the authority and discretion to:

- Impose a maximum fine of \$1500 per violation
- Recommend disciplinary action
- Recommend that the Village Board of Trustees bring a lawsuit for damages or other action, or debarment of a vendor
- Refer a matter to a prosecutor's office

LIMITES TO THE EB'S AUTHORITY

- The EB has no authority to discipline or terminate an employee or committee/board member
- The EB has no authority to prohibit a trustee or committee/board member from speaking or voting on a matter
- The EB can initiate an investigation at its discretion, but does not pro-actively “police” the conduct of village officials, employees or volunteer

THE CODE SECTIONS AND ISSUES THAT THE EB DEALS WITH MOST

- Conflicts of Interest
- Acceptance of Gifts

WHAT IS A CONFLICT OF INTEREST?

- *Broadly speaking*, a conflict occurs when an official or board member takes an action or fails to take an action which would benefit them, a relative, or their business or employer
- *Examples:* voting or advocating as an official or board member on a matter:
 - that directly affects their home, job, or business, such as a variance or public improvement
 - that involves a family member
 - that will benefit a family member
 - that gives preference or an advantage to a vendor

HOW DO I KNOW WHAT A CONFLICT IS?

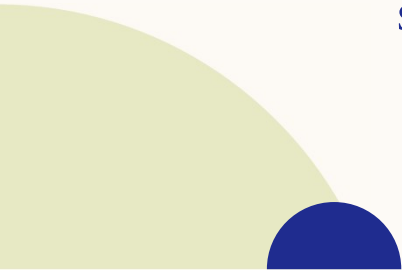
- Section 21-4 A: “Every covered person must ...strive to act so as not to raise reasonable suspicion among the public that [you] may or [may be] likely to be engaged in conduct that is in violation of the public’s confidence and trust”
- Section 21- 4 C (1) “A covered person **must promptly recuse** from participating in a matter before the Village in which the covered person has an interest when acting on the matter or failing to act on the matter may benefit the [person]...financially, **or give the reasonable appearance of a conflict of interest or impropriety.**

CAN YOU BE MORE SPECIFIC?

It's almost always a subjective judgment depending on the facts of a situation and the "appearance"

- The key phrase is **"give the reasonable appearance of a conflict of interest or impropriety."**
- What's a "reasonable appearance"? It's almost always a tough question, but if you're not sure, it means that your ethical instincts are good.

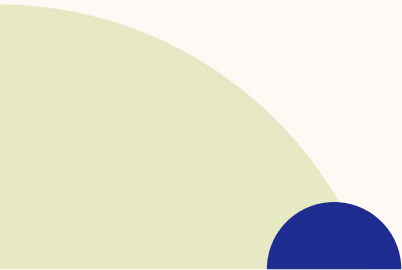
WHAT IS A GIFT?

- Section 21-4 D (1) Money, a service, loan, travel, entertainment of a value of \$75 or more that is intended to influence you in the performance of your work
 - Exceptions – section 21-4 D (2) – promotional items, complimentary catering at a widely attended village event, pens, mugs, hats, etc.
 - HOWEVER, accepting more than one or two gifts within the \$75 limit in one year could stretch the permissible limits
- 

WHAT IF I'M NOT SURE?

- Ask the Ethics Board for an Advisory Opinion
Email the Ethics Board ethicsboard@vomny.org
- The EB cannot provide informal opinions or informal guidance beyond referring you to a code section. The EB will review a request for an Advisory Opinion at its regular monthly meeting. In an urgent situation the EB can meet to provide an expedited opinion.
- The EB publishes decisions of code violations and Advisory Opinions on its web page. They can provide guidance on conflict questions.

ARE EB MEETINGS PUBLIC?

- EB meetings are public, but the EB goes into Executive Session to discuss and deliberate matters that are confidential under Open Meetings Law section 105
 - Examples: Complaints, Advisory Opinions, and matters that involve legally protected privacy, employee or official discipline, and possible referrals for prosecution
- 

HOW BUSY ARE WE?

In 2024 the Ethics Board received and deliberated 13 complaints, 6 advisory opinions and one request for a waiver of a code provision



THANK YOU

VOM ETHICS BOARD

Dan Karson – Chair
Susan Berenzweig
Lauren Perone Jones
Chari Topol-Allison
Patti Trifiletti



Item Title: Outdoor Dining (Parking Spots)

Item Summary:

Outdoor Dining - Parking Spots (Village Manager)

Fiscal Impact:



Item Title: Greenway Grant

Item Summary:

Acceptance of Greenway Grant (Village Manager & Planner)

Fiscal Impact:

Attachments

Grant Information



New York State
Parks, Recreation and
Historic Preservation

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner *Pro Tempore*

August 8, 2024

Daniel Sarnoff
Village Of Mamaroneck
234 Stanley Avenue
Mamaroneck, NY 10543

Dear Grant Recipient:

Re: **PKS-24-TA-901** **\$10,000**

The Office of Parks, Recreation, and Historic Preservation has been notified that Village Of Mamaroneck has been awarded the above referenced Legislative Initiative Grant. The purpose of the grant is:

Mamaroneck Greenway Project

This Agency will be administering your project on behalf of the Legislature.

To get started consult the OPRHP website for the appropriate Guidelines for your project type parks.ny.gov/grants/legislative-initiatives/default.aspx. If the project:

- involves any cosmetic or structural change to a building,
- involves installation of any type of fixture, or
- involves any ground disturbance,

it may be considered a CONSTRUCTION project, and so may require additional guidance. Regardless of the size or dollar amount of the project, discuss it with your Regional Grants Administrator **before** starting any paperwork.

We are including with this letter a checklist, the Legislative Initiative Form (LIF), and some of the forms needed to prepare your Contract for Grants so that you can begin the contracting process. Complete the forms and return them to your Regional Grants Administrator, Erin Drost whose contact information is:

Erin Drost
Taconic Regional Office
9 Old Post Road
Staatsburg, NY 12580
Phone: (845) 889-3866
Cell: (845) 489-8223
Fax: (845) 889-8321
erin.drost@parks.ny.gov

REMEMBER: If your project is, or may be, for construction as defined above and on page 3 of the guidelines, THIS PROCESS MAY NOT BE VALID for your project. Contact your regional grants representative **before** completing any materials.

Erin Drost can answer any questions about your paperwork.

We look forward to working with you toward the successful completion of your project.

Sincerely,

Beatrice L. Gamache
Director, Grants Bureau

CHECKLIST FOR CONTRACT FOR GRANTS

FIRST, READ THE GUIDELINES at <https://parks.ny.gov/grants/legislative-initiatives/default.aspx>

REGISTER AS A VENDOR IN THE STATEWIDE FINANCIAL SYSTEM at <https://www.sfs.ny.gov>
(Not-for-Profit Organizations must also PREQUALIFY through SFS) and sign up for Direct Deposit.

Then, complete the forms and mail the following to your Regional Grants Administrator:

- _____ * Contract for Grants Face Page (2-page document) - Check for accuracy. Fill in start date and any blanks.
- _____ * Contract for Grants Signature Page – original notarized signature.
- _____ * Attachment B (Budget) – completed.
- _____ * Attachment C (Project Narrative) – completed on separate page or filled in on Attachment C.
- _____ Identification Form – completed.
- _____ Resolution for Authority to Sign Legal Documents – You MAY NOT authorize yourself, and your board must adopt THIS Resolution AFTER reviewing the current edition of the GUIDELINES.
- _____ Signed Grantee Certification.
- _____ Signed State Aid Voucher – Complete blocks 4 and 8 only – **DO NOT FILL IN ANY OTHER PART**
- _____ Include any outstanding Final Reports from previous grants.

Not for Profit Organizations

- _____ Prequalification Status Report – Once you are registered as a Vendor in SFS, create and submit a Prequalification Application. For Assistance, contact Karen Ferguson at Karen.Ferguson@parks.ny.gov. Print and submit the Prequalification Status Report to your RGA.
- _____ * Disclosure and Accountability Certification (2-page document) – original notarized signature.
- _____ Proof of coverage, or exemption from coverage, for both Workers Compensation and Disability Insurance – provided by your insurance carrier or the Workers' Compensation Board. See GUIDELINES.
- _____ * Waiver of Interest Agreements – Submit if you want a start date prior to the execution of your contract.

* This document/form is attached.

Other documents/forms can be found in the GUIDELINES.

**DO NOT MAIL until current with required filings with Charities Registration Bureau,
State Education Department and/or Department of State**

STATE OF NEW YORK CONTRACT FOR GRANTS FACE PAGE

<p>STATE AGENCY (Name & Address):</p> <p>New York State Office of Parks, Recreation and Historic Preservation Albany, New York 12238 (For USPS Mail)</p> <p>625 Broadway Albany, New York 12207 (For Physical Delivery)</p>	<p>BUSINESS UNIT/DEPT. ID: 1290000</p> <p>CONTRACT NUMBER: T24T901</p> <p>CONTRACT TYPE:</p> <p><input type="checkbox"/> Multi-Year Agreement</p> <p><input type="checkbox"/> Simplified Renewal Agreement</p> <p><input checked="" type="checkbox"/> Fixed Term Agreement</p>
<p>CONTRACTOR NAME:</p> <p>Village Of Mamaroneck</p>	<p>TRANSACTION TYPE:</p> <p><input checked="" type="checkbox"/> New</p> <p><input type="checkbox"/> Renewal</p> <p><input type="checkbox"/> Amendment</p>
	<p>PROJECT NAME:</p> <p>Mamaroneck Greenway Project</p>
<p>CONTRACTOR IDENTIFICATION NUMBERS:</p> <p>NYS Vendor ID Number:</p> <p>Federal Tax ID Number:</p>	<p>AGENCY IDENTIFIER:</p> <p>PKS-24-TA-901</p> <p>CFDA NUMBER (Federally Funded Grants Only):</p>
<p>CONTRACTOR PRIMARY MAILING ADDRESS:</p> <p>234 Stanley Avenue Mamaroneck, New York 10543</p> <p>CONTRACTOR PAYMENT ADDRESS:</p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p> <p>CONTRACT MAILING ADDRESS:</p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p>	<p>CONTRACTOR STATUS:</p> <p><input type="checkbox"/> For Profit</p> <p><input type="checkbox"/> Municipality, Code:</p> <p><input type="checkbox"/> Tribal Nation</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Not-for-Profit</p> <p>Charities Registration Number:</p> <p>Exemption Status/Code:</p> <p><input type="checkbox"/> Sectarian Entity</p>

Contract Number: #**T24T901**

<p>CURRENT CONTRACT TERM:</p> <p>From: To: 3/31/2025</p> <p>AMENDED TERM</p> <p>From: To:</p>	<p>CONTRACT FUNDING <i>(Multi-year – enter total projected amount of the Contract; Fixed Term/Simplified Renewal – enter Current period amount):</i></p> <p>CURRENT: \$ 10,000</p> <p>AMENDED:</p> <p>FUNDING SOURCE(S)</p> <p><input checked="" type="checkbox"/> State</p> <p><input type="checkbox"/> Federal</p> <p><input type="checkbox"/> Other</p>
<p>ATTACHMENTS INCLUDED AS PART OF THIS AGREEMENT:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p><input checked="" type="checkbox"/> Appendix A:</p> <p><input checked="" type="checkbox"/> Attachment A:</p> <p><input checked="" type="checkbox"/> Attachment B:</p> <p><input checked="" type="checkbox"/> Attachment C: Work Plan</p> <p><input checked="" type="checkbox"/> Attachment D: Payment and Reporting Schedule</p> <p><input type="checkbox"/> Other:</p> </div> <div style="width: 48%;"> <p><input checked="" type="checkbox"/> Standard Clauses for New York State Contracts</p> <p><input checked="" type="checkbox"/> A-1 Agency Specific Terms and Conditions</p> <p><input checked="" type="checkbox"/> A-2 Program Specific Terms and Conditions</p> <p><input type="checkbox"/> A-3 Federally Funded Grants</p> <p><input checked="" type="checkbox"/> B-1 Expenditure Based Budget</p> <p><input type="checkbox"/> B-2 Performance Based Budget</p> <p><input type="checkbox"/> B-3 Capital Budget</p> <p><input type="checkbox"/> B-1(A) Expenditure Based Budget (Amendment)</p> <p><input type="checkbox"/> B-2(A) Performance Based Budget (Amendment)</p> <p><input type="checkbox"/> B-3(A) Capital Budget (Amendment)</p> </div> </div>	

IN WITNESS THEREOF, the parties hereto have executed or approved this Contract on the dates below their signatures.

