

Local Law No. 7 - 2023

This local law shall be known as the “Update to Chapter 148 of the Code to prohibit smoking in Parks and Fields and to remove incarceration as a form of punishment for violating Chapter 148” Law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck

Section 1 – Purpose:

Chapter 148 of the Code, entitled “Parks and Fields”, needs to be updated. For public health reasons, smoking should be prohibited in the Town’s parks and fields and on certain Town-owned land and the archaic potential punishment of incarceration for violating the provisions of Chapter 148 should be eliminated, This local law updates Chapter 148 accordingly.

Section 2 -- Amendment of a current section of the Mamaroneck Code:

The definition of Park in section 148-1 A. of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

PARK

(1) Memorial Park which is bisected by Myrtle Boulevard with the northerly portion lying along Myrtle Boulevard and Baldwin Avenue and the southerly portion lying between Myrtle Boulevard, North Chatsworth Avenue and Vine Street,

(2) Gardens Lake Park which lies between Lakeside Drive and the New York State Thruway,

(3) The unnamed park located at the corner formed by the intersection of Palmer Avenue and Weaver Street,

(4) The open area outside the Hommocks Park Ice Rink,

(5) The Hommocks Pool complex and

(6) The paths leading to the Hommocks Park Ice Rink and the Hommocks Pool complex.

Section 3 -- Amendment of a current section of the Mamaroneck Code:

Section 148-2 of the Code of the Town of Mamaroneck hereby is amended to include the following new paragraph U:

§ 148-2 Prohibited activities.

No person shall:

...

- U.** Burn a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis or use an electronic smoking device that creates an aerosol or vapor.

Section 4 – Amendment of a current section of the Mamaroneck Code:

Section 148-9 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

The violation of any provision of this chapter is a violation within the meaning of NY Penal Law § 10.00 (3). Upon conviction for violating any of sections of this chapter, the convicted person shall be punished by a fine not exceeding \$250.

Section 5 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 6 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.