

A: 06/06/2024      New York State Department of State  
E: 06/17/2024      41 State Street, Albany, NY 12231

**Local Law Filing**

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

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

**Be enacted by the Town Board of the Town of Brookhaven as follows:**

**LOCAL LAW # 10 OF 2024**

AMEND CHAPTER 10 ENTITLED "PARKS AND RECREATION AREAS", CHAPTER 71 ENTITLED "TRESPASSING" AND CHAPTER 77 ENTITLED "NATURE PRESERVES", OF THE TOWN CODE OF THE TOWN OF BROOKHAVEN

Section 1. Legislative Intent. It is the intent of this amendment to Chapter 10 entitled "Parks and Recreation Areas" Chapter "71" entitled "Trespassing" and Chapter 77 entitled "Nature Preserves" of the Town Code of the Town of Brookhaven to prohibit metal detecting in parks, nature preserves and any other Town lands and to prohibit the alteration and draining of wetlands in the Town of Brookhaven.

Section 2. Text Amendment. Chapter 10 entitled "Parks and Recreation"; Section 10-18 entitled "Destruction of Property" is as follows:

§ 10-18 Destruction of property.

A. No person shall injure, deface, displace, remove, fill in, raise, destroy or tamper with any drive, path or walk; take up, remove or carry away trees, shrubs, turf or any material or substance; or remove or destroy any structure, building or any appurtenances connected with the park or any other property or equipment, real or personal, owned by the Town of Brookhaven or under the jurisdiction and control of the Town Board of Trustees.

B. No person shall operate a metal detector within any park other than law enforcement personnel pursuant to a criminal investigation.

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Section 3. Text Amendment. Chapter 71 entitled "Trespassing", Section 71-1 entitled "Damage to private property" is as follows:

71-1 Damage to private property

No person shall alter, mar, destroy or remove any flowers, plants, shrubs, trees, wetlands, buildings or structures within the Town of Brookhaven without authority of the owner thereof.

Section 4. Text Amendment. Chapter 71 entitled "Trespassing", Section 71-2 entitled "Town-owned lands" is as follows:

§ 71-2 Town-owned lands.

No person shall enter, intrude or trespass upon any lot or premises owned by or under the control of the Town Board, whether upland or land under water, for the purpose of occupying or using the same, or for purposes of operating a metal detector or for purposes of hunting, trapping or pursuing wildlife, or of erecting, placing or using any building, temporary or permanent structure, or fence or other encumbrance thereon or of removing or depositing any water, sand, stone, gravel, topsoil, tree, brush, shrub, or any other natural vegetation or other minerals therefrom, or altering or draining a wetland, without written authority from the Town Board; but nothing herein contained shall be deemed to prevent any resident of the Town of Brookhaven from using any Town park or waters for ordinary bathing, boating, fishing or other public recreational purposes.

Section 5. Text Amendment. Chapter 77 entitled "Nature Preserves", Section 71-11 entitled "Prohibitions" is as follows:

§ 77-11 Prohibitions.

The following acts are expressly prohibited in Town nature preserves:

- A. Use of a nature preserve outside of the hours of operation as noted in § 77-9.
- B. Use of any motorized vehicle or self-propelled wheeled vehicle within a nature preserve, except for official vehicles of the Town of Brookhaven or other public agency.
- C. Camping, fishing, bathing and swimming unless authorized by the Town of Brookhaven.
- D. Kindling, building, maintaining or use of a fire.
- E. Littering, dumping or burial of any refuse, rubbish, debris, yard waste, fill, soil or vehicles as defined in Chapter 45 of the Town Code.
- F. The allowance of any dog, cat, livestock, horses or other non-native wildlife to enter within, into or onto a Town nature preserve.
- G. The use of motorized or unmotorized watercraft on or within any body of surface water within a Town nature preserve unless specifically authorized by the Town of Brookhaven.
- H. The injury, destruction, defacement, displacement, removal, filling in, raising, or tampering with of any Town-owned drive, path, walkway, boardwalk, structures, equipment, vehicle or

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signs or any wildlife, vegetation, natural features, surface water, cultural resources or any other ecological feature within a Town nature preserve.

I. The carrying or use of explosives, firearms, shotguns, rifles, handguns, BB or pellet guns and slingshots, any other weapon in which the propelling force is a spring, elastic material or compressed air or gas or archery equipment, except by a police officer or peace officer.

J. Hunting and trapping.

K. Erecting, placing or using any temporary or permanent structure, or other encumbrance upon the land including but not limited to those utilized in connection with a use prohibited by this chapter.

L. The feeding of wild animals or the feeding and sheltering of domestic animals.

M. Operation of a Metal Detector other than by law enforcement pursuant to a criminal investigation.

N. Any other use designated by resolution of the Town Board for a particular site.

O. Where appropriate, the Town Board may, by resolution, permit one or more of the uses enumerated above.

Section 6. Authority. The Town Board is vested with the authority to make these amendments pursuant to Town Law Sections 130(11), 130(15) 130(19), 130(27), 64(3) and 64(23) in conformance with Municipal Home Rule Law Sections 10 and 20. The Town Board hereby intends to supersede Town Law § 268 and any other statute or local law to the extent necessary to increase the minimum and maximum penalties and is vested with the authority to supersede same pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3).

Section 7. Effective date. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: June 6, 2024  
Farmingville, New York

  
Kevin J. LaValle, Town Clerk  
Town of Brookhaven

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