CONTRACTOR: **Village Of Mamaroneck**

By: _____

Printed Name

Title: _____

Date: _____

STATE AGENCY: **New York State Office of Parks,
Recreation and Historic Preservation**

By: _____

Beatrice L. Gamache

Printed Name

Title: Director, Grants Bureau

Date: _____

Village Of Mamaroneck

STATE OF NEW YORK

County of _____

On the ____ day of _____, _____, before me personally appeared _____, to me known, who being by me duly sworn, did depose and say that he/she resides at _____, that he/she is the _____ of the _____, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Contract.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE

Printed Name

Title: _____

Date: _____

STATE COMPTROLLER'S SIGNATURE

Printed Name

Title: _____

Date: _____

ATTACHMENT B-1 - EXPENDITURE BASED BUDGET

PROJECT NAME: **Mamaroneck Greenway Project**

CONTRACTOR/SFS PAYEE NAME: **Village Of Mamaroneck**

CONTRACT PERIOD: From:
To: **3/31/2025**

CATEGORY OF EXPENSE	STATE SHARE
SALARIES/WAGES for personnel, including any of the following:	\$
Executive Director	
Administrative/Professional Staff	
Support/Clerical Staff	
Maintenance/Security Staff	
FRINGE BENEFITS	
employer contributions for benefits such as health insurance< FICA, etc., for personnel noted above.	
OPERATING EXPENSES	
to include office rent, utilities, phones, insurances, etc.	
CONSULTANT SERVICES	
to include fees for services such as accounting, advertising, audit, instructional, legal services, Architects, and Engineers	
PERFORMANCE FEES	
including performers/musicians/artists and/or production personnel	
RENTALS	
including venue or equipment	
PURCHASES	
PRINTING	
CONSTRUCTION	
To include...	
TOTAL (MUST EQUAL THE FULL GRANT AMOUNT)	\$10,000

ATTACHMENT C – WORK PLAN

PROJECT NAME: Mamaroneck Greenway Project

CONTRACTOR/SFS PAYEE NAME: Village Of Mamaroneck

CONTRACT PERIOD: From:
To: 3/31/2025

As indicated in the Legislative Intent Form, this grant will be used **solely and directly** for:

Funds Will Be Used To Design Segments Of The Greenway Along The Sheldrake And Mamaroneck Rivers That Will Provide Wetland Protection, As Well As To Provide For Trails And Park Spaces For Under Served Families In The Community.

The specific project to be funded under this grant is described below:

ONLY for NOT-FOR-PROFIT GRANTEES REQUESTING START DATE PRIOR TO CONTRACT EXECUTION

WAIVER OF INTEREST AGREEMENT

PKS-24-TA-901

WHEREAS, **Village Of Mamaroneck** and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) desire to enter into a contract whereby **Village Of Mamaroneck** will provide services identified in the Legislative Intent Form; and

WHEREAS, **Village Of Mamaroneck** desires to provide services under a contract with OPRHP that has a retroactive start date; and

WHEREAS, the reasons for the retroactive start date are:

- **Village Of Mamaroneck** sought funding for the **2024** fiscal year, and the legislative sponsor intended funds to be used during that period.
- OPRHP could not prepare a contract until project details were received from either the NYS Legislature or from the NYS Division of Budget, which did not occur until 7/11/2024.
- OPRHP could not prepare a contract until documentation was received from the **Village Of Mamaroneck**, which did not occur until after _____ (date of grantee document submittal).
- **Village Of Mamaroneck** wishes to apply funding toward services that were or will have been begun before a contract could be executed and approved by all parties.

WHEREAS, OPRHP met the time frames of Article XI-B of the State Finance Law and Part 22 of Title 2 of the NYCRR in relation to the subject contract; and

WHEREAS, subdivision 7 of Section 179-v of the State Finance Law permits the waiver of interest; and

WHEREAS, OPRHP would otherwise be liable for interest to **Village Of Mamaroneck** due to a retroactive contract start date;

NOW THEREFORE, in consideration of the terms hereinafter mentioned, and also the covenants and obligations moving to each party thereto from the other, the parties do hereby agree as follows:

1. **Village Of Mamaroneck** hereby waives its right to any interest which may be due pursuant to Article XI-B of the State Finance Law and part 22 of Title 2 of the NYCRR.
2. OPRHP hereby agrees to expeditiously process the subject contract which provides for a retroactive start date.
3. This agreement is null and void if the time frames required by Article XI-B of the State Finance law and Part 22 of Title 2 of the NYCRR were not complied with by OPRHP.
4. This agreement shall not be effective to waive interest unless the Comptroller determines that a waiver of interest is warranted and approves this agreement.

Office of Parks, Recreation and Historic Preservation

Village Of Mamaroneck

Signature

Signature

By: Beatrice L. Gamache

Name: _____

Title: Director, Grants Bureau

Title: _____

Date: _____

Date: _____

DISCLOSURE & ACCOUNTABILITY CERTIFICATIONS*
(The Contractor must attach the corresponding Legislative Initiative Form prior to having this document signed and notarized.)

I. No Conflict of Interest

Except as otherwise fully disclosed in a separate appendix attached to this Certification, the Contractor affirms, to the best of its knowledge, under penalty of perjury, that neither the Sponsoring Member(s) nor any Related Parties to Sponsoring Member(s) has any financial interest, direct or indirect, in the Contractor, or has received or will receive any financial benefit, either directly or indirectly, from the Contractor or its Related Parties from the matters contained in the attached Legislative Initiative Form or in any subsequent related Contract.

II. Good Standing

Except as otherwise fully disclosed in a separate appendix attached to this Certification, the Contractor affirms, to the best of its knowledge, under penalty of perjury, that:

- (A) At no time during the past five years has the Contractor: (1) been barred by a government agency from entering into a government contract as a result of inappropriate activity or unlawful conduct; (2) been convicted or charged with a felony or misdemeanor; or (3) failed to file federal, state or city tax returns or pay taxes owed; and
- (B) Neither the Contractor, nor any of the Contractor's Related Parties, has paid any third party or agent, either directly or indirectly, to aid in the securing of the attached Legislative Initiative Form or in any subsequent related Contract.

To the extent the answer to any of these questions is "yes," please describe the events and circumstances in an attached appendix to this Certification.

III. Funds Used Solely for Public Purpose

The Contractor affirms, to the best of its knowledge, under penalty of perjury, that all funds expended pursuant to the terms of any Contract related to the attached Legislative Initiative Form are intended to be used and will be used solely and directly for the public purpose or public purposes specified on the Legislative Initiative Form and elsewhere in any subsequent related Contract.

IV. Sponsoring Member(s)

The Sponsoring Member(s) of the local legislative initiative set forth in the attached Legislative Initiative Form, pursuant to which any subsequent related Contract will be funded is/are: Steven Otis.

V. Definitions

As used herein in this Certification Appendix:

- (1) "Affiliate" means any person or entity that directly or indirectly controls or is controlled by or is under common control or ownership with the specified party.
- (2) "Contractor" means the party or parties receiving funds as set forth in the attached Legislative Initiative Form pursuant to the terms of any subsequent related Contract.
- (3) "Related Party" means: (i) the party's spouse, (ii) natural or adopted descendants of the party or of the party's spouse, (iii) any sibling of the party or of the party's spouse, (iv) any person sharing the home of any of the foregoing, (v) any staff member, employee, director, officer or agent of the party, and (vi) Affiliates or subcontractors of the party.
- (4) "Sponsoring Member(s)" means the sponsoring Assembly Member or State Senator that sponsored the grant listed on the attached Legislative Initiative Form.

The undersigned recognizes that this Certification is submitted for the express purpose of assisting the State of New York and political subdivisions to make a determination regarding the approval of a Legislative Initiative Form, award of any subsequent related contract, or approval of any subsequent related subcontract; acknowledges that the State of New York and political subdivisions may in their discretion, by means which they choose, verify the truth and accuracy of all statements made herein; acknowledges that knowing or intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.45; and states that the information submitted in this Certification and any attached appendix is true, accurate and complete.

PLEASE NOTE

The corresponding Legislative Initiative Form must be attached prior to having this document signed and notarized.

Village Of Mamaroneck

Name of Contractor

Signature of Authorized Official / Date

234 Stanley Avenue

Address

Typed Copy of Signature

Mamaroneck, New York, 10543

City, State, Zip Code

Title

Sworn to before me this _____ day of _____, 20____.

Notary Public

SFY 2024-2025 LEGISLATIVE INITIATIVE FORM

Legal Name, Address, and Telephone Number:

VILLAGE OF MAMARONECK
234 STANLEY AVENUE
MAMARONECK, NY 10543
(914) 777-7703

Project Title:

MAMARONECK GREENWAY PROJECT

Amount of Legislative Initiatives Funded for SFY 2024-2025:

\$10,000

Purpose of Project:

FUNDS WILL BE USED TO DESIGN SEGMENTS OF THE GREENWAY ALONG THE SHELDRAKE AND MAMARONECK RIVERS THAT WILL PROVIDE WETLAND PROTECTION, AS WELL AS TO PROVIDE FOR TRAILS AND PARK SPACES FOR UNDER SERVED FAMILIES IN THE COMMUNITY.

Project Director:

DANIEL SARNOFF
DSARNOFF@VOMNY.ORG

Name of Administering State Agency:

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RECEIVED

JUN 10 2024

OPRPF
Grants Bureau



Item Title: Egg Hunt Donation

Item Summary:

Acceptance of Donation for Spring Egg Hunt at HIP (Recreation Superintendent)

Fiscal Impact:

Attachments

Flyer

Resolution

Village of Mamaroneck Parks & Recreation

In conjunction with Mamaroneck PBA, present

SPRING EGG HUNT

FACE
PAINTER

COTTON
CANDY

PHOTOS
WITH
COTTONTAIL

CARNIVAL
GAMES

HOT
CHOCOLATE

SATURDAY, APRIL 5, 2025

Harbor Island Park on Pavilion Field

11:00 am - 1:30 pm

Egg hunt will begin at 11:30 am

(Egg hunt for ages 0-11 only)

Egg bags will be provided

FREE EVENT • RESIDENTS ONLY • PRE-REGISTRATION REQUIRED



Village of Mamaroneck
Parks & Recreation



TO REGISTER GO TO: vomrec.recdesk.com
(914) 777-7784 | recreation@vomny.org



OFFICE OF
CLERK TREASURER

Village Hall At The Regatta
P.O. Box 369
123 Mamaroneck Avenue
Mamaroneck, N.Y. 10543
<http://www.Village.Mamaroneck.ny.us>

Tel (914) 777-7722
Fax (914) 777-7787

FEBRUARY 24, 2025
ITEM 7D– AGENDA REGULAR MEETING

**AUTHORIZATION TO ACCEPT DONATION FOR
THE VILLAGE SPRING EGG HUNT EVENT**

WHEREAS, the Village of Mamaroneck Recreation Department is holding a Spring Egg Hunt Event on Saturday, April 5, 2025; and

WHEREAS, this family-friendly event is held every year to the delight of young and old; and

WHEREAS, over the years, the Village has received donations for different events from generous individuals and organizations; and

WHEREAS, consistent with Village Policy, it is necessary to accept these donations and recognize their generosity to the community; now therefore be it

RESOLVED, that the Village Board accepts the following donation:

<u>From:</u>	<u>Amount:</u>
Village of Mamaroneck PBA	\$500

; and be it further

RESOLVED, that the Village Clerk-Treasurer is authorized to deposit of these funds in Recreation Events Trust Account for donations made; and be it further

RESOLVED, that the Village Board of Trustees thanks all Village residents and organizations who support our Village events.



Item Title: PLL H-2025

Item Summary:

Discussion of PLL H-2025 - Revisions to the Village Code to Separate the Clerk-Treasurer Title and Department and the Addition of a Second Assistant Manager (Village Manager & Attorney)

Fiscal Impact:

Attachments

PLL H of 2025

PROPOSED LOCAL LAW H – 2025

A Proposed Local Law to amend the
Code of the Village of Mamaroneck regarding the positions of Village Clerk,
Village Treasurer, and Assistant Village Manager.

**BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck
as follows:**

(Language in strike-through ~~abedefhijk~~ to be deleted; language in **bold** is to be added)

Section 1.

Section 1-6 of the Code of the Village of Mamaroneck is amended as follows:

The Village ~~Clerk-Clerk-Treasurer~~ **Clerk** will make an electronic copy of this Code available on the Village's website.

Section 2.

Section 1-8 of the Code of the Village of Mamaroneck is amended as follows:

The Village ~~Clerk-Clerk-Treasurer~~ **Clerk** is required to cause the electronic copy of this Code that is available on the Village website to be kept up to date.

Section 3.

Subsection (B)(2) of section 3-2 of the Code of the Village of Mamaroneck is amended as follows:

B. Whenever a party other than a Village board, agency or staff proposes an amendment to Chapter 342 of this Code:

- (2) The Village ~~Clerk-Clerk-Treasurer~~ **Clerk** must provide written notice of the public hearing by certified mail to the owner of record of each property within 400 feet of the property which is the subject of the public hearing to the property owner's address as set forth in the records of the Assessor of the Town of Mamaroneck, but the failure of one or more property owners to receive the notice in conformance with this requirement does not invalidate any action taken by the Board of Trustees in connection the proposed amendment.

Section 4.

Section 3-4 of the Code of the Village of Mamaroneck is amended as follows:

The Village ~~Clerk-Clerk-Treasurer~~ **Clerk** is required to cause every deletion, amendment or supplement to this Code to be incorporated into the electronic copy of this Code that is maintained on the Village's website.

Section 5.

Section 7-2 of the Code of the Village of Mamaroneck is amended as follows:

The Council's purpose shall be to promote the performing and cultural arts within the Village. It shall seek to foster and attract to the Village entertainment on as many different levels and in as many different fields as possible. It shall have the power to raise monetary support for programs from the public at large, and such funds may not be used by the Village for purposes other than for the furtherance of the Council's program. Additional programming funds may be raised from the public through voluntary contributions or through admission charges. All funds shall be collected in the name of the Village of Mamaroneck through the ~~Clerk-Treasurer~~ **Village Treasurer**. No solicitation of funds by the Village of Mamaroneck Arts Council from the public, other than admission charges, shall be conducted without prior approval by the Board of Trustees.

Section 6.

Section 21-5 of the Code of the Village of Mamaroneck is amended as follows:

- A. Within 72 hours of the annual meeting of the Board of Trustees held pursuant to § 3-302 of the Village Law of the State of New York, the Board of Trustees must cause a list of designated persons to be filed with the Ethics Board and the Village ~~Clerk-Clerk-Treasurer~~.
- B. The ~~Clerk-Treasurer~~ **Village Clerk** must notify each designated person by January 15 of each year of the designated person's obligation to file an annual disclosure statement and provide each covered person with the annual disclosure statement form. The Village ~~Clerk Clerk-Treasurer~~ must also make the annual disclosure statement form available in the Village ~~Clerk's-Clerk-Treasurer's~~ office and on the Village website.

Section 7.

Subsection (D) of section 21-6 of the Code of the Village of Mamaroneck is amended as follows:

- D. Transactional disclosure statement. Any covered person who has an interest in any transaction before a village agency or in any property which may be affected by a transaction before a village agency, or knows that a relative has such an interest in a transaction before a village agency, must publicly disclose the nature and extent of that interest by filing a transactional disclosure statement on the record of the village agency before which the transaction is pending and must file a written transactional disclosure statement with the Village ~~ClerkClerk-Treasurer~~, the Ethics Board and the covered person's immediate supervisor, in the case of a Village employee, or the Board of Trustees, in the case of any other covered person. The village agency to which the disclosure is made must maintain the transactional disclosure statement as part of its public records. The Ethics Board must review the transactional disclosure statement in a timely manner. The covered person has a continuing duty to disclose any interest in the transaction that becomes known to the covered person. If the information contained in the transactional disclosure statement changes, the covered person must file an amended transactional Disclosure setting forth the changed information within 30 days of the change.

Section 8.

Subsection (I) of section 21-6 of the Code of the Village of Mamaroneck is amended as follows:

- I. If a covered person who is an appointed member of a village agency, except a member of the Board of Trustees, fails to file a required annual disclosure statement by the date due for filing, or by an extended date approved by the Ethics Board, the covered person may not participate in the meetings or other activities of the village agency until the Village ~~Clerk~~**Clerk-Treasurer** certifies to the village agency that the covered person has duly filed the required disclosure statement. A covered person whose participation is suspended for failure to file a required disclosure statement is not eligible for appointment to any village agency until the required disclosure statement is filed.

Section 9.

Subsection (K) of section 21-6 of the Code of the Village of Mamaroneck is amended as follows:

- K. If the Village ~~Clerk~~**Clerk-Treasurer** or the Ethics Board determines that a disclosure statement does not comply with the requirements of this chapter, the Ethics Board must inform the person who filed the disclosure statement of the reasons the disclosure statement is deficient. The person may amend the disclosure statement without penalty within 15 days of receipt of the notification from the Ethics Board or the person may, within the same fifteen-day period, file with the Ethics Board and the Village ~~Clerk~~**Clerk-Treasurer** an objection to the determination, stating the reasons for the objection. Upon receiving the objection, the Ethics Board must determine and inform the person within 30 days whether the disclosure statement complies with the requirements of this chapter. If the Ethics Board determines that the disclosure statement does not comply with the requirements of this chapter, the person must file an amended disclosure statement that does comply with the requirements of this chapter within 15 days of notice of the decision. The decision of the Ethics Board is final, subject to remedies available under applicable law. If the person who filed the disclosure statement is a member of a village agency, the person is suspended, upon receipt of the notice, from participating in the activities of the village agency on which the person serves. If the person who filed the disclosure statement is an applicant, the person is suspended from engaging in the transaction, until the person files a compliant disclosure statement. The Ethics Board may, for good cause shown, vacate the suspension and allow the person to participate in the activities of the village agency or engage in the transaction while the Ethics Board is considering the objection or the covered person is pursuing any legal remedy.

Section 10.

Subsection (C)(2) of section 21-10 of the Code of the Village of Mamaroneck is amended as follows:

- C. The Ethics Board has the following powers and duties:
 - (2) To require the assistance of the Village Attorney and the Village ~~Clerk~~**Clerk-Treasurer**

~~Treasurer~~ in the performance of the Ethics Board's duties; provided, however, that any communications between the Ethics Board and the Village Attorney or Village ~~Clerk-Clerk-Treasurer~~ are confidential and must not be disclosed to anyone other than the Ethics Board or its designees, except as otherwise required by state or federal law or by this chapter;

Section 11.

Section 21-11 of the Code of the Village of Mamaroneck is amended as follows:

The Village ~~Clerk-Clerk-Treasurer~~ must promptly transmit to the Ethics Board each disclosure statement that has been filed with the **Village Clerk-Clerk-Treasurer** and must index the disclosure statements, maintain them on file for not less than six years, and make them available for public inspection and copying.

Section 12.

Subsection (A) of section 21-16 of the Code of the Village of Mamaroneck is amended as follows:

- A. Upon a written inquiry, the Ethics Board will render a written advisory opinion with respect to the interpretation or application of this chapter to the future or continuing conduct or interest of the inquiring party. The Ethics Board must deliver a copy of each advisory opinion to the Village ~~Clerk-Clerk-Treasurer~~. The Village ~~Clerk-Clerk-Treasurer~~ must index the advisory opinions of the Ethics Board and maintain those opinions on file and on the Village website.

Section 13.

Subsections (B)(5) and (B)(6) of section 23-4 of the Code of the Village of Mamaroneck are amended as follows:

- B. Before a land use application is determined to be complete, the Building Inspector, in consultation with the Village Manager and the Village Planner, must:
 - (5) Determine the amount reasonably necessary for the applicant to deposit with the Village ~~Treasurer-Clerk-Treasurer~~ to ensure that the Village has sufficient funds to pay the cost of the necessary professional services on a timely and continuing basis;
 - (6) Require the applicant to deposit the escrow amount with the Village **Treasurer Clerk-Treasurer**; and

Section 14.

Subsection (C) of section 23-4 of the Code of the Village of Mamaroneck is amended as follows:

- C. Before any reviewing board may undertake any further review with respect to the application, the applicant must deposit with the Village ~~Treasurer-Clerk-Treasurer~~ the amount the Building Inspector has determined to ensure that the Village has sufficient funds to pay the cost of the necessary professional services on a timely and continuing basis. The Village **Treasurer Clerk-Treasurer** will hold the escrow deposit in an

interest-bearing trust and agency account. If the Village ~~Treasurer~~~~Clerk-Treasurer~~ determines at any time during the review process that the amount in the escrow account has fallen below 50% of the escrow amount required by the Building Inspector, the Village ~~Treasurer~~~~Clerk-Treasurer~~ will notify the applicant that an additional deposit with the Village ~~Treasurer~~~~Clerk-Treasurer~~ sufficient to bring the balance in the escrow account to the amount required by the Building Inspector must be made. If the applicant receives such a notice at least seven days before a meeting of a reviewing board and fails to make the additional deposit before that meeting, the Village ~~Treasurer~~~~Clerk-Treasurer~~ will so notify the reviewing board and the reviewing board will not consider the application further until the applicant has deposited the additional funds, unless further consideration by the reviewing board is necessary to avoid an approval by reason of the passage of time.

Section 15.

Subsection (C) of section 23-5 of the Code of the Village of Mamaroneck is amended as follows:

- C. If the applicant does not dispute any charge, the Village Manager will direct the Village ~~Treasurer~~~~Clerk-Treasurer~~ to pay the charges. If the applicant disputes any charge, the Village Manager will determine within 15 days, based upon the applicant's statement, whether to pay the disputed charge, and will direct the Village ~~Treasurer~~~~Clerk-Treasurer~~ to pay the charges the Village Manager determines to be reasonable and consistent with the provisions of this article.

Section 16.

Subsection (B) of section 23-6 of the Code of the Village of Mamaroneck is amended as follows:

- B. If, after final action is taken on the land use application and the Village Manager has received and approved all statements for professional services with respect to the application, the escrow amount held by the Village ~~Treasurer~~~~Clerk-Treasurer~~ is less than the charges for professional services approved by the Village Manager, the applicant must pay the remaining balance within 30 days. If the applicant fails to do so, the Village Manager is authorized to cause the unpaid amount to be added to the next Village tax bill for the property that is the subject of the application.

Section 17.

Subsection (C) of section 23-6 of the Code of the Village of Mamaroneck is amended as follows:

- C. If, after final action is taken on the land use application and the Village Manager has received and approved all statements for professional services with respect to the application, the escrow amount held by the Village ~~Treasurer~~~~Clerk-Treasurer~~ is greater than the charges for professional services approved by the Village Manager, the Village ~~Treasurer~~~~Clerk-Treasurer~~ must refund the balance to the applicant within 30 days.

Section 18.

Section 76-2 of the Code of the Village of Mamaroneck is amended as follows:

§ 76-2 ~~Designation of alternate during vacancy~~ Assistant Managers

- A. **The Village Manager may appoint no more than two Assistant Village Managers and may designate one or both as Deputy Village Managers. The Assistant Village Managers will have the duties assigned by the Village Manager.**
- B. During the absence or disability of the Village Manager or during a vacancy ~~created in the office of Village Manager~~, the Board of Trustees may designate **one of the Deputy Village Managers or, if neither Deputy Village Manager is available**, any properly qualified ~~person who is, at the time of such designation, a~~ full-time employee of the Village of Mamaroneck **to serve as Acting Village Manager** to perform the duties of the ~~office of Village Manager during such absence, or disability or vacancy of the Village Manager.~~ The individual so designated pursuant to this section shall have all the administrative and executive powers as ~~those of the Village Manager while such~~ **that** person is performing the duties of the Village Manager, but **will not** ~~said person shall at no time~~ receive any additional salary or other compensation for performing ~~said the~~ duties of Village Manager, ~~unless except in the case where such person shall be performing the~~ **designated person performs** the duties of the Village Manager for **more than a** ~~period of time in excess of three consecutive weeks, in which case the designated person may receive~~ additional salary or compensation ~~may be paid for the entire time the designated~~ such person is performing ~~such those~~ duties.

Section 19.

Section 96-13 of the Code of the Village of Mamaroneck is amended as follows:

Any person, firm, corporation or association displaying for public patronage or keeping for operation any mechanical amusement device, as defined by § 96-11 herein, shall be required to obtain a license from the Village of Mamaroneck upon payment of a license fee. Application for such license shall be made to the **Village Clerk** ~~Clerk-Treasurer~~ upon a form to be supplied by the **Village Clerk** ~~Clerk-Treasurer~~ for that purpose.

Section 20.

Subsection (C) of section 96-14 of the Code of the Village of Mamaroneck is amended as follows:

- C. Application for license shall be made out in four (4) copies, one (1) copy being referred to the Chief of Police, one (1) copy to the Building Inspector, one (1) copy to the State Electrical Inspector and one (1) copy to be maintained by the **Village Clerk** ~~Clerk-Treasurer~~.

Section 21.

Subsection (A) of section 96-17 of the Code of the Village of Mamaroneck is amended as follows:

- A. Such license may be transferred from one machine or device to another similar machine upon application to the **Village Clerk**~~Clerk-Treasurer~~ to such effect and the giving of a description and the serial number of the new machine or device. Not more than one (1) machine shall be operated under one (1) license, and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

Section 22.

Section 96-19 of the Code of the Village of Mamaroneck is amended as follows:

Every license issued under this Article is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any mechanical amusement device contrary to the provisions of this Article, the laws of the Village of Mamaroneck or the laws of the State of New York; and the Village Manager may, at any time, suspend any license therefor. Notice of such suspension and the reason or reasons therefor, in writing, shall be served by the **Village Clerk**~~Clerk-Treasurer~~ upon the person named in the application or license or by mailing the same to the address given in the application, and, upon filing a copy of such notice in the **Village Clerk's**~~Clerk-Treasurer's~~ office, with affidavit of service of mailing, such license shall be suspended until the next regular meeting of the Board of Trustees, at which meeting the license may be revoked or continued by the Board. When a license shall be revoked, no refund for any unearned portion of the license fee shall be made.

Section 23.

Subsection (D) of section 123-3 of the Code of the Village of Mamaroneck is amended as follows:

- D. If the permit is denied, the Village Manager must advise the applicant, in writing, of the reason for denial of the application and the Village **Treasurer**~~Clerk-Treasurer~~ must refund the fee.

Section 24.

Subsection (C) of section 238-14 of the Code of the Village of Mamaroneck is amended as follows:

- C. If any owner or owners shall neglect or refuse to comply with said notice within the time limited therefor, the Village of Mamaroneck shall proceed with the removal and proper disposition of such litter in such manner as it shall deem proper and suitable and shall file a certificate of the expense thereof, together with a description of the property whereon such work was completed, with the Village **Clerk**~~Clerk-Treasurer~~, who shall certify the same to the Board of Trustees at the next regular meeting thereafter. The expense thereof shall be paid by the owner of the property and may be collected in an action at law or assessed upon the land. Such assessments shall be made and taxes levied as provided by the Village Law.

Section 25.

Subsection (F)(1) of section 240-20 of the Code of the Village of Mamaroneck is amended

as follows:

F. Public hearing notification and review procedure for perimeter permits.

- (1) Upon receipt of a perimeter permit application that complies in material respect with all applicable submission requirements, the Building Department shall refer the application to the Harbor and Coastal Zone Management Commission for review and determination, and circulate the application to the Village's engineering consultant, Commission counsel and staff, other Commission consultants as determined to be necessary and appropriate, the Harbor Master, the **Village Clerk** ~~Clerk-Treasurer's~~ and the Village Manager for their review and comment. The Harbor and Coastal Zone Management Commission shall calendar a public hearing for each application in accordance with the Commission's Rules of Procedure.

Section 26.

Subsection (D)(1) of section 240-21 of the Code of the Village of Mamaroneck is amended as follows:

D. Public hearing notification and review procedure for permit applications.

- (1) Upon receipt of a permit application that complies in material respect with all applicable submission requirements, the Building Department shall refer the application to the Harbor and Coastal Zone Management Commission for review and determination, and circulate the application to the Village's engineering consultant, Commission counsel and staff, other Commission consultants as determined to be necessary and appropriate, the Harbor Master, the **Village Clerk** ~~Clerk-Treasurer's~~ and the Village Manager for their review and comment. The Harbor and Coastal Zone Management Commission shall calendar a public hearing for each application in accordance with the Commission's Rules of Procedure.

Section 27.

Subsection (B) of section 274-8 of the Code of the Village of Mamaroneck is amended as follows:

- B. Said identification card shall not be transferred or assigned. On the expiration of the license, the identification card shall be surrendered to the **Village Clerk** ~~Clerk-Treasurer~~.

Section 28.

Subsection (C) of section 274-8 of the Code of the Village of Mamaroneck is amended as follows:

- C. A charge as set forth in Chapter A347, Fees, shall be made by the **Village Clerk** ~~Clerk-Treasurer~~ for any replacement identification cards issued.

Section 29.

Subsection (G) of section 280-5 of the Code of the Village of Mamaroneck is amended

as follows:

- G. The owner or occupant shall have an opportunity to contest the compliance costs and request for payment issued by the Village upon written request made within 10 business days of the request for payment being issued by the Village. The owner or occupant shall appear before a panel composed of the Village Manager or his designee, the Village ~~Clerk, Clerk-Treasurer~~ and the Village Building Inspector.

Section 30.

Subsection (C) of section 296-15 of the Code of the Village of Mamaroneck is amended as follows:

- C. If any owner or owners shall neglect or refuse to repair such sidewalk and/or curb within the time limited therefor by said notice or extended by the Public Works department head, the Village of Mamaroneck shall forthwith make such repairs in such manner as it shall deem proper and suitable and shall file a certificate of the expense thereof, together with a description of the property in front of which such repairs were made, with the Village ~~Clerk, Clerk-Treasurer~~, who shall certify the same to the Board of Trustees at the next regular meeting thereafter. The expense of making such repairs shall be paid by the owner of the property abutting on the sidewalk and/or curb so repaired and may be collected in an action at law or assessed upon the adjoining land. Such assessments shall be made and taxes levied as provided by the Village Law. The Village Board may, by resolution and without further public hearing, assume such percentage of the cost of any sidewalk and/or curb repair under such program as the Board, in its sole judgment, should decide, and, further, although the village may determine the amount which the taxpayer will pay and the amount the village will pay, in no event will there be assessed to the taxpayer an amount in excess of what he would pay under a voluntary program on a 50/50 basis as described below.

Section 31.

Section 304-27 of the Code of the Village of Mamaroneck is amended as follows:

For the purposes of this article, the following definitions shall apply:

~~CLERK-TREASURER~~ **VILLAGE TREASURER**

~~Clerk-Treasurer~~ **The Treasurer** of the Village of Mamaroneck.

Section 32.

Section 304-32 of the Code of the Village of Mamaroneck is amended as follows:

- A. The tax imposed by this article shall be administered and collected by the **Village Treasurer** ~~Clerk-Treasurer~~ or such other Village employee as he/she 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 at the same time as and in addition to 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 statement of charges made for said occupancy issued or

delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the Village, 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 nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of the rent by the occupant; provided, however, that the **Village Treasurer**~~Clerk-Treasurer~~ or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

- C. The tax imposed by this article shall be paid upon any occupancy on and after April 1, 2017, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such 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 April 1, 2017. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the **Village Treasurer**~~Clerk-Treasurer~~ may, by regulation, provide for credit and/or refund of the amount of such tax upon application therefor as provided in § 304-38 of this article.

Section 33.

Section 304-33 of the Code of the Village of Mamaroneck is amended as follows:

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

Section 34.

Section 304-34 of the Code of the Village of Mamaroneck is amended as follows:

- A. Every operator shall file with the **Village Treasurer**~~Clerk-Treasurer~~ a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of February, May, August and November on and after April 1, 2017, except that a return for the period April 1, 2017, through May 31, 2017, shall be separately filed. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The **Village Treasurer**~~Clerk-Treasurer~~ may permit or require returns to be made for other periods upon such dates as he/she may specify. If the **Village Treasurer**~~Clerk-Treasurer~~ deems it necessary in order to ensure the payment of the tax imposed by this article, he/she 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 he/she may specify.

- B. The forms of return shall be prescribed by the **Village Treasurer**~~Clerk-Treasurer~~ and shall contain such information as he/she may deem necessary for the proper administration of this article. The **Village Treasurer**~~Clerk-Treasurer~~ may require amended returns to be filed within 20 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 **Village Treasurer**~~Clerk-Treasurer~~ shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

Section 35.

Section 304-36 of the Code of the Village of Mamaroneck is amended as follows:

At the time of filing a return of occupancy and of rents, each operator shall pay to the **Village Treasurer**~~Clerk-Treasurer~~ 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 **Village Treasurer**~~Clerk-Treasurer~~ 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 **in the judgment of the Village Treasurer**~~Clerk-Treasurer~~ in ~~his/her~~**his or her** discretion ~~deems it is~~ necessary to protect revenues to be obtained under this article, the **Village Treasurer**~~he/she~~ may require any operator required to collect the tax imposed by this article to file with the **Village Treasurer**~~him/her~~ 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 **the** such amount as the **Village Treasurer**~~Clerk-Treasurer~~ may find **sufficient** 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~~**If the Village Treasurer** ~~Clerk-Treasurer~~ determines that an operator **must file a bond** ~~to file such bonds~~, **the Village Treasurer** ~~he/she~~ shall give notice to ~~the~~**such** operator to that effect, specifying the amount of the bond required. The operator shall file ~~the~~**such** bond within five days after **the Village Treasurer gives notice that the bond is required** ~~giving of such notice~~ unless, within ~~those~~**such** five days, the operator ~~shall request~~**s, in writing, a hearing before the Village Treasurer Clerk-Treasurer at which the operator may submit material evidence on the basis of which the Village Treasurer** will determine the necessity, propriety, and amount of the bond~~shall be determined by the Clerk-Treasurer. Such~~**The Village Treasurer's** determination ~~is~~**shall be** final and **the operator must comply** ~~shall be complied with~~ within 15 days after ~~that determination~~**giving of notices thereof**. In lieu of ~~a~~**such** bond, **the operator may satisfy the bond requirement by depositing with the Village Treasurer** securities approved by the **Village Treasurer**~~Clerk-Treasurer~~ or cash in such amount as **the Village Treasurer**~~he/she~~ may prescribe ~~may be deposited with him/her, to be~~**which shall be kept in the custody of the Village Treasurer Clerk-Treasurer, who may and applied at any time, without notice to** ~~of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by~~

him/her at public or private sale without notice to the depositor thereof.

Section 36.

Section 304-38 of the Code of the Village of Mamaroneck is amended as follows:

- A. In the manner provided in this section, the **Village Treasurer**~~Clerk-Treasurer~~ shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if **the occupant, operator or other person who has actually paid the tax, including an operator who has collected and paid over the tax, applies** application to the **Village Treasurer**~~Clerk-Treasurer~~ for **asuch** refund shall be made within one year from the payment thereof. ~~Whenever a refund is made by the The Village Treasurer~~~~Clerk-Treasurer~~ shall state, in writing, the reason for any refund, ~~he/she shall state his/her reason therefor in writing.~~ Such application may be made by the occupant, operator or other person who has actually paid the tax. **The Village Treasurer is not permitted to make a refund to** ~~Such application may also be made by an operator who has collected and paid over such the tax unless to the Clerk-Treasurer, provided that the operator makes the application is made within one year of the date on which the operator collected the tax and the payment to the operator, but no actual refund of moneys shall be made to such operator has until it shall first established to the satisfaction of the Village Treasurer~~~~Clerk-Treasurer~~, under such regulations as the **Village Treasurer**~~Clerk-Treasurer~~ may prescribe, that it has repaid **the amount for which the refund is sought** to the occupant, or other person who has actually paid the tax, ~~the amount for which the application for refund is made.~~ **The Village Treasurer**~~Clerk-Treasurer~~ may, in lieu of any refund required to be made, allow a credit **against**~~therefor~~ on payments due or to become due from the applicant.
- B. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of, and the **Village Treasurer**~~Clerk-Treasurer~~ may receive evidence with respect thereto. After making his/her determination, the **Village Treasurer**~~Clerk-Treasurer~~ shall give notice thereof to the applicant, who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within 30 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 **Village Treasurer**~~Clerk-Treasurer~~ 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. Under this section 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 § 304-41 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 **Village Treasurer**~~Clerk-Treasurer~~ made pursuant to § 304-41 of this article unless it be found that such determination was erroneous, illegal or unconstitutional

or otherwise improper by the **Village Treasurer**~~Clerk-Treasurer~~ after a hearing or on his/her 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.

Section 37.

Section 304-39 of the Code of the Village of Mamaroneck is amended as follows:

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 him/her on his/her application for refund, the **Village Treasurer**~~Clerk-Treasurer~~ shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the Village.

Section 38.

Section 304-40 of the Code of the Village of Mamaroneck is amended as follows:

The remedies provided by §§ 304-35 and 304-38 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 a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the **Village Treasurer**~~Clerk-Treasurer~~ prior to the institution of such suit and posts a bond for costs as provided in § 304-36 of this article.

Section 39.

Section 304-41 of the Code of the Village of Mamaroneck is amended as follows:

- A. Any person failing to file a return or to pay or pay over any tax to the **Village Treasurer**~~Clerk-Treasurer~~ within the time required by this article shall be subject to a penalty of 5% of the amount of tax due per month or any fraction of a month to a maximum of 25% for each year; plus interest at the rate of 1% of such tax for each month of delay or fraction of a month after such return was required to be filed or such tax became due; but the **Village Treasurer**~~Clerk-Treasurer~~, if satisfied that the delay was excusable, may remit all or 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 § 304-36 of this article, or failing to file a registration certificate and such data in connection therewith as the **Village Treasurer**~~Clerk-Treasurer~~ 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 issue 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 **Village Treasurer**~~Clerk-Treasurer~~ 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.

Section 40.

Subsection (A) of section 304-42 of the Code of the Village of Mamaroneck is amended as follows:

- 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 **Village Treasurer**~~Clerk-Treasurer~~ or employee or designee of the **Village Treasurer**~~Clerk-Treasurer~~ 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 **Village Treasurer**~~Clerk-Treasurer~~ 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 his/her duly authorized representative of a certified copy of any return filed in connection with his/her 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 Village Attorney or other legal representatives of the Village 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 **Village Treasurer** ~~Clerk-Treasurer~~ permits them to be destroyed.

Section 41.

Subsection (A) of section 304-46 of the Code of the Village of Mamaroneck is amended as follows:

- A. Upon application to the Village **Treasurer** ~~Clerk-Treasurer~~, real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or the enrolled member and spouse is exempt from Village taxation to the extent of 10% of the assessed value of the property, if:
- (1) The applicant resides in the Village of Mamaroneck;
 - (2) The property is the applicant's primary residence;
 - (3) The property is used exclusively for residential purposes, except that, if any portion of the property is not used exclusively for the applicant's residence but is used for other purposes, the portion used for other purposes is not exempt from taxation as provided by this section and only the portion used for the applicant's residence is entitled to the exemption provided by this section; and
 - (4) The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as having been an enrolled member of the incorporated volunteer fire company, fire department, or voluntary ambulance service for at least two years.

Section 42.

Subsection (C) of section 304-46 of the Code of the Village of Mamaroneck is amended as follows:

- C. The Village **Treasurer** ~~Clerk-Treasurer~~ is responsible to advise the assessor of the town in which the property is located of the exemption.

Section 43.

Section 312-4 of the Code of the Village of Mamaroneck is amended as follows:

- A. The Assessor shall annually prepare a list of owners subject to the annual charge, which shall be a list of owners by name and address of buildings containing housing accommodations subject to the Act who are liable for the annual charge, identifying the address and tax lot reference of the premises and the number of units of housing accommodations at the premises subject to the Act.
- B. After April 30 but prior to June 1, the Assessor shall file with the Village **Clerk** ~~Clerk-Treasurer~~ a certified copy of the list of owners subject to the annual charge.
- C. The **Village Clerk** ~~Clerk-Treasurer~~ shall thereafter, following the determination by the Board of Trustees of the annual charge, compute the total charge to be paid by each

owner subject to the annual charge and render bills on account on the annual charge as computed and mail the bills to each owner listed at the address shown on the list.

- D. Failure to pay the bill by March 31 of the following year will result in certification to the Board, and the balance due will be levied in the same manner as is provided for the billing of village taxes.
- E. The billing of the annual charge, whether or not done in conjunction with the billing of village taxes, shall include a request to each owner that the **Village Clerk**~~Clerk-Treasurer~~ be advised as to any error in the number of units of regulated housing accommodations listed as belonging to that owner so that the owner's payment of the annual charge may be adjusted accordingly and paid as adjusted.

Section 44.

Subsection (C) of section 318-7 of the Code of the Village of Mamaroneck is amended as follows:

- C. If the property owner fails to comply with the direction of the Village Manager or the Village Manager's designee within 30 days after the date on which that direction is given, the Village Manager or the Village Manager's designee may cause the tree, shrub or other planting to be removed or trimmed or the dangerous tree to be removed and charge the cost of doing so to the property owner. If the property owner does not pay that cost within 30 days of the date on which notice of the cost is served on the property owner, the property owner must pay a penalty of 5% of the amount due. The property owner must pay a further penalty of 1% of the amount due for each succeeding month or any portion of the month during which the charge is not paid. The Village ~~Treasurer~~~~Clerk-Treasurer~~ will cause any charges and penalties under this section that remain unpaid for 60 days to be added to the Village tax bill for the property on the next succeeding tax roll. Unpaid charges and penalties are a lien on the real property so affected.

Section 45.

Subsection (D) of section 318-9 of the Code of the Village of Mamaroneck is amended as follows:

- D. The Village ~~Treasurer~~~~Clerk-Treasurer~~ will hold any fine recovered under this section in a Tree Preservation Fund, to be used solely for the purpose of preserving trees, minimizing damage to and removal of trees and increasing the tree canopy of the Village of Mamaroneck.

Section 46.

Subsection (G) of section 326-42 of the Code of the Village of Mamaroneck is amended as follows:

- G. Decals for Permit Parking Area RM (Zone 1) may be issued only to the Village Manager, the ~~Clerk-Treasurer~~**Village Clerk, the Village Treasurer**, the Mayor, the members of the Board of Trustees ~~and the Village Assessor of the Village of Mamaroneck.~~

Section 47.

Subsection (C) of section 326-99 of the Code of the Village of Mamaroneck is amended as follows:

- C. A permitted vehicle issued a permit in the form of a decal shall have affixed a valid residential parking permit to either its rear windshield or its rear bumper, or such other location on the vehicle as the Village ~~Clerk~~**Clerk-Treasurer** may determine.

Section 48.

Section 326-100 of the Code of the Village of Mamaroneck is amended as follows:

- A. Upon application and payment of the applicable fee, any person who is a resident, who meets the applicable requirements of this article, shall be issued by the Village ~~Clerk~~**Clerk-Treasurer** one valid parking permit for each vehicle registered in the applicant's name, but no permit may be issued to a resident of a building having six or more dwelling units if that resident or another resident of the same dwelling unit holds a permit, and parking for the vehicle for which the additional permit is sought is available to the resident on the premises of that building. At the time of application, the applicant shall indicate the residential parking permit area for which the parking permit is required. The permit shall be valid only within the residential parking permit area indicated on the permit. The Village ~~Clerk~~**Clerk-Treasurer** shall establish guidelines to issue parking permits, including proof of residency.
- B. Permits issued under this article shall be specific for a single vehicle, shall not be transferred, and shall be displayed only as the Village ~~Clerk~~**Clerk-Treasurer** prescribes. The permittee shall immediately notify the Village ~~Clerk~~**Clerk-Treasurer** of any change or amendment from the information contained in the original application.
- C. If the permit or portion of the vehicle to which a permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall be issued a replacement. The Village ~~Clerk~~**Clerk-Treasurer** may require display of the damaged permit before a new permit is issued.

Section 49.

Subsection (B)(9)(b) of section 342-35 of the Code of the Village of Mamaroneck is amended as follows:

- B. Permitted accessory uses. The following accessory uses are permitted in MR Marine Recreation Districts only in conjunction with a principal permitted use:

- (9) Nonmember events:

- (b) In addition to all other requirements, any club which holds a special permit shall annually file a copy of Internal Revenue Service Forms 990 and 990T with the ~~Village Clerk-Treasurer~~**Village Treasurer** of the Village.

Section 50.

Section 342-61(B) of the Code of the Village of Mamaroneck is amended as follows:

- B. As a second alternative, the applicant may offer to pay to the Village an amount of money which the Village determines is sufficient to provide 60% of the cost of the required amount of parking spaces which the Planning Board finds cannot practicably be provided on the applicant's lot. The amount of money shall be determined by the Village Engineer based upon current construction cost indexes, with such amount to be annually reviewed and approved by the Planning Board. One-half of the payment for such parking must be made prior to the issuance of a certificate of occupancy for the applicant's structures, with the balance to be paid on the anniversary date of the issuance of the certificate of occupancy over a five-year period, including interest at a rate equal to the average interest rate for short-term borrowing for the prior fiscal year, as computed by the **Village Treasurer**~~Clerk-Treasurer~~. Fees are to be placed in a special trust fund of the Village, to be used exclusively for public parking space purposes to benefit said district, including the acquisition of land. The owner of the property shall enter into a written agreement with the Village, promising to make the installment payments, including interest on the unpaid balance, in accordance with the annual payment schedule established by the Village and further agreeing that any payment which is not made on the date due shall be levied upon the property in the preparation of the next tax roll and shall be collected and enforced in the same manner as taxes upon the property are levied, collected and enforced.

Section 51.

Section 350-18 of the Code of the Village of Mamaroneck is amended as follows:

The Code Enforcement Officer must charge and collect the fees required by the fee specified in or determined in accordance with the provisions set forth in § 350-18 of this chapter and Appendix A347 (Fees) of this Code, for the actions of the Code Enforcement Officer described in or contemplated by this chapter. If the Village Manager determines that a fee has been charged in error, the Village Manager is authorized to direct the Village **Treasurer**~~Clerk-Treasurer~~ to refund the fee.

Section 52.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 53.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law §10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 54.

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.



Item Title: PLL G-2025

Item Summary:

Discussion of Final Revisions to PLL G-2025 - Parks and Recreation Code to Schedule Public Hearing at Tonight's Regular Meeting (PRC & Attorney)

Fiscal Impact:

Attachments

PLL G Revisions
Current Chapter 260
PLL G Memo
PLL G Clean Version

PROPOSED LOCAL LAW G – 2025

A Proposed Local Law amending Chapter 260 of
the Code of the Village of Mamaroneck (Parks)

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK
AS FOLLOWS:**

Section 1.

Chapter 260 of the Code of the Village of Mamaroneck is amended to read as follows:

Chapter 260 Parks

§ 260-1. Applicability.

This chapter applies to all parks owned, operated, licensed, used, or otherwise under the control or supervision of the Village of Mamaroneck.

Commented [MD1]: Proposed § 260-1 is comparable to § 260-1 of current the current code

§ 260-2. Hours.

- A. Village parks are open daily from dawn to dusk.
- B. Notwithstanding subsection A, Harbor Island Park is open until 10:00 p.m. year-round.
- C. The Village Manager may authorize a later closing time for Harbor Island Park.

Commented [MD2]: Proposed § 260-2 would replace § 260-2 of the current code

§ 260-3. General Prohibitions.

The following acts are prohibited and no person is permitted to:

- A. remain in any Village park in a vehicle or otherwise when the park is closed;
- B. fail, neglect or refuse to comply with or obey the lawful direction or command of any Village official, Village employee, or Police Officer when acting within the scope of his or her official duties, or any sign posted in any Village park;
- C. damage, deface, destroy, climb upon, or interfere with Village lands or improvements, including but not limited to the vegetation, structures, benches, signs, lamps, railings, chains, walls, fences, paths or roadways in any Village park;
- D. throw or deposit any food, glass, paper or other litter in any Village park, except to dispose of these items in an authorized public receptacle;
- E. disturb, feed or annoy any fish or wildlife, remove or collect any wildlife, or remove or collect the eggs or nest of any wildlife in any Village park, except when authorized by the Village Manager;
- F. smoke, vape, consume, distribute, or dispose of tobacco or cannabis products in any Village park in any form;
- G. engage in commercial activity in any Village park, including advertising, selling, soliciting, fundraising, and providing personal services for hire, except when

Commented [MD3]: This “General Prohibitions” section combines most of the provisions of §260-3 (Prohibitions), and §260-4 (Restricted Conduct).

Commented [MD4]: Proposed §260-3(A) would replace the current §260-4(B).

Commented [MD5]: Proposed §260-3(B) would replace current §§260-4(A)(1), 260-4(F) and 260-5(D)

Commented [MD6]: Proposed §260-3(C) is comparable to §§260-3(A) and 260-4(A)(6) of the current code

Commented [MD7]: Proposed §260-4(D) would replace §260-4(A)(14)

Commented [MD8]: Proposed §260-3(E) would replace §§260-3(R)and 260-4(I).

Commented [MD9]: Proposed §260-3(F) would replace the current §260-3(S)

Commented [MD10]: Proposed §260-3(G) would replace §§260-3(B), 260-3(Q), 260-4(A)(3), 260-4(A)(9-12), 260-4(D), 260-4(E) and 260(4)(G) of the current code (sections that prohibit commercial activity)

Commented [MD11]: “commercial activity” may need to be further defined.

authorized by the Village Manager;

- H. carry, possess, transport or fire any weapon, firearm, explosive, or fireworks in any Village park without prior approval from the Village Manager and a valid permit;
- I. use the facilities of any Village park which require a permit, pass or ticket without first having a valid permit, pass or ticket; if any permit holder permits or allows a permit, pass or ticket to be used by any person not lawfully entitled to use it, the permit, pass or ticket will be forfeited;
- J. throw, drive, cast, catch, kick or strike any ball, rock or object of any kind in any Village park except in areas designated or maintained for such use;
- K. interfere with, encumber, obstruct or render dangerous any roadway, crosswalk, walk, lawn, or other public place in any Village park;
- L. enter or exit any Village park at any place other than a designated entranceway or exit;
- M. burn or allow or permit to burn an outdoor fire, grill, or stove in any Village park without prior approval from the Village Manager;
- N. operate a remote-controlled vehicle, drone, airplane, or boat in or above any Village park without approval from the Village Manager and a valid permit;
- Q. consume, distribute or possess any alcoholic beverage in any Village park except at a Village-approved function at which the Village Manager has approved the consumption of alcoholic beverages and in accordance with any requirements of the New York State Liquor Authority;
- R. organize or sponsor a Special Event as defined in Chapter 123 in any Village park without a valid permit issued by the Village Manager or the Village Manager's designee; and
- S. eat or consume any beverage in any Village park outside of the areas designated for that purpose.

§ 260-4. Animals.

- A. Dogs and other domestic animals are not permitted in any park, recreation area, athletic field, or beach in the Village of Mamaroneck, except that dogs are permitted:
 - (1) in Harbor Island Park, between May 1 and November 1 when being escorted directly to and from a boat on a leash not exceeding six feet in length by a person holding a valid mooring or municipal dock permit;
 - (2) in all areas of Harbor Island Park other than the playing fields, playgrounds and the beach at any time of year when on a leash not exceeding six feet in length under the supervision of a person having custody or control of the dog;
 - (3) inside the Harbor Island Dog Park in accordance with the rules and regulations established by the Village Manager; and

Commented [MD12]: Proposed §260-3(H) would replace §§260-3(c) and 260-4(A)(8) of the current code

Commented [MD13]: Proposed §260-3(I) would replace 260-3(M).

Commented [MD14]: §260-3(J) is proposed to replace §§260-3(I) and 260-4(A)(4)

Commented [MD15]: Proposed §260-3(K) is nearly identical to current §260-4(A)(5)

Commented [MD16]: Proposed §260-3(L) is comparable to current §260-4(A)(7)

Commented [MD17]: Proposed §260-3(M) would replace the current §260-3(P)

Commented [MD18]: Proposed §260-3(N) would replace current §260(4)(H)

Commented [MD19]: Proposed §260-3(Q) would replace the current §260-4(A)(16)

Commented [MD20]: Proposed §260-3(R) would replace §§260-4(A)(2), 260-4(C) and 260-4(E).

Commented [MD21]: Proposed §§260-4(A) and 260-4(B) would replace §§260-3(F) and 260-4(A)(15) of the current code.

Commented [MD22]: BOT to consider expanding to allow dog walking on other parks.

(4) in Harbor Island Park, Harbor Island Beach, and Columbus Park, Village-issued volunteer or contracted "Goose Corps" licensed dogs off-leash to chase geese and other nuisance animals out of the park.

B. Subsection A notwithstanding, police dogs are permitted in any park without restriction when under the control of their police handlers.

C. No person is permitted to allow a dog or other domestic animal to deface Village property or commit any nuisance in Village parks.

D. A person having custody or control of a dog in a Village park must promptly remove any feces left by the dog.

Commented [MD23]: Proposed §§ 264-(C) and (D) would replace §260-3(G) of the current code.

§ 260-5. Beaches and watercraft.

The following acts are prohibited, and no person is permitted to:

A. violate any rule or regulation for the use of the beach established by the Village Manager;

B. remain on the beach, bathe, wade or swim in any park waters except during the times and at the places designated for these activities;

Commented [MD24]: Proposed §260-5(B) would replace the current §260-3(K)

C. bring or carry any glass bottle, glass jar, glass drinking utensil or glass container into or use any glass bottle, glass jar, glass drinking utensil or glass container in or within 200 feet of any designated swimming area;

D. dress or undress in any park except in a bathhouse maintained by the Village or at any place designated for dressing or undressing; or

Commented [MD25]: Proposed §260-5(D) would replace the current §260-3(L)

E. launch any watercraft, including paddleboards, kayaks, canoes or rafts, in the designated swimming area or beach at Harbor Island Park, in any place other than a designated launch area; or without first paying the required launch fee.

Commented [MD26]: Proposed §260-5(E) would replace the current §260-3(N, O)

§ 260-6. Vehicles.

A. The Village has the authority to regulate vehicular traffic within Village parks. It is a violation of this Chapter for any vehicle:

Commented [MD27]: §260-6(A) is comparable to current §260-5(A)

(1) to exceed the speed of 15 miles per hour within any Village park or to fail to comply with any instruction, direction or regulation displayed upon any post, sign, or marking installed or placed for the regulation of traffic; or

Commented [MD28]: Proposed 260-6(A)(1) would replace §260-5(E) of the current code

(2) to be operated in any area other than the areas designated for vehicular purposes or to operate on grass areas, walks or footpaths except with the permission of the Village Manager or any Village employee engaged in park maintenance;

Commented [MD29]: Proposed §260-6(A)(2) would replace §§260-3(D) and §260-5(B, G and I) of the current code

(3) to be parked in any area in any Village park other than a designated parking area or within any designated permit parking area within Harbor Island Park, as established under § 329-39 of this Code, without a permit and having paid the permit fee as set forth in Chapter A347 of this Code; or

Commented [MD30]: Proposed §260-6(A)(3) would replace §§260-5(J and K) of the current code

(4) to be in any Village park during hours when the park is not open, except at a Village-approved function and not later than 30 minutes after the end of

Commented [MD31]: Proposed §260-6(A)(4) would replace §260-5(c) of the current code

the function.

§ 260-7. Enforcement.

- A. Members of the Village of Mamaroneck Police Department and any other police agency or peace officer acting under authority of the Village of Mamaroneck Police Department, and the Village of Mamaroneck Harbor Master, when acting in the exercise of their official duties, are authorized to:**
- (1) enforce the provisions of this chapter;**
 - (2) eject from any park any person acting in violation of this chapter; and**
 - (3) seize and confiscate any property, contraband, thing or device in a park, which is used in violation of this chapter**
- B. The Chief of Police, the Village Manager, or the designated representatives of either, are each authorized in the event of an emergency to close any park to the public in the event of an emergency.**
- C. The Village Manager or the Village Manager's designee is authorized to suspend or revoke any permit issued pursuant to this chapter upon finding that the permittee is violating the terms of the permit, but the permittee is entitled to a hearing before the Village Manager within 10 business days after the permit has been revoked.**

Commented [MD32]: The proposed § 260-7 would replace the current § 260-7

§ 260-8. Penalties for offenses.

A violation of any provision of this chapter is punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or both. In addition, a person found guilty of defacing or vandalizing park facilities may be required to restore the property so damaged or pay a fine equal to twice the cost of restoring the property.

Commented [MD33]: Proposed 260-8 would replace the current 260-8(A)

Chapter 260

PARKS

§ 260-1.	Applicability.	§ 260-5.	Vehicles.
§ 260-2.	Hours.	§ 260-6.	Aircraft.
§ 260-3.	Prohibitions.	§ 260-7.	Enforcement.
§ 260-4.	Restricted conduct.	§ 260-8.	Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck 9-14-1988 by L.L. No. 15-1988, effective 9-19-1988. Amendments noted where applicable.]

§ 260-1. Applicability.

This chapter shall apply to all parks owned, operated, licensed, used or otherwise under the control or supervision of the Village of Mamaroneck.

§ 260-2. Hours.

Village parks shall open at 7:00 a.m. and shall close at 10:00 p.m.

§ 260-3. Prohibitions.

The following acts are prohibited within Village parks, and no person shall:

- A. Cut, break or in any way injure or deface grass, shrubs, flowers, trees, plants, posts, railings, chains, lamps, lampposts, benches, signs, tree guards, buildings, structures or any other property in or upon any Village park or of any paths, roads or roadways upon or across the same.
- B. Distribute or display any commercial advertising material or post any sign or placard of any type whatsoever in any Village park without previous permission therefor from the Recreation and Parks Commission.
- C. Have or carry while in a park, whether concealed on his person, any pistol, air rifle, spring gun or other instrument or other weapon in which the propelling force is air or a spring other than an explosive, without previous permission therefor from the Recreation and Parks Commission.
- D. Operate any hand sleds, bobs, carts, snowmobiles or similar type vehicles, motorcycles, minibikes, trailbikes, motor scooters, all-terrain vehicles or other vehicles on wheels or runners in any park, except at such places as may be designated therefor.
- E. Use any bathing beach, tennis court, athletic field, parking space or other park facilities without the permission of the Recreation and Parks Commission.
- F. Cause or permit any dog or other animal owned by him/her or under his/her custody or control to be in or upon any public park, recreation area, athletic field or beach in the Village of Mamaroneck, except as follows: **[Amended 12-15-1998 by L.L. No. 13-1998, effective 12-21-1998; 3-10-2003 by L.L. No. 1-2003, effective 3-20-2003¹; 3-27-2013 by L.L. No. 4-2013, effective 4-4-2013; 10-13-2020 by L.L. No. 3-2020, effective 10-20-2020; 5-8-2023 by L.L. No. 7-2023, effective**

5-15-2023]

- (1) In Harbor Island Park, between May 1 and November 1, a person holding a valid mooring or municipal dock permit may escort the dog or other animal directly to and from a boat, on a leash not exceeding six feet in length.
 - (2) In Harbor Island Park, year-round, between 7:00 a.m. and dusk, dogs are permitted in all areas of the park other than the playing fields, playgrounds and the beach when under the supervision of a person having custody or control of the dog and on a leash not exceeding six feet in length.
 - (3) Inside the Harbor Island Dog Park, dogs are permitted in accordance with the rules and regulations established by the Village Manager.
 - (4) In Harbor Island Park and in Columbus Park, Village-issued volunteer or contracted "Goose Corps" licensed dogs are allowed to run off-leash to chase geese and other nuisance animals out of the parks, and Goose Corps dogs are allowed on the Harbor Island Beach for this purpose.
 - (5) Police dogs are exempt from any prohibitions under this chapter.
- G. Permit any animal owned, kept or harbored by him to soil, deface or commit any nuisance in any public park or recreation area located within the Village of Mamaroneck.
- H. Use, ride or drive a horse in any Village park.
- I. Throw, drive, cast, catch, kick or strike any ball of any kind or other object, except in areas designated or maintained therefor.
- J. Use ice skates or roller skates in the parks, except at such places as may be designated therefor.
- K. Remain on the beach, bathe, wade or swim in any park waters or waters adjacent thereto, except at such times and in such places as the Recreation and Parks Commission may designate and unless so covered with a bathing suit as to prevent any indecent exposure of the person.
- L. Dress or undress in the parks, except in such bathhouses as may be maintained by the Recreation and Parks Commission or at such places as may be designated for that purpose by the Commission.
- M. Be entitled to use the facilities of any of the parks of the Village which require a permit, pass or ticket therefor, without first having a valid permit, pass or ticket issued to him. If such a permit holder causes or allows such a permit, pass or ticket issued to him to be used by any person not lawfully entitled to use same, such permit, pass or ticket shall be forfeited.
- N. Have charge of, run or drive a boat propelled by steam, naphtha, gasoline, diesel, propane, electric or other motor or engine in, on or upon any waters subject to the jurisdiction of the Recreation and Parks Commission, unless he shall first have obtained a permit therefor from the Commission.
- O. Row or paddle a boat, canoe or raft in or upon any waters subject to the jurisdiction of the Recreation and Parks Commission, unless he shall first have obtained a permit therefor from the Commission.
- P. Burn or allow or permit the burning of an outdoor fire, gas grill, charcoal or wood stove, with the exception of recreational fires which have been approved in advance by the Recreation and Parks Commission and/or the Village Manager.

1. **Editor's Note:** By resolution adopted 6-25-2012 (a complete copy of which is on file in the Village offices), certain dog walking prohibitions in Harbor Island Park were suspended through 6-30-2013, unless extended or rescinded.

- Q. Conduct any commercial enterprise without the advance written approval of the Village Manager. **[Added 9-26-1994 by L.L. No. 8-1994, effective 10-3-1994]**
- R. Feed any geese or other waterfowl. **[Added 9-26-1995 by L.L. No. 12-1995, effective 10-2-1995]**
- S. Smoke or burn tobacco, a tobacco substitute, or cannabis or concentrated cannabis as defined in Cannabis Law § 3; carry burning tobacco, a tobacco substitute, or concentrated cannabis as defined in Cannabis Law § 3 in the form of a cigarette, cigar, pipe or any other smoke-producing product or device; use electronic cigarettes, vapes, or other similar products that rely on vaporization or aerosolization; or dispose of tobacco or cannabis products, lit or unlit, including cigarette butts, cigar butts, electronic cigarettes, vapes, or other similar products, except in containers designated for that purpose. **[Added 4-16-2014 by L.L. No. 6-2014, effective 4-30-2014; amended 2-14-2022 by L.L. No. 3-2022, effective 2-28-2022]**

§ 260-4. Restricted conduct.

- A. Any person who, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned, commits any of the following acts within a Village park shall be deemed to have committed the offense of disorderly conduct:
- (1) Congregates with others, or who is alone in a park, and refuses to move on when ordered by any police officer, park patrolman or any peace officer.
 - (2) By his actions causes a crowd to collect, except when a permit has been issued to address such a crowd.
 - (3) Stations himself in a park or follows pedestrians or passengers in any vehicle for the purpose of soliciting contributions in a park without a permit.
 - (4) Throws stones or other objects.
 - (5) Interferes with, encumbers, obstructs or renders dangerous any drive, path, walk, lawn, park or public place.
 - (6) Climbs upon any wall, fence, shelter, seat, statue, tree, shrubbery or other objects.
 - (7) Enters or leaves, except at designated entranceways or exits.
 - (8) Introduces, carries or fires any firecrackers, torpedoes, fireworks or pistols without possession of a valid permit.
 - (9) Plays games of chance, except by permit.
 - (10) Participates in the conduct of a lottery without a permit.
 - (11) Uses or operates any slot machine, gaming table or instrument of chance without a permit.
 - (12) Tells fortunes or futures.
 - (13) Spits upon any walk, crossing, safety zone or the floors of any structures, bridge, platform or stairway.
 - (14) Casts, throws or deposits on any drive, walk, crossing, path, safety zone, floor park surface or bathing beach any food, glass, paper or other litter.

- (15) Leads, takes, allows or permits any dog or other animal on any bathing beach or in the waters adjacent thereto, notwithstanding the provisions of Subsection A(6), (7) and (8) of this section.²
- (16) Possesses any open container containing any alcoholic beverage other than at a Village-approved function where prior approval to have alcoholic beverages has been given and subject to any requirements of the New York State Liquor Authority.
- B. No person shall remain in any park in a vehicle or otherwise between the hours of 10:00 p.m. and 7:00 a.m., except at a Village-approved function and no later than 30 minutes after the closing of such function.
- C. No person shall, without the permission of the Recreation and Parks Commission, erect in any park any structure, stand or platform, hold any meetings, picnics, perform any ceremony, make a speech, address, harangue or exhibit to the public any dramatic performance or the performance in whole or in part of any play, farce, minstrelsy, dancing, entertainment, motion pictures, circus or any other exhibition of acrobatics; engage in any parade, drill, maneuver or civic or other procession; or run or race any horse or other animal or, being in a vehicle, race with another vehicle or horse, whether such race is founded on any stake, bet or otherwise.
- D. No person, except by printed or written sign or signs, the form thereof to be approved by the Recreation and Parks Commission, shall solicit passengers for any automobile, coach, taxicab, omnibus or other vehicle.
- E. No person shall eat any basket lunch or hold, conduct or participate in a basket party on any part of the beach or elsewhere in a park, except in such portions designated and allotted for such purposes by the Recreation and Parks Commission.
- F. No person shall fail, neglect or refuse to comply with or obey the lawful direction or command of any park patrolman, official or attendant of any instruction, direction, regulation, warning or prohibition written or printed, displayed or appearing in a park or in any enclosure, building or other structure or in any part thereof.
- G. No person shall sell or offer for sale any object or merchandise or any other thing, whether tangible or intangible, nor perform any personal service for hire in any park, except under a written permit by the Recreation and Parks Commission and then only at the place or places designated in the permit.
- H. No person shall engage in toy or model aviation or radio-controlled aircraft or rockets and parachutes, model boating or model automobiling, except at such times and at places designated and maintained therefor by permit.
- I. No unauthorized person shall harm, disturb or annoy any wildlife which may exist in the parks.

§ 260-5. Vehicles.

- A. The Village shall have the authority to regulate vehicular traffic around Village park areas.
- B. No vehicles shall be allowed in a park, except at places designated therefor.
- C. No person shall drive, operate or cause to remain in a park during any part of the period between 10:00 p.m. and 7:00 a.m. any vehicle, the lights of which are not displayed in the same manner as

2. Editor's Note: By resolution adopted 6-25-2012, certain dog walking prohibitions in Harbor Island Park are suspended through 6-30-2013, unless extended or rescinded. A complete copy of the resolution is on file in the Village offices.

lights are required to be displayed upon vehicles when used on public highways.

- D. Whenever any park patrolman, official or attendant shall indicate or direct by gesture or otherwise that the speed of a vehicle shall be checked or stopped or its course altered, the driver thereof shall immediately obey such direction.
- E. No person shall fail, neglect or refuse to comply with any instruction, direction or regulation displayed upon any post, standard sign or marking on any drive or other device installed or placed for the regulation of traffic in a park.
- F. No person shall cause or permit a vehicle in tow of another vehicle to enter a park or proceed therein, except that, in case of a breakdown, a disabled vehicle may be towed to the nearest exit.
- G. No person shall ride a bicycle, tricycle or other self-propelled or motor-driven vehicle or toy upon any walk or footpath.
- H. No person shall operate or park a motor vehicle in a park with any object placed or hung in or upon the vehicle, except required or permitted equipment of the vehicle, in such a manner as to obstruct or interfere with the view of the occupants through the windshield or to prevent them from having a clear and full view of the area surrounding such vehicle.
- I. No person shall operate or drive a motor vehicle, trailer, snowmobile, all-terrain vehicle or motorbike over any grass area in any park in the Village or park a motor vehicle, trailer, snowmobile, all-terrain vehicle or motorbike upon any grass area in any park in the Village, except by permission received from the Village Manager or by Village employees engaged in park maintenance.
- J. No person shall park any motor vehicle upon any road, path or place in any Village park, except in such places therein designated as parking areas.
- K. Parking permit areas are established within the Harbor Island Park, with fees as set forth in Chapter A347 of the Village Code for such permits, with penalties as set forth in § 326-66. **[Added 5-27-2010 by L.L. No. 15-2010, effective 6-11-2010]**
 - (1) Parking permits are required for all vehicles parking for the following uses and the following time frames:
 - (a) Parking for use of the Harbor Island boat ramp from January 1 through December 31.
 - (b) Parking for use of the Harbor Island Beach starting on the Saturday immediately preceding Memorial Day through Labor Day.
 - (2) Parking permits may be required for trips originating from and returning to Harbor Island Park for special events and trips, at rates established by the Village Manager.
- L. Exceptions to parking permit requirements within Harbor Island Park may be authorized by the Village Manager upon request. **[Added 5-27-2010 by L.L. No. 15-2010, effective 6-11-2010]**

§ 260-6. Aircraft.

- A. No person shall bring, land or cause to descend or alight within or upon a park or any portion thereof any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation.
- B. No person shall operate any airplane, flying machine, balloon or other apparatus for aviation over any park of the Village of Mamaroneck at an altitude of less than 1,000 feet above the ground.

- C. No person operating any airplane, flying machine, balloon or other apparatus for flying shall engage in any stunt flying or in the giving of any aerial exhibition over any park in the Village of Mamaroneck without first obtaining a permit therefor from the Recreation and Parks Commission.

§ 260-7. Enforcement. [Amended 3-27-2013 by L.L. No. 4-2013, effective 4-4-2013]

- A. Members of the Village of Mamaroneck Police Department and any other police agency or peace officer acting under authority of the Village of Mamaroneck Police Department, and the Village of Mamaroneck Harbor Master, shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- B. The Chief of Police, or his designated representative, and the Village Manager, or his designated representative, shall, in the interest of public safety, have the authority to close a park to the public in the event of an emergency.
- C. Members of the Village of Mamaroneck Police Department and any other police agency or peace officer acting under authority of the Village of Mamaroneck Police Department, and the Village of Mamaroneck Harbor Master, shall have the authority to eject from a park any person acting in violation of this chapter.
- D. Any police officer, auxiliary police officer or peace officer acting under authority of the Village of Mamaroneck Police Department shall have the power to seize and confiscate any property, contraband, thing or device in a park, which is used in violation of this chapter.
- E. The Village of Mamaroneck reserves the right to revoke any permit issued, as provided for herein, if the permittee is determined to be in violation of any of the provisions of this chapter by the Recreation and Parks Commission, after a hearing upon due notice to the permit holder, who shall be afforded an opportunity to be heard in his defense.

§ 260-8. Penalties for offenses. [Amended 3-27-2013 by L.L. No. 4-2013, effective 4-4-2013]

- A. A violation of any provision of this chapter shall be punishable by a fine not to exceed \$250, or by imprisonment for not more than 15 days, or both. Further, where appropriate, those found guilty of committing acts of defacement or vandalism may be required to restore the property so damaged.
- B. In addition, a violation of this chapter shall constitute disorderly conduct, and the person violating same shall be a disorderly person.

Village of Mamaroneck



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OFFICE OF
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VILLAGE ATTORNEY

Tel (914) 777-7737
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TO: Mayor Torres and the Board of Trustees

FROM: Mary E. Desmond, Deputy Village Attorney

RE: PLL G of 2025

DATE: February 6, 2025

CC: Kathleen Gill, Village Manager
Chief Sandra DiRuzza, Village of Mamaroneck Police Department
Parks & Recreation Commission
Jason Pinto, Superintendent of Recreation
Jeff Ahne, General Foreman, Parks Department
Robert A. Spolzino, Village Attorney

Attached for the Board's review is conceptual legislation proposed to revise Chapter 260 Parks of the Village Code. The review of the Parks Code was initiated by the Parks & Recreation Commission (PRC) in 2023, initially for the purpose of adjusting park hours to accommodate the changing community needs and seasonal variations. Upon realizing that the Parks Code had been updated in an inconsistent and piecemeal fashion over the past several decades, the PRC determined that it was necessary to expand the scope of their review to the entire chapter. The PRC worked through each section of Chapter 260 during its monthly meetings, and identified numerous obsolete, duplicative, conflicting and ambiguous provisions in the Code.

The proposed revision of the Parks Code was drafted to address the issues identified by the PRC, and to implement the PRC's goal of creating legislation with clear rules regarding park usage and behavior, that are enforceable and consistent with state and federal law. In addition, the PRC was mindful of the following principles during its review:

- Safety: clear and relevant rules regarding what activities are prohibited in Village parks will keep parks safe and enjoyable.

- Transparency: a well-maintained code allows residents and businesses to easily access and understand the local law.
- Community needs: as demographics and recreational trends shift, the Parks Code should be adjusted to accommodate new activities, equipment, and accessibility requirements for diverse users. The PRC recommends that going forward, the Parks Code should be reviewed every ten years and updated as needed.
- Enforcement: clear procedures for addressing violations of park rules are necessary, and will benefit the entire community.

The attached draft Chapter 260 includes comments in the margins which identify the corresponding sections of the current code for the Board's reference. Comments also identify outstanding issues and decisions to be made before the draft proposed law is finalized. Once the Board's review is complete, we will work with Chief DiRuzza and the Village Manager to redraft the proposed local law as necessary, and present draft legislation which the Board may consider for adoption.

Omitted Provisions

The following sections of the current Parks Code were found to be obsolete and/or unenforceable, and therefore, they were not carried over into the current proposed version:

§ 260-6. Aircraft: The Code currently prohibits airplanes, helicopters, and similar aircraft from entering Village parks or flying lower than 1,000 feet above Village parks. Staff reported that these issues are not a current concern. Further, this section is mostly unenforceable. The federal government has exclusive authority to regulate airspace, including minimum altitude, flight paths and noise control, and federal law preempts local regulations concerning air traffic and airspace management. 49 USC § 401103, *Friends of the E. Hampton Airport, Inc. v. Town of E. Hampton*, 841 F.3d 133 (2d Cir. 2016). Separately, the regulation of remote-control airplanes and drones, which is a current activity in Village parks, is addressed in the proposed § 260-3(N).

§ 260-3(H) prohibits horses in Village parks. Staff and the PRC do not believe that the regulation of horses in Village parks is needed, and this prohibition was removed.

§ 260-3(J) prohibits ice skating and roller skating in Village parks. The PRC did not think banning these activities is appropriate or necessary. This prohibition was omitted from the proposed local law.

§§ 260-3(N & O) states that permits are necessary to operate watercraft upon the waters subject to the jurisdiction of the Recreation and Parks Commission. The PRC does not have jurisdiction over any waterways, nor does it issue permits. These sections were removed.

§260-8(B) provides that a violation of the Parks code constitutes "disorderly conduct." Disorderly conduct is a specific crime under the state Penal Law, and the Village may not add to what constitutes the crime of disorderly conduct as defined under state law. This section would not assist in enforcement of the Parks code, and therefore it was removed.

PROPOSED LOCAL LAW G – 2025

A Proposed Local Law amending Chapter 260 of
the Code of the Village of Mamaroneck (Parks)

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK
AS FOLLOWS:**

Section 1.

Chapter 260 of the Code of the Village of Mamaroneck is amended to read as follows:

Chapter 260 Parks

§ 260-1. Applicability.

This chapter applies to all parks owned, operated, licensed, used, or otherwise under the control or supervision of the Village of Mamaroneck.

§ 260-2. Hours.

- A. Village parks are open daily from dawn to dusk.**
- B. Notwithstanding subsection A, Harbor Island Park is open until 10:00 p.m. year-round.**
- C. The Village Manager may authorize a later closing time for Harbor Island Park.**

§ 260-3. General Prohibitions.

The following acts are prohibited and no person is permitted to:

- A. remain in any Village park in a vehicle or otherwise when the park is closed;**
- B. fail, neglect or refuse to comply with or obey the lawful direction or command of any Village official, Village employee, or Police Officer when acting within the scope of his or her official duties, or any sign posted in any Village park;**
- C. damage, deface, destroy, climb upon, or interfere with Village lands or improvements, including but not limited to the vegetation, structures, benches, signs, lamps, railings, chains, walls, fences, paths or roadways in any Village park;**
- D. throw or deposit any food, glass, paper or other litter in any Village park, except to dispose of these items in an authorized public receptacle;**
- E. disturb, feed or annoy any fish or wildlife, remove or collect any wildlife, or remove or collect the eggs or nest of any wildlife in any Village park, except when authorized by the Village Manager;**
- F. smoke, vape, consume, distribute, or dispose of tobacco or cannabis products in any Village park in any form;**
- G. engage in commercial activity in any Village park, including advertising, selling, soliciting, fundraising, and providing personal services for hire, except when**

authorized by the Village Manager;

- H. carry, possess, transport or fire any weapon, firearm, explosive, or fireworks in any Village park without prior approval from the Village Manager and a valid permit;
- I. use the facilities of any Village park which require a permit, pass or ticket without first having a valid permit, pass or ticket; if any permit holder permits or allows a permit, pass or ticket to be used by any person not lawfully entitled to use it, the permit, pass or ticket will be forfeited;
- J. throw, drive, cast, catch, kick or strike any ball, rock or object of any kind in any Village park except in areas designated or maintained for such use;
- K. interfere with, encumber, obstruct or render dangerous any roadway, crosswalk, walk, lawn, or other public place in any Village park;
- L. enter or exit any Village park at any place other than a designated entranceway or exit;
- M. burn or allow or permit to burn an outdoor fire, grill, or stove in any Village park without prior approval from the Village Manager;
- N. operate a remote-controlled vehicle, drone, airplane, or boat in or above any Village park without approval from the Village Manager and a valid permit;
- Q. consume, distribute or possess any alcoholic beverage in any Village park except at a Village-approved function at which the Village Manager has approved the consumption of alcoholic beverages and in accordance with any requirements of the New York State Liquor Authority;
- R. organize or sponsor a Special Event as defined in Chapter 123 in any Village park without a valid permit issued by the Village Manager or the Village Manager's designee; and
- S. eat or consume any beverage in any Village park outside of the areas designated for that purpose.

§ 260-4. Animals.

- A. Dogs and other domestic animals are not permitted in any park, recreation area, athletic field, or beach in the Village of Mamaroneck, except that dogs are permitted:
 - (1) in Harbor Island Park, between May 1 and November 1 when being escorted directly to and from a boat on a leash not exceeding six feet in length by a person holding a valid mooring or municipal dock permit;
 - (2) in all areas of Harbor Island Park other than the playing fields, playgrounds and the beach at any time of year when on a leash not exceeding six feet in length under the supervision of a person having custody or control of the dog;
 - (3) inside the Harbor Island Dog Park in accordance with the rules and regulations established by the Village Manager; and

- (4) in Harbor Island Park, Harbor Island Beach, and Columbus Park, Village-issued volunteer or contracted "Goose Corps" licensed dogs off-leash to chase geese and other nuisance animals out of the park.
- B. Subsection A notwithstanding, police dogs are permitted in any park without restriction when under the control of their police handlers.
- C. No person is permitted to allow a dog or other domestic animal to deface Village property or commit any nuisance in Village parks.
- D. A person having custody or control of a dog in a Village park must promptly remove any feces left by the dog.

§ 260-5. Beaches and watercraft.

The following acts are prohibited, and no person is permitted to:

- A. violate any rule or regulation for the use of the beach established by the Village Manager;
- B. remain on the beach, bathe, wade or swim in any park waters except during the times and at the places designated for these activities;
- C. bring or carry any glass bottle, glass jar, glass drinking utensil or glass container into or use any glass bottle, glass jar, glass drinking utensil or glass container in or within 200 feet of any designated swimming area;
- D. dress or undress in any park except in a bathhouse maintained by the Village or at any place designated for dressing or undressing; or
- E. launch any watercraft, including paddleboards, kayaks, canoes or rafts, in the designated swimming area or beach at Harbor Island Park, in any place other than a designated launch area; or without first paying the required launch fee.

§ 260-6. Vehicles.

- A. The Village has the authority to regulate vehicular traffic within Village parks. It is a violation of this Chapter for any vehicle:
 - (1) to exceed the speed of 15 miles per hour within any Village park or to fail to comply with any instruction, direction or regulation displayed upon any post, sign, or marking installed or placed for the regulation of traffic; or
 - (2) to be operated in any area other than the areas designated for vehicular purposes or to operate on grass areas, walks or footpaths except with the permission of the Village Manager or any Village employee engaged in park maintenance;
 - (3) to be parked in any area in any Village park other than a designated parking area or within any designated permit parking area within Harbor Island Park, as established under § 329-39 of this Code, without a permit and having paid the permit fee as set forth in Chapter A347 of this Code; or
 - (4) to be in any Village park during hours when the park is not open, except at a Village-approved function and not later than 30 minutes after the end of

the function.

§ 260-7. Enforcement.

- A. Members of the Village of Mamaroneck Police Department and any other police agency or peace officer acting under authority of the Village of Mamaroneck Police Department, and the Village of Mamaroneck Harbor Master, when acting in the exercise of their official duties, are authorized to:**
 - (1) enforce the provisions of this chapter;**
 - (2) eject from any park any person acting in violation of this chapter; and**
 - (3) seize and confiscate any property, contraband, thing or device in a park, which is used in violation of this chapter**
- B. The Chief of Police, the Village Manager, or the designated representatives of either, are each authorized in the event of an emergency to close any park to the public in the event of an emergency.**
- C. The Village Manager or the Village Manager's designee is authorized to suspend or revoke any permit issued pursuant to this chapter upon finding that the permittee is violating the terms of the permit, but the permittee is entitled to a hearing before the Village Manager within 10 business days after the permit has been revoked.**

§ 260-8. Penalties for offenses.

A violation of any provision of this chapter is punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or both. In addition, a person found guilty of defacing or vandalizing park facilities may be required to restore the property so damaged or pay a fine equal to twice the cost of restoring the property.



Item Title: Appointment to BAR

Item Summary:

In accordance with OML, Article 7, Section 105 1(f) the appointment of a member to a Village Board or Committee

Fiscal Impact:



Item Title: Oppenheimer Claim

Item Summary:

In Accordance with Public Officers Law, Article , Section 105 1(d) to discuss proposed, pending or current litigation in reference to the Oppenheimer Claim

Fiscal Impact:



Item Title: Goldstein matter

Item Summary:

In Accordance with Public Officers Law, Article 7, Section 105 1(d) to discuss proposed, pending or current litigation in reference to the Goldstein Matter

Fiscal Impact:
