Unified Code of Ordinances

ADOPTED BY

THE BOARD OF TRUSTEES

OF THE

VILLAGE OF MAMARONECK

ON

JULY 25TH, 1955

EFFECTIVE OCTOBER 2ND, 1955

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Edited by

ANTHONY SANSONE
Village Attorney

TABLE OF CONTENTS

		PAGE
Article I.	General Ordinance — Title and Scope	1
Article II.	Classifications of Ordinances	1
Article III.	Penalties	2
Article IV.	Separability	2
Article V.	Effective Date	2
Article VI.	Definitions	2
Chapter 1.	Definitions	3
Chapter 2.	Animals	4
Chapter 3.	Health and Sanitation	5
Chapter 3-A.	Automobile Trailer Camps	9
Chapter 4.	Peace and Good Order	12
Chapter 5.	Vehicles, Regulation of	20
Chapter 5-A.	Off Street Parking	31
Chapter 5-B.	Parking Meter Zones	39
Chapter 6.	Fire Control and Prevention	41
Chapter 7.	Licenses and Permits	47
Chapter 8.	Sidewalks and Streets	68
Chapter 9.	Harbor and Waterways	78
Chapter 10.	Parks	82
Chapter 11.	Building and Structural Appurtenances	87
Chapter 12.	Sanitary and Plumbing Code	95
Chapter 13.	Oil Burner and Fuel Oil Ordinance	99
Chapter 14.	Family Swimming Pools	105
Chapter 15.	Minimum Housing Standards	107
Chapter 16.	Coin-Operated Dry Cleaning Establishments	108

TABLE OF LOCAL LAWS HERETOFORE ADOPTED BY THE VILLAGE ARE LISTED ON PAGE 200

CHAPTER 1

DEFINITIONS

	Sec.	Page
Definitions		3

CHAPTER 2

ANIMALS

Swine, Keeping of	1	4
Chickens and other Animals	2	4
Dogs at large	3	4
Dogs — Enclosures	4	4
Dogs — Licensing	5	4
Poultry — Live, Sale of	6	4

CHAPTER 3

HEALTH AND SANITATION

Sewers — Premises to be connected	1	5
Docks and Dumping Grounds	2	5
Littering Prohibited	2A	5
Garbage and Ashes	3	7
Industrial Waste	4	7
Liquid	4-1	7
Solid	4-2	8
Permits	4-3	8
Atmosphere—Pollution of	5	8

CHAPTER 3-A

AUTOMOBILE TRAILER CAMPS

Automobile Trailer Camps		9

CHAPTER 4

PEACE AND GOOD ORDER

Bathing and Bathing Costumes	1	12
Firearms and Fireworks	2	12
Missiles, Sling Shots, Bean Shooters, etc.	2A	12
Fire Alarm—False, Prohibited	3	13
Fire Alarms—Interference	4	13
Signal Boxes—Keys to	5	13
Trapshooting	6	13
Hand Bills—Distribution of	7	14
Noises—Unnecessary	8	14
Loud-Speakers, Horns, Sound Trucks, Aircraft, Motors and Engines, Industries within certain hours		
Excavations—Removal of Soil	9	15
Dance Halls and Cabarets	10	16
Discarded Refrigerators	11	18
Willful Destruction of Village Property by Children	12	19

CHAPTER 5

VEHICLES — REGULATION OF

	Sec.	Page
Municipal Body—Created	1	20
Safety Zones, etc.	2	20
Night Parking	3	20
Speed	4	20
Violation—Penalty	4A	21
Traffic Violations Bureau	4B	21
Main Arteries	5	22
Full Stop Streets	5A	22
Pavement Markings	6	22
Parking—Definition	7	23
Parking—Hours of	8	23
Parking on Certain Streets		
One Side Parking Streets	9	26
Parking—Streets prohibited on	10	27
No Parking Areas at Corners	10A	28
One Way Streets	12	29
Parking of Trucks	12	29

CHAPTER 5-A

OFF STREET PARKING

Off Street Parking		31

CHAPTER 5-B

PARKING METER ZONES

Parking Meter Zones		39

CHAPTER 6

FIRE CONTROL AND PREVENTION

Regulating—Storage and Sale of Inflammable Volatiles	1	41
Fire—Outside Assistance to other Companies	2	42
Immunity	3	42
Burning of Leaves	4	42
Space Heaters Using Oil or Like Fuel	4A	43
Fire Prevention	5	43

CHAPTER 7

LICENSES AND PERMITS

Amusement and Exhibitions	1	47
Hawkers and Peddlers	2	48
Taxis—Drivers—Cars (Amended)	3	51
Taxicabs—Number of	3A	52
Taxi Driver's License	4	52
Junk Dealers	5	56
Junk Yard Enclosures	6	58
Auctions and Auctioneers	7	58
Blasting—Blasting Bond	8	59
Bingo	10	60
Moorings	11	67

CHAPTER 8

SIDEWALKS AND STREETS

	Sec.	Page
Snow and Ice—Removal	1, 2	68
Awnings, etc.—Height of	3	68
Wares and Merchandise on Sidewalks	4	68
Personal Property Left on Streets	4A	69
Obstruction of—Building Permits	5	70
Sidewalk Sheds, Barricades, Building Materials—Storage of		
Fences—Barbed-wire Prohibited	6	72
Poles and Wires—Permits	7	72
Driveways and Parking Areas—Construction of	8	72
Gasoline Service Stations—Surfacing of	9	73
Parades—Permit required for	10	73
Trees—Regulations covering	11	73
Curbs and Sidewalks	12	75
Trench, Ditch—Digging of	13	75
Power Shovel—Use of—Permit	14	75
Public Service Corp.—Board may waive deposit	15	76
Rates for Repair of Pavements	16	76
Sidewalk—Repair of	17	76

CHAPTER 9

HARBOR AND WATERWAYS

Short Title	1	78
Definitions	2	78
Purpose of	3	78
Discharging Garbage, waste or human excrement into—Prohibited	4	79
Toilets to be locked or rendered inoperative	5	79
Toilets unlocked—presumptive Evidence	6	79
Boat yards to provide toilet accommodations	7	79
Inspection of boats and premises	8	79
Speed—Regulation	9	79
Noise—Muffling of	10	79
Reckless Operation Prohibited	11	79
Anchorage—Inner-Outer Harbor	12	79
Sail Boats	13	80
Moorings—Permits for	14	80
Dredging—Regulation of	15	81
Living on Board Boats Prohibited	16	81
Penalties	17	81
Repeal	18	81

CHAPTER 10

PARKS

	Sec.	Page
Acts Prohibited	1	82
Disorderly Conduct—What constitutes	2	83
Vehicles—Regulation of	3	85
Aircraft—Land, low and stunt flying over prohibited	4	85
Schedule of Charges	5	86
Charges subject to change	6	86

CHAPTER 11

BUILDING AND STRUCTURAL APPURTENANCES

Unsafe Buildings	1	87
Signs	2	88
Numbering of Buildings	3	94
Roof Structures—Antennae	4	94

CHAPTER 12

SANITARY AND PLUMBING CODE

Sanitary and Plumbing Code		95

CHAPTER 13

OIL BURNER AND FUEL OIL ORDINANCE

Oil Burner and Fuel Oil Ordinance		99

CHAPTER 14

FAMILY SWIMMING POOLS

Definitions	1	105
Portable Pools	1A	105
Permit	2-8	105-6
Appeal	9	106

CHAPTER 15

MINIMUM HOUSING STANDARDS

		107

CHAPTER 16

COIN-OPERATED DRY CLEANING ESTABLISHMENTS

Regulated	1	108
Definitions	2	108
License Required	3	108
Application—Special Requirements	4	108
Fee: Bond	5	108
License Term: Transferability	6	109
Revocation of License	7	109
Attendant: Supervision	8	109
Departmental Approvals	9	109
Operating Restrictions	10	109
Instruction to Public	11	111
Penalty	12	111

UNIFIED CODE OF ORDINANCES OF THE VILLAGE OF MAMARONECK, NEW YORK

The Board of Trustees of the Incorporated Village of Mamaroneck, County of Westchester, State of New York, after a Public Hearing duly held, does hereby enact and ordain this Unified Code of Ordinances and each of the several ordinances therein specified, as follows:

GENERAL ORDINANCE

ARTICLE I — Title and Scope

a. For the better government of the Village and the management of its business, the ordinances of the Village of Mamaroneck are hereby arranged, classified and enacted as the Unified Code of Ordinances, Village of Mamaroneck, New York, 1954, which supersedes and repeals all ordinances heretofore enacted, except such as by reference thereto are saved from repeal or continued in force for any purpose.

b. The repeal of any ordinance or any portion thereof by this enactment or by any future enactments hereunder shall not affect or impair any act done or right vested or accrued for any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty, or forefeiture either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered shall be discharged or affected by such repeal or alteration, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

c. The codes and ordinances of the Village of Mamaroneck which are expressly saved from repeal and continued in full force and effect for all purposes are (1) The Zoning Ordinance and Zoning Map; (2) The Building Code; and (3) The Electrical Code; all as amended.

Article II — Classification of Ordinances

a. The ordinances of this Unified Code of Ordinances are hereby divided into sixteen chapters, which may for the purposes of simplification be subdivided into appropriate classifications. The chapters and the numbers assigned to each shall be as follows:

Chapter 1. Definitions
Chapter 2. Animals
Chapter 3. Health and Sanitation
Chapter 3A. Automobile Trailer Camps
Chapter 4. Peace and Good Order
Chapter 5. Vehicles, Regulation
Chapter 5A. Off Street Parking
Chapter 5B. Parking Meter Zones
Chapter 6. Fire Control and Prevention
Chapter 7. Licenses and Permits
Chapter 8. Sidewalks and Streets
Chapter 9. Harbor and Wareways
Chapter 10. Parks
Chapter 11. Building and Structural Appurtenances
Chapter 12. Sanitary and Plumbing Code
Chapter 13. Oil Burner and Fuel Oil Ordinance

Chapter 14. Family Swimming Pools
Chapter 15. Minimum Housing Standards
Chapter 16. Coin-Operated Dry-Cleaning Establishments

b. Each ordinance shall be preceded by a brief title to indicate the import thereof.

Article III — Penalties

Unless otherwise provided by law, or by specific enactment, the penalty for each violation of any ordinance shall be a sum of money not exceeding One Hundred ($100.00) Dollars. In addition, unless otherwise provided by law, or by specific enactment, a violation of any ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.

Article IV — Separability

If any article, classification or chapter, ordinance, section, clause or sentence of this Unified Code or any ordinance hereunder, in whole or in part, shall be adjudged null and of no effect by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Article V — Effective Date

This enactment and every ordinance therein set forth shall take effect immediately upon adoption, publishing and posting according to law.

Article VI — Definitions

Classification of separate ordinances.

Definitions and the chapters of the ordinances comprising the Unified Code of Ordinances are hereby enacted, classified and numbered as follows:

CHAPTER 1

DEFINITIONS

(1) Person. The term "person" includes a corporation, a joint stock association and partnership, as well as an individual, unless such extension is clearly inapplicable.

(2) Gender. The words of the masculine gender include the feminine and the neuter gender and may refer to a corporation, or to a board or other body or assembly of persons, and when the sense so indicates, the words of the neuter gender may refer to any gender.

(3) Tenses. The words of the present tense shall include the future.

(4) Heretofore and Hereafter. Each of the terms "heretofore" and "hereafter" in any provision of the ordinance relates to the time such provision takes effect.

(5) Singular and Plural Words. Words in the singular number include the plural, and in the plural number include the singular.

(6) Village and Village Officials. Whenever used without modifying words or qualifications, "Village" shall mean the Incorporated Village of Mamaroneck, New York, and the designation of any board, commission, committee, official or agency shall mean that of the Incorporated Village of Mamaroneck, New York. The words "village board" or "board of trustees" shall mean the Board of Trustees of the Incorporated Village of Mamaroneck.

(7) The term "Manager" shall mean "Village Manager".

CHAPTER 2
ANIMALS

Swine, Keeping of ..... Sec. 1
Chickens and other Animals ..... Sec. 2
Dogs at large ..... Sec. 3
Dogs — Enclosures ..... Sec. 4
Dogs — Licensing ..... Sec. 5
Poultry — Live, Sale of ..... Sec. 6

CHAPTER 2
ANIMALS

Section 1. — Swine

The raising and keeping of live swine is prohibited in the Village of Mamaroneck.

Section 2. — Chickens, etc.

No person, persons or corporations shall keep within the corporate limits of the Village of Mamaroneck any live chickens, ducks, fowl, pigeons or poultry, rabbits, hares or other domestic animals, except dogs and cats, without first obtaining a permit therefor from the Village Manager. Such permit shall provide that said fowls or animals shall be securely kept in a run, yard, or other structure in a sanitary condition and free from offensive odors, so constructed and maintained as to prevent the same from straying upon adjacent property or upon any public highway, alley or street within said Village.

Section 3. — Dogs

Dogs, whether licensed or not, shall be subject to the following restrictions:

(a) No person owning or having the custody and control of a dog shall permit such dog to be at large in the Village of Mamaroneck, elsewhere than on the premises of the owner, except it be on the premises of another person with the knowledge and assent of such other person.

(b) The owner or person having the custody and control of a dog, in the said Village of Mamaroneck, which is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person, shall control and restrain such a dog by a leash.

(c) The fact that a dog is at large in the Village of Mamaroneck, elsewhere than on the premises of the owner, shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

(d) A violation of this section shall be an offense and shall be punishable for a fine of not more than $25.00 or by imprisonment of not more than 25 days.

Section 4. — Dog Enclosure

No person shall maintain a dog enclosure or dog run within thirty (30) feet of any building used for residential purposes.

Section 5. — The foregoing section shall in no wise be deemed to change or alter in any respect laws, or ordinances, or regulations covering the licensing of dogs within the Village.

Section 6. — Sale of Poultry

No live poultry shall be sold in the Village of Mamaroneck except in abattoirs, poultry markets or shops licensed therefor by the proper health authorities.

CHAPTER 3.

HEALTH AND SANITATION

Sewers — premises to be connected ..... Sec. 1
Docks and Dumping Grounds ..... Sec. 2
Littering Prohibited ..... Sec. 2A
Garbage and Ashes ..... Sec. 3
Industrial Waste ..... Sec. 4
Liquid ..... Sec. 4-1
Solid ..... Sec. 4-2
Permits ..... Sec. 4-3
Atmosphere — Pollution of ..... Sec. 5

CHAPTER 3.

HEALTH AND SANITATION

Section 1. Sewers

Every owner of property abutting on any street or avenue containing a sanitary sewer shall connect all plumbing in said premises to the said sanitary sewer.

Section 2. Docks and Dumping Grounds

Sub. 1. No dock or dumping ground owned and maintained by the Village shall be used by any person except by permit obtained from the Department of Public Works, and under the supervision of a custodian thereof, duly appointed by the Manager, and subject to such rules as the Manager may establish from time to time.

Sub. 2. Dumping Ground Permits. No person may, without a permit from the Manager, subject to such regulation as the Manager may provide, use any lands, public or private, within the Village for the purpose of a dumping ground.

Sub. 3. No person shall dump, deposit or keep garbage, swill, offal, rubbish, brush, cuttings, bottles, cans, tin, unusable automobile or automotive equipment, machinery or junk upon any street, public place, or private property within the Village.

Sub. 4. Notwithstanding the foregoing, upon application to and permit granted by the Village Manager, a person or corporation may fill or cause to be filled property owned by them.

Sub. 5. After five days' notice by the Village Manager to the owner or occupant of any land in the Village, the Department of Public Works shall have the right to remove from any place in the Village any broken, abandoned or unusable automobile, or other vehicles or parts thereof, or any other rubbish.

Section 2A. Littering Prohibited.

Sub. 1. No person shall litter, sweep, throw, or cast, or direct, suffer or permit any servant, agent, employee, or other person under his control, to litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaways, backyard, court or alley.

Sub. 2. Every owner, lessee, tenant, occupant or person in charge of any building or premises shall keep and cause to be kept the sidewalk, flagging, and curbstone abutting said building or premises free from obstructions and nuisances of every kind, and shall keep said sidewalks, air shafts, areaways, back-

yards, courts and alleys free from garbage, refuse, rubbish, litter and other offensive material.

Sub. 3. No lime, ashes, coal, dry sand, hair, waste paper, feathers or other substance that is in a similar manner liable to be blown by the wind, shall be sieved, agitated or exposed, nor shall any mat, carpet or cloth be shaken or beaten, nor shall any cloth, yarn, garment, material or substance be scoured or cleaned, nor shall any rags, damaged merchandise, barrels, boxes or broken bales of merchandise or goods be placed, kept or exposed in any place where they or particles therefrom will pass into any street or public place, or into any occupied premises, nor shall any usual or any reasonable precautions be omitted by any person to prevent fragments of any substances from falling to the detriment or peril of life or health or dust or light material flying into any street, place or building, from any building or erection while the same is being altered, repaired or demolished, or otherwise. In demolishing any building or part thereof, the material to be removed shall be properly wet in order to lay dust incident to its removal.

Sec. 4. No one being the owner, or in charge or in control of any vehicle, or of any receptacle, shall litter, drop or spill or permit to be littered, dropped or spilled any dirt, sand, gravel, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings, or other light materials of any sort, or manufacturing, trade or household waste, refuse, rubbish of any sort or ashes, manure, garbage, or other organic refuse or other offensive matter, in or upon any street or public place.

Sub. 5. No person shall throw, cast or distribute, or cause or permit to be thrown, cast or distributed any handbill, circular, card, booklet, placard or other advertising matter whatsoever, in or upon any street or public place, or in a front yard or courtyard, or on any stoop, or in the vestibule of any hall in any building, or in a letter box therein; provided that nothing herein contained shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States postal service, or prohibit the distribution of sample copies of newspapers regularly sold by the copy or by annual subscription. This subdivision is not intended to prevent the lawful distribution of anything other than commercial and business advertising matter.

Sub. 6. No swill, brine, offensive animal matter, noxious liquid, or other filthy matter of any kind, shall be allowed by any person to fall upon or run into any street, or public place, or be taken to or put therein.

Sub. 7. (a) No person shall prevent or interfere with any employee of the department of sanitation in the sweeping or cleaning of any street or in the removal of sweepings, ashes, garbage, rubbish, snow, ice, or other refuse material.

(b) No person other than an authorized employee or agent of the Department of Sanitation shall disturb or remove any ashes, garbage or light refuse or rubbish placed by householders, or their tenants, or by occupants or their servants within the stoop or area line, or in front of houses or lots, for removal, unless requested by residents of such houses.

Sub. 8. The violation of any provision of this ordinance shall constitute an offense punishable by a penalty of not more than Twenty-five ($25.00) Dollars, and such violation shall constitute disorderly conduct, and such person shall be a disorderly person.

Sub. 9. Any other and different provisions regarding littering contained in this Chapter are hereby repealed, except that this ordinance shall not apply to materials placed on sidewalks in accordance with Sections 1 and 2 of Chapter 8 (Sidewalks and Streets), dealing with snow and ice on sidewalks.

Section 3. Disposition of Garbage and Ashes

Sub. 1. All residents of the Village of Mamaroneck shall provide covered galvanized iron cans for ashes and covered cans for garbage, which said cans at all times shall be securely covered.

Sub. 2. All cans shall be placed in an accessible position on grade at the side or rear of the house, and in the business sections of the Village, immediately in front of buildings.

Sub. 3. All garbage and ashes shall be deposited in separate cans and shall be ready for delivery not later than 7:30 o'clock in the forenoon on the days when the collector will call.

Sub. 4. All papers shall be tied in bundles.

Sub. 5. No person other than an authorized employee or agent of the Village shall disturb or remove any ashes, garbage, or light refuse or rubbish placed by householders, or business establishments, or their tenants, or by occupants or their servants, within the stoop or area line, or in front of houses, or business properties, or lots, for removal unless requested by residents, occupant of such houses, or business establishments.

Sub. 6. Nothing contained in this Ordinance shall prohibit any householder from burying any garbage or refuse upon his premises provided, however, permission and condition and directions for such burial are first obtained by the said householder from the Village Manager of the said Village of Mamaroneck.

Sub. 7. No ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, dirt, filth, broken glass-ware, crockery, bottles, or rubbish of any kind whatsoever shall be carted to, dumped or deposited upon any property in the Village of Mamaroneck, except as herein provided.

Sub. 8. Notwithstanding any of the provisions of this article, no person or persons shall collect or cause to be collected any offal consisting of fats, meat trimmings, or waste from meats of any nature in the Village of Mamaroneck on Sunday, nor between the hours of 10:00 A.M. and 9:00 P.M. week days.

Sub. 9. No person or persons shall dump garbage, ashes or rubbish of any description on the public dumping ground later than 4:00 o'clock P.M. on Monday, Tuesday, Wednesday, Thursday, or Friday, and not later than 11:30 o'clock A.M. on Saturday, and at no time on Sunday; excepting however that where special conditions make it desirable and necessary, or in cases of emergency, dumping may be permitted at such times and under such conditions as may be fixed by the Village Manager.

Section 4. Industrial Waste

Sub. 1. *Liquid Waste.*

No industrial or trade waste shall be admitted, directly or indirectly, into any Village sewer, unless the Building Inspector has approved such admission. Such approval may be withdrawn at any time should the Building Inspector find such industrial or trade waste injurious to the sewers, plants or operation of the system in any way.

The Building Inspector shall likewise have the authority to prescribe the treatment of such waste before it is emptied into the Village's sewer system.

Upon violation of any of the terms of this Ordinance, in addition to any other penalty provided for, the Building Inspector shall have authority immediately to disconnect such sewer from the Village's sewer system, and request the Superintendent of the Westchester Joint Water Works No. 1 to discontinue water service to such property.

Sub. 2. *Solid Waste.*

Industrial or trade waste of an inflammable, bulky or offensive nature, which is produced in quantities greater than can be reasonably processed or accommodated at the Village Incinerator or public dumps shall be disposed of by dumping outside the Village limits or burned on the premises in an enclosed incinerator with a stack of sufficient height as to prevent smoke and odors emanating therefrom being offensive to persons living in the immediate vicinity thereof.

Sub. 3. *Permits.*

(a) No industrial or trade waste shall be buried or burned upon premises where produced or on private property in the Village without a permit from the Village Manager.

(b) Application for disposition of such waste shall be made to the Village Manager, who shall then determine the quantities that may be burned at the Village incinerator or dumped in a Village dump.

Section 5. Pollution of Atmosphere

No owner, lessee, tenant or occupant of any building, vessel, stationary or locomotive engine, device, place or premises shall cause, suffer or allow smoke, cinders, gas, vapors, fumes, dust, offensive or noxious odors, substances or liquids to escape or be discharged into the atmosphere in or from any such building, vessel or place in quantities sufficient to endanger the public health.

The production, emission or escape of smoke of a degree in darkness equal to or greater than number 2 on Ringelman's Scale, regardless of how produced or discharged to the atmosphere, except for a period or periods aggregating six minutes in any one hour, is hereby declared a public health nuisance.

The discharge or escape into the open air of such quantities of soot, cinders, fly-ash, noxious acids, fumes, vapors or gases in such place or manner as to cause injury, detriment, nuisance or annoyance to a considerable number of persons or so as to endanger the comfort and repose, health or safety of a considerable number of persons; or in such manner as to cause or have a natural tendency to cause injury or damage to business or property, may be considered as presumptive evidence that such discharge pollutes the atmosphere in violation of this section.

CHAPTER 3-A
AUTOMOBILE TRAILER CAMPS

Section 1. No person shall park any trailer or house car while used for living or sleeping quarters within the Village of Mamaroneck except in a duly licensed automobile trailer camp.

Section 2. (a) An automobile trailer camp is defined to be any plot of ground where accommodation is provided for one or more automobile trailers or house cars arranged to be used for living or sleeping quarters.

(b) A unit is defined as that portion of an automobile trailer camp set apart for the use of an individual automobile trailer or house car.

(c) An automobile trailer or house car is defined to be any vehicle used or arranged to be used for living or sleeping quarters mounted on wheels and movable or propelled either by its own power or drawn by another power driven vehicle.

Section 3. It shall be unlawful for any person, firm or corporation to establish, maintain, operate or conduct within the Village of Mamaroneck any automobile trailer camp, unless duly licensed so to do as hereinafter provided and in strict compliance with this ordinance and all other provisions of law and ordinances applicable thereto.

Section 4. An application for a license provided for under Section three shall be made in triplicate to the Village Clerk upon forms to be furnished by him. Said application shall state and provide for the name and address of the owner of the premises, the name and address of the applicant and the nature and extent of his interest in the business for which a license is desired, the location and plot plan of the automobile trailer camp and the number of units to be provided for therein, three sets of detailed plans and specifications of all buildings, structures, plumbing, sewer and drainage systems and lighting, and any other information required by the Village Clerk. Such application shall be accompanied by a fee of Ten ($10.00) Dollars for every five units or less plus Two ($2.00) Dollars for each additional five units or fraction thereof, which shall cover the required investigation, but if a license is subsequently issued, said fees shall be applied on account of the license fee, but in the event a license is not issued, such investigation fee shall be retained by the Village.

Section 5. The Village Clerk shall refer such application, together with the plans and specifications to the Westchester County Department of Health for its approval, and no license shall be issued without their approval.

Section 6. If such application is approved as required by Section five, the Village Clerk shall issue a license to the applicant upon payment of a fee of Two ($2.00) Dollars per unit. The minimum fee shall be Ten ($10.00) Dollars.

Each license or renewal thereof shall expire on December thirty-first next following the issuance and may be renewed for a period of one year from date of expiration after application and payment of the fee required in this section.

Such license shall always be on display in the office of the automobile trailer camp.

Section 7. Each unit which accommodates an automobile trailer or house car shall be not less than twenty feet by thirty feet in area, which area shall be clearly defined by markers at each corner. Each automobile trailer or house car shall not be less than ten feet from any property line and from any other building, structure or automobile trailer or house car.

Section 8. All entrances and exits from any automobile trailer camp shall be well marked and so arranged as not to constitute a traffic hazard. All driveways within such camp shall be hard surfaced not less than eighteen feet in width, well marked in the day time and lighted at night, and so located that each unit in the camp is readily accessible to a driveway.

Section 9. Every automobile trailer camp shall be provided with toilets, urinals, wash basins, slop basins, showers, water faucets, etc., in accordance with the following:

(a) One toilet for each sex for every ten units or fraction thereof.

(b) Each toilet room for men to have in addition one urinal stall.

(c) Each toilet room to have at least one sink or lavatory for every three toilets or fraction thereof.

(d) One shower for each sex for each ten units or fraction thereof. Bathtubs are prohibited.

(e) Laundry tubs and slop sinks or basins with water supply to be provided to serve each ten units or fraction thereof.

(f) Toilet buildings to be well lighted at all times, day and night, well ventilated with screened openings, and constructed of such moisture proof material as shall permit rapid and satisfactory cleaning, scouring and washing.

(g) The floors to be of concrete or similar material, elevated not less than four inches above grade and shall slope to a floor drain located in each room.

(h) The use of toilets located in the automobile trailers or house cars is prohibited, except where approved by Plumbing Inspector.

(i) All plumbing installations, except as herein provided shall be made in accordance with the Plumbing Code of the Village of Mamaroneck. Kitchen sink waste water from any automobile trailer or house car may be discharged to suitable leaching pits of such size and construction as may be approved by the Plumbing Inspector of the Village of Mamaroneck and the Health Department of the County of Westchester.

(j) Only Village water supply or other supply approved by the Health Department of the County of Westchester shall be used at any automobile trailer camp. If a private supply is used, arrangements must be made for a weekly bacteriological analysis by a laboratory approved by the Health Department of the County of Westchester at the expense of the licensee, and report thereof filed with said Health Department within twenty-four hours of completion of analysis.

(k) Where toilet and bathing facilities are provided for both sexes in the same building, a tight, sound-proof wall shall be constructed between the male and female sections.

(l) A covered metal fly-tight garbage pail and a covered metal rubbish container of adequate size shall be provided for each two units or part thereof.

(m) Each toilet building shall be distinctly marked "MEN" or "WOMEN" in accordance with the sex for which it is provided.

Section 10. An automobile trailer camp shall be located on a well drained site of adequate size, the land of which shall be free from heavy or dense growth of bush or weeds. The land shall be properly graded so as to insure rapid drainage during and following rain, and free from stagnant pools of water.

Section 11. There shall be maintained in each automobile trailer camp at least one approved fire extinguisher for every five units or part thereof.

Section 12. (a) Every automobile trailer camp shall be under the management of the licensee who must be of good reputation and character and who shall manage such camp from an office located on the premises. There shall be maintained in such office a bound book containing a record of the names of any person accommodated at the camp, their home addresses, the time of arrival and departure, and the license number and make of their automobile or other vehicle. Such record shall at all reasonable times be available for inspection by any police officer.

(b) It shall be the duty of the licensee of any such camp:

(1) To provide for the collection of garbage and other waste materials.

(2) To prohibit the placing or storing of unsightly materials or vehicles of any kind.

(3) To provide for the cleaning, painting, repairing and disinfecting of all buildings.

(4) To take such other measures as shall be deemed necessary by the Health Department of the County of Westchester to preserve the health, comfort and safety of all persons accommodated in the camp of the general public.

(5) To prevent any animal to run at large within or outside the camp.

(6) To report to the Health Department of the County of Westchester all cases of communicable diseases or suspected cases of communicable diseases affecting any inmate of the camp.

(7) To prevent the committing of any nuisance on the camp premises and to report immediately to the proper authorities all acts of a disorderly character committed by any persons inside of the camp, and to that end to maintain proper policing thereof.

Section 13. The removal of the wheels or any similar transporting device from an automobile trailer or house car, or the permanent attachment of such trailer or car to the ground in a manner that would prevent the ready removal thereof, and any alteration to any such trailer or car shall be construed as removing it from the requirements of this ordinance and converting it into a dwelling subject to the requirements of the Building Code of the Village of Mamaroneck.

Section 14. The Village Board may, upon its own initiative, or upon the recommendation of the Health Department of the State of New York or the County of Westchester, revoke or suspend the license granted under authority of this ordinance for failure to comply with any provision of this ordinance or any laws or regulations relating to any such camp.

Section 15. Where a license is sought for premises to accommodate not more than ten automobile trailers for periods of not greater than seventy-two (72) hours in any given week, application may be made to the Board of Trustees, in which case said Board shall have the power to vary or modify the application of any of the foregoing provisions, subject to such appropriate conditions and safeguards as the Board in its discretion may determine. The fee for the issuance of the license authorized under this paragraph shall be Five ($5.00) Dollars.

Section 16. The owner, lessee, licensee, occupant of or person accommodated in any such camp who commits any act in violation of any of the provisions of this ordinance shall each be liable for any such violation and for the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

CHAPTER 4.
PEACE AND GOOD ORDER

Bathing and Bathing Costumes ..... Sec. 1
Firearms and Fireworks ..... Sec. 2
Missiles, Sling Shots, Bean Shooters, etc. ..... Sec. 2A
Fire Alarms — False, Prohibited ..... Sec. 3
Fire Alarms — Interference ..... Sec. 4
Signal Boxes — Keys to ..... Sec. 5
Trapshooting ..... Sec. 6
Hand Bills — Distribution of ..... Sec. 7
Noises — Unnecessary ..... Sec. 8
Loud-speakers, Horns, Sound Trucks, Aircraft, Motors and Engines, Industries within certain hours.
Excavations — Removal of Soil ..... Sec. 9
Dance Halls and Cabarets ..... Sec. 10
Discarded Refrigerators ..... Sec. 11
Willful Destruction of Village Property by Children ..... Sec. 12

CHAPTER 4.
PEACE AND GOOD ORDER

Section 1. Bathing and Bathing Costumes

Sub. 1. Public bathing in any of the waters within the corporate bounds of the Village unless in a suitable bathing dress or covering is hereby prohibited.

Sub. 2. Walking or standing within the Village on any street, public place, park or parking lot or parking space in bathing costumes, unless the wearer of such bathing costume shall also wear suitable outer garments or covering over such bathing costume covering the body and limbs, is hereby prohibited. This section shall not apply to that portion of beach area to the south of fence at southern part of Harbor Island known as the upper and lower beach.

Sub. 3. No person shall bathe or swim off or from the shore of any Village owned property except at places designated for such purposes.

Sub. 4. Defacement of Notices. The defacement or destruction of any public notice or sign placed by or with the consent of the Board is hereby prohibited.

Section 2. Firearms and Fireworks

No person shall, otherwise than in self defense, or in the discharge of official duty, or upon a properly constructed shooting gallery or target range approved by the Board of Trustees of the Village of Mamaroneck, discharge any species of fire arms, fireworks, or other weapon within the limits of the Village of Mamaroneck.

This section however shall not prohibit the discharge of firearms at theatrical performances, athletic events, or special occasions where permission so to do has been applied for and granted by the Chief of Police; nor the public display of fireworks by individuals, clubs or organizations on special occasions where permission for such display has been obtained from the Village Manager and bond filed in amount fixed by said Village Manager.

Section 2A. Missiles, Sling Shots, Bean Shooters, etc.

Sub. 1. No sling shot, bean shooter or other instrument for throwing bullets, metal pellets, stones or beans shall be sold or offered for sale in the Village of Mamaroneck.

Sub. 2. No person shall throw any objects, stones or other missiles, or use

any sling shots, bean shooters or air rifles in any street, sidewalk, park or any public place in the Village of Mamaroneck.

Sub. 3. No person shall throw any objects, stones or other missiles, or use any sling shots, bean shooters or air rifles on or from private property in such a manner as to endanger the safety of any person at any public or private place in the Village of Mamaroneck.

Sub. 4. Any violation of this ordinance or any part thereof shall constitute disorderly conduct, and any person violating the same shall be a disorderly person.

Section 3. False Fire Alarms Prohibited

It shall be unlawful for any person willfully or designedly to give, assist in giving, countenance or request, or cause to be given, any false alarm of fire in any manner, provided, however, that this section shall not apply to members of the Fire Department (or signal system force) in making tests or repairs under the direction of the proper authorities.

Section 4. Interference with Fire Alarm System

It shall be unlawful for any person to tamper, meddle, or in any way interfere with any station or signal box of any fire alarm telegraph system or any auxiliary appliance, or willfully to break, injure, deface or remove, or to make any connection or communication with the poles, wires, boxes or other parts or fixtures of the fire alarm system so as to interrupt or interfere with the proper working of the same, or to mutilate or destroy any notices that may be legally posted relating to the same.

Section 5. Keys of Signal Boxes

It shall be unlawful for any person to make or cause to be made or to use or have in his possession any key, impression or duplicate of any signal box of the fire alarm telegraph without the written permission of the Fire Chief.

Section 6. Trapshooting

Nothing in this Ordinance shall be construed to prohibit trap shooting in the Village, provided, however, that trap shooting shall not be permitted unless the person or persons at whose premises such trap shooting shall be carried on shall have applied to the Manager of the Village of Mamaroneck for a permit to allow trap shooting on said premises.

Said application shall be made in writing, and shall be accompanied by a fee in the amount of $50.00. The Manager shall refer said written application to the Chief of Police, who shall inspect the premises at which such trap shooting is proposed to be conducted, and he shall report to the Manager whether or not in his opinion it will be safe to conduct trap shooting at such premises, and he shall recommend such terms and conditions for the granting of a permit as in his opinion and discretion may be deemed advisable for the protection and the safety of the general public.

If it shall appear from such report that trap shooting at the premises of the applicant is not dangerous, the Manager shall so advise the Board of Trustees who may then authorize the Village Clerk to issue a permit for such trap shooting to such applicant. If the application for a permit is denied, the said sum of $50.00 shall be returned to the applicant.

The period of each permit shall be one year, and each permit, unless renewed upon application of the owner of the premises at the expiration date, shall be null and void upon such date of expiration.

The Chief of Police shall have the power at all times to inspect premises at which trap shooting is conducted, and such provision shall be incorporated in each permit. In the event that the Chief of Police shall report to the Board of Trustees at any time that, by reason of any changing conditions, it would be dangerous to permit trap shooting at premises authorized under a permit, the Board of Trustees shall reserve the right to revoke such permit, and such reservation shall also be incorporated in the language of each permit.

Nothing herein contained shall be construed to render the Board of Trustees or any member thereof, or any other officer or employee of the Village liable for any damages sustained by persons or property as a result of such trap shooting.

No such permit issued hereunder shall be effective for the months of April to September, inclusive.

Section 7. Hand Bills

No person shall throw, cast or distribute, or cause to be thrown, cast or distributed, any commercial hand bill, circular, card or other commercial advertising matter whatsoever in or upon any street or public place, or in a front yard or court yard, or any stoop, or in the vestibule or any hall of any building, or in a letter box therein, or in or upon any motor vehicle, provided that nothing herein contained shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States Postal Service, or prohibit the distribution of sample copies of newspapers regularly sold by the copy or by annual subscription, or samples of goods or merchandise. This section is not intended to prevent the lawful distribution of anything other than commercial and business advertising matter.

Section 8. Unnecessary Noises. (Peace and Repose Safeguarded.)

Sub. 1 It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs or injures or endangers the comfort, repose, health, peace or safety of others. The following restrictions are specific enactments to curb and prevent disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive.

Sub. 2. *Loud-speakers.*

(a) No person shall maintain or operate, or permit to be maintained or operated, any loud-speaker attachment connected with a radio apparatus or talking machine or other primary source of sound in such a manner that the loud-speaker will project sound outside of any building so that the sound is audible for a distance of more than one hundred (100) feet from the point of its origin.

(b) Nothing herein contained shall be construed to prohibit the operation of radio apparatus or talking machines in a reasonable manner within any building or structure, even though the sound therefrom may be heard outside such building or structure, up to one hundred (100) feet therefrom, provided that such radio apparatus or talking machine is not connected with a loud-speaker or amplifier or sound conveyor fastened to or connected with an outside wall or which projects from a window or other opening.

(c) Nothing herein contained shall preclude or prohibit the use by a church or any religious organization of loud-speakers or other amplifying devices to broadcast the sound of bells, chimes, or carillons, or replicas thereof.

(d) Nothing herein contained shall preclude or prohibit the reasonable use of loud-speakers, amplifiers or other broadcasting devices in any outdoor sports arena, stadium, or public park during the progress of a game, exhibition,

or other program conducted in compliance with the law, or at a railroad or bus station in connection with the operation of a common carrier, in advising the public as to the arrival and departure of public conveyances and similar information.

Sub. 3. *Horns, Signaling Devices and the Like.*

No person shall sound or cause to be sounded any horn or signaling device on any motor car, motorcycle, motor boat or other vehicle on any street, waterway or public place of the Village, except as a danger signal or traffic warning; nor shall any person create or cause to be created by the use of such devices any unreasonably loud, harsh, or prolonged sound.

Sub. 4. *Sound Trucks.*

No person shall use or cause to be used a sound truck or other mechanical sound amplifying devices at any place within the Village, except within the confines of a stadium, arena or other enclosure, and in accordance with the regulations provided for their use in such places; and except for such uses as are specified in Sub. 2 hereof.

Sub. 5. *Sound Broadcasting from Aircraft.*

(a) No person shall operate or cause to be operated any aircraft for any purpose over the Village with sound amplifying equipment in operation audible to persons on the ground. This prohibition includes amplification of human voices and musical instruments, and forbids the broadcasting of the advertisements of any product, function or cause, and the dissemination of messages, recitals, reading or other materials of any kind, unless the same shall have been duly authorized by an official agency of government.

(b) The prohibition herein shall not apply to broadcastings of warning signals, from devices installed on authorized aircraft, or to the use of any horn or other mechanism when operated to insure safety in aerial navigation.

Sub. 6. *Noises from Motors and Engines.*

No person shall operate or cause to be operated any motor car, motor boat or other mechanism propelled by gasoline, fuel oil or other combustible substance unless the same be properly equipped with a muffler, so designed and in such condition as to prevent unnecessary noise in its operation.

Sub. 7. *Noises from Factories, Warehouses and Transfer Stations.*

No person shall, between the hours of 8:30 o'clock at night and 7:30 o'clock in the morning, or at any time on Sunday, operate, or permit the carrying on of any activities in connection with the operation of any factory, warehouse, or transfer station in which the primary activity is not totally enclosed within the four walls of a building, whenever such an establishment is located within two hundred (200) feet of a residence zone.

Section 9. Excavations. Removal of Soil

Sub. 1. It is necessary in the Village of Mamaroneck, in order to promote the health, safety, and general welfare of the people in the Village of Mamaroneck, including the protection and preservation of the property of the Village of Mamaroneck and its inhabitants, and of peace and good order of the people therein, to declare that it shall be unlawful and illegal, except under certain conditions, to excavate upon or remove sand, gravel, earth or topsoil from any land in the Village of Mamaroneck except where plans and specifications have been filed and a permit obtained as provided in the Building Code and other Ordinances of the Village.

Sub. 2. It is hereby prohibited and it shall be unlawful and illegal for any owner, executor, legal representative, agent, lessee, or other person, or any firm, association or corporation having any interest, whether vested or contingent, in any land or lands in the Village of Mamaroneck containing five acres or less, to excavate upon or remove sand, gravel, earth or topsoil from any land in the Village of Mamaroneck except where plans and specifications have been filed and a permit obtained as provided in the Building Code and other Ordinances of the Village.

Sub. 3. It is hereby prohibited and it shall be unlawful and illegal for any owner, executor, legal representative, agent, lessee, or other person, or any firm, association or corporation having any interest, whether vested or contingent, of any land or lands containing an area in excess of five acres, from excavating upon or removing sand, gravel, earth or topsoil, on any portion of such lands within one thousand feet of any adjoining property line, street, highway or public road, except where plans and specifications have been filed and a permit obtained, as provided in the Building Code and other Ordinances of the Village of Mamaroneck.

Sub. 4. The act of excavating or removing sand, gravel, earth or topsoil, except where a permit has been obtained pursuant to the provisions of any ordinance or statute affecting the people of the Village of Mamaroneck, upon any plot or parcel of land containing five acres or less, or upon that portion of any plot of land in excess of five acres within one thousand feet of any adjoining property line, street, highway or public road, is hereby declared to be illegal and unlawful.

Sub. 5. Any person who himself or itself, or by his or its agent or employee, shall violate any of the provisions of this ordinance or any order, rule or regulation made in pursuance thereof, shall, upon conviction thereof, be subject to a fine of not more than $100.00, and a violation of said ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person, and each day on which such violation continues shall be a separate offense.

In addition thereto the Village of Mamaroneck may enforce obedience to this Ordinance, or any part thereof, by injunction to restrain the violation thereof, notwithstanding the penalties above provided.

Section 10. Dance Halls and Cabarets

Sub. 1. *Definitions.*

When used in this ordinance:

The words "public dance hall" shall mean any room, place or space in the Village of Mamaroneck in which dancing is carried on and to which the public may gain admission, either with or without the payment of a fee, excepting, however, premises owned, occupied or used by a religious, charitable, eleemosynary institution or educational corporation or institution.

The words "public dance or ball" shall mean any dance or ball of any nature or description to which the public may gain admission.

The word "cabaret" shall mean any room, place or space in the Village of Mamaroneck in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink.

Residential Districts referred to herein are as defined in the Zoning Ordinance of the Village of Mamaroneck.

Sub. 2. *Public Dance Halls and Cabarets; Licenses.*

No person, firm or corporation shall conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, in the Village of Mamaroneck, a public dance hall or a cabaret unless the premises wherein the same is conducted, maintained or operated are licensed in the manner prescribed by this ordinance.

Sub. 3. *Membership Corporations; Clubs; Associations and Societies.*

A membership corporation, club, association or society which permits musical entertainment, singing, dancing or other form of amusement in premises wherein food or drink is directly or indirectly sold to its members, or their guests, or to the public, shall be subject to the conditions and provisions of this Ordinance.

Sub. 4. *Licenses; application.*

The license prescribed by this ordinance shall be issued by the Village Manager. Application for such license shall be made on a form containing such information as may be determined by the Village Manager. The fee for each such license shall be $10.00 for each year or fraction thereof. All licenses issued between the first day of April and the thirtieth day of September, inclusive, of any year shall expire on the thirty-first day of March of the succeeding year; and all licenses issued between the first day of October and the thirty-first day of March, inclusive, shall expire on the thirtieth day of September following. There shall be kept posted at the main entrance of every place licensed pursuant to this ordinance a certificate of such license. No such license shall be issued unless the place for which it is issued complies with all laws and ordinances and with the rules and regulations of the Building Department, the Police Department and the Westchester County Health Department, and, in the opinion of the Village Manager, is a safe and proper place to be used as a public dance hall, cabaret or club, and the person or persons seeking such license is or are deemed by the Village Manager to be fit or proper persons.

Sub. 5. No music shall be played or dancing permitted on premises licensed by this Ordinance between the hours of 2 A.M. and 8 A.M. on mornings of days following Saturdays, Holiday eves and Holidays. No person other than proprietors or employees shall be permitted to remain in such premises between the hours of 3 A.M. and 8 A.M. on such days, except that nothing herein contained shall prevent regular guests of hotels, or overnight or permanent guests of clubs from remaining on such premises at all times. On all other days no music shall be played or dancing permitted between the hours of 1 A.M. and 8 A.M. excepting that in Residential Districts no music shall be played or dancing permited between the hours of 12 P.M. midnight and 8 A.M. No persons other than proprietors or employees, or overnight or permanent guests shall be permitted to remain in such premises between the hours of 2 A.M. and 8 A.M. excepting that in Residential Districts no persons other than employees, or overnight or permanent guests shall be permitted to remain on premises between the hours of 1 A.M. and 8 A.M. The Village Manager in his discretion may permit any premises licensed pursuant to this ordinance to be open to the public between such hours on special occasions.

Sub. 6. *Revocation of License.*

A license may be revoked by the Board of Trustees for any violation of law or upon the ground that disorderly, obscene or immoral conduct is permitted on the licensed premises. The Village Manager upon direction of the Board of Trustees of the Village shall cause to be served upon such parties as they may

deem to be interested therin such reasonable notice as they may determine to be proper of its intention to revoke such license. There shall be included in or attached to such notice a statement of the facts constituting the violation charged. Such parties shall be entitled to a hearing before the Board of Trustees.

Sub. 7. *Inspection before and after Issuing License.*

No license shall be issued until the Village Manager shall have caused an inspection to be made of the premises to be licensed, and until the Village Manager is satisfied that such place complies with all laws and ordinances of the Village and the rules and regulations of all departments of the Village, and that the person or persons seeking such license is or are fit and proper persons. The Village Manager shall also cause to be made such inspection as may be necessary to ascertain whether the places licensed are maintained in compliance with law. For the purpose of facilitating the inspection prescribed by this Section, the Village Manager is authorized to call upon the head of any other department of the Village, and such department and its employees shall make such inspection as may be required. The Village Manager and the employees of any department assigned to make inspections under this Ordinance shall be permitted to have access to all public halls and cabarets at all reasonable times.

Sub. 8. Pending the investigation of any application and the final disposition thereof, the Village Manager is hereby authorized to issue a temporary 30 day permit, which may be renewed from time to time, upon such terms and conditions as may be fixed by the Village Manager and approved by the Board of Trustees. A fee of $1.00 shall be paid for each such temporary permit. A temporary permit may be revoked in the manner set forth in Sub. 6 of Section 10 in this Chapter.

Sub. 9. *License for a Public Dance.*

No public dance hall shall be leased or hired out, and used, for the purpose of holding a public dance or ball unless the person, association or corporation intending to hold such public dance or ball shall apply for and receive from the Village Manager a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the Rules and Regulations adopted by the Village Manager. Such Village Manager is authorized to adopt reasonable Rules and Regulations for the holding of such public dances and balls, and for the purpose of preventing thereat any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the Village Manager upon such forms as he may prescribe. A fee of two dollars shall be paid for each such permit. Such permit may at any time be revoked by the Village Manager in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such Rules and Regulations. Permits granted under this Section shall be subject to the closing hours heretofore set forth unless an exception is specifically granted in the permit.

Section 11. Discarded Refrigerators

It shall be unlawful for any person to permit or allow a discarded refrigerator, or one not in use, to remain in any place accessible to children unless the latching or locking mechanism on the door or doors of the same has been removed, or unless the door or doors of the same are bolted and locked in such a manner so that it is impossible to open the same by use of the hands.

Section 12. Willful Destruction of Village Property by Children

The parent, guardian or other person having custody of a child under the age of sixteen years, who omits to exercise reasonable diligence in the control of such child to prevent such child from becoming guilty of juvenile delinquency as defined by statute, where such delinquency constitutes the willful destruction of property of the Village of Mamaroneck, may be fined in an amount not to exceed the sum of Fifty ($50.00) Dollars.

CHAPTER 5
VEHICLES — REGULATION OF

Municipal Body — Created ..... Sec. 1
Safety Zones, etc. ..... Sec. 2
Night Parking ..... Sec. 3
Speed ..... Sec. 4
Violation — Penalty ..... Sec. 4A
Traffic Violations Bureau ..... Sec. 4B
Main Arteries ..... Sec. 5
Full Stop Streets ..... Sec. 5A
Pavement Markings ..... Sec. 6
Parking — Definition ..... Sec. 7
Parking — Hours of on Certain Streets ..... Sec. 8
One Side Parking Streets ..... Sec. 9
Parking — Streets prohibited on ..... Sec. 10
No Parking Areas at Corners ..... Sec. 10A
One Way Streets ..... Sec. 11
Parking of Trucks ..... Sec. 12

CHAPTER 5
VEHICLES — REGULATION OF

Section 1. Municipal Body

The Chief of the Police Department, the Chief of the Fire Department, and the Village Manager of the Village of Mamaroneck are hereby made, constituted and appointed as a municipal body for this Village, pursuant to Sections 86 and 90 of the Vehicle and Traffic Law of the State of New York, as amended. Said municipal body shall have the power to adopt ordinances or regulations providing for safety zones, parking spaces, one-way streets, streets upon which heavy trucks shall be excluded, and bus, cab or taxicab stands in the public streets of the Village of Mamaroneck, N. Y., as are, or shall be required in the discretion of said municipal body, for the safety and convenience of the citizens and inhabitants of the Village. (By Local Law No. 1 of 1958 the membership of the above body was increased from three to five members.)

Section 2. Such safety zones, parking spaces, one-way streets, streets from which heavy trucks shall be excluded, and bus, cab or taxicab stands shall be marked and indicated by suitable signs, and all persons operating or driving vehicles shall obey the rules and regulations so prescribed by said municipal body.

Section 3. Night Parking

Motor vehicles, when standing upon any street or highway of the Village of Mamaroneck during the period from one-half hour after sunset to one-half hour before sunrise, must display two lights in front and a red light in the rear which shall be visible from a point at least five hundred (500) feet distant, provided however, that upon Mamaroneck Avenue from intersection thereof with the Boston Post Road, and running thence in a northerly direction to Washingtonville Square, upon which portion of Mamaroneck Avenue motor vehicles are parked with end to curb no light shall be required.

Section 4. Speed

No person shall operate a motor vehicle or motorcycle on any public highway of the Village of Mamaroneck, New York, at a greater rate of speed than thirty miles an hour, except that on the Boston Post Road, being known

as U.S. #1, between the easterly and westerly lines of the Village of Mamaroneck, no person shall operate a motor vehicle or motorcycle at a greater rate of speed than thirty-five miles an hour.

Section 4A. Any violation of Section 4 of this Chapter shall subject the offender to a fine not to exceed One Hundred ($100.00) Dollars, or imprisonment for thirty days, or both such fine and imprisonment.

Section 4B. Traffic Violations Bureau

An ordinance permitting the establishing of a Traffic Violation's Bureau in and for the Police Justice's Court of Special Sessions, Village of Mamaroneck, New York, pursuant to Article 14-B of the General Municipal Law.

(a) The Court in the Village of Mamaroneck, the Police Justice's Court acting as a Court of Special Sessions is hereby authorized to establish a Traffic Violation Bureau to assist the Court in the disposition of offenses in relation to traffic violations. Such Bureau shall be in charge of such person or persons and shall be open at such hours as the Court may designate.

(b) Such Traffic Violations Bureau is hereby authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, by permitting a person charged with an offense within the limitations herein stated to answer within a specified time at the Traffic Violations Bureau, either in person or by written power of attorney in the form hereinafter prescribed in this ordinance by paying a prescribed fine, and in writing, waiving a hearing in court pleading guilty to the charge and authorizing the person in charge of the Bureau to make such a plea and pay such a fine in court. Acceptance of the prescribed fine and power of attorney by the Bureau shall be deemed complete satisfaction for the violation and the violator shall be given a receipt which so states. If a person charged with a traffic violation does not answer within ten (10) days as hereinbefore prescribed, the Traffic Violations Bureau shall cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the Court. Any person who shall have been within the preceding twelve (12) months guilty of a number of parking violations in excess of such maximum number as may be designated by the Court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau, but must appear in Court at a time specified by the Bureau. Such Traffic Violations Bureau is not authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer, to explain, or defend any charge of a violation of traffic law, ordinance, rule or regulation.

(c) The Court shall designate the fines to be paid for offenses which may be satisfied at the Bureau as hereinbefore stated, provided such fines are within the limits established as penalties for such offenses.

(d) A Traffic Violations Bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the Court and/or the Board of Trustees.

(e) Such written power of attorney shall be in substantially the following form or in such form as to carry out the provisions and intent of this ordinance.

CLERK OF POLICE JUSTICE'S COURT
AUTHORIZATION AND WAIVER

"I, the undersigned, hereby waive a hearing in the Police Justice's Court of the Village of Mamaroneck, N. Y. acting as a Court of Special Sessions, and plead guilty to the charge specified in the annexed summons. I authorize the person in charge of the Traffic Violations Bureau of said Court to make such a plea and pay the prescribed fine in Court.

Date: _____
Signature

Section 5. Main Arteries

The streets or highways of the Village of Mamaroneck hereinafter named are hereby designated as main arteries of travel and all vehicles approaching them shall before entering same come to a full stop, unless otherwise directed by the police or signal, as provided by Section 90, Subdivision 2 of the Vehicle and Traffic Law of New York State.

Boston Post Road (East and West)
Mamaroneck Avenue
Halstead Avenue
Palmer Avenue
Fenimore Road
Waverly Avenue
Barry Avenue (North and South)
Rushmore Avenue
Orienta Avenue
Old White Plains Road
Jefferson Avenue
Tompkins Avenue
Prospect Avenue
Delancey Avenue

Section 5A. Full Stop Streets.

Sherman Avenue at Osborn Avenue
Claflin Avenue at Sylvan Avenue
Rushmore Avenue at Bleeker Avenue
Sophia Street at Boston Post Road
Beach Avenue at Brook Street
Fourth Street at Franklin Avenue
Florence Street at Park Avenue
Creek Road at The Parkway
Rockland Avenue at Waverly Avenue
Stiles Avenue at Walton Avenue
Seney Avenue at Walton Avenue
Forest Avenue at Walton Avenue
Walton Avenue at Fairway Avenue
Third Street at Meadow Street
Second Street at Meadow Street
Florence Street at Franklin Avenue
Fifth Street at Park Avenue
Walton Avenue entering
Forest Avenue
Forest Avenue entering
Walton Avenue
Oakhurst Road entering
Barry Avenue
Shore Acres Drive entering
Barry Avenue
Guion Drive entering
Barry Avenue
Lorena Street entering
Wagner Avenue
Seney Avenue entering
Walton Avenue
Union Avenue entering
Tompkins Avenue
Alda Road entering Barry Avenue
Fourth Street entering Park Avenue
Old White Plains Road entering
New Old White Plains Road
Jefferson Avenue entering
Hillside Avenue
West Street entering
Harrison Avenue
Travers Avenue entering
James Street
Melbourne Avenue entering
Tompkins Avenue
Carpenter Place entering
Fulton Road
Carpenter Place entering
Rockland Avenue
Woodbine Avenue entering
Fulton Road

Section 6. Pavement Markings

The pavement markings duly adopted for state highways in the State of New York as the same now exist and/or as they may hereafter be amended

are hereby adopted as and for pavement markings on all roads or streets in the Village of Mamaroneck, and the Police Department of said Village is hereby authorized and directed to cause said roads or streets to be similarly marked, and the markings so made and designed shall have the same meaning, force and effect as markings upon the state highways, and violations of said markings shall be subject to the same penalties as provided for violation thereof upon state highways.

Section 7. Parking Definitions

"Park", "Parking" or "Parked" shall mean the stopping of an automobile upon a public highway and leaving such automobile unattended by a person capable of operating it for a period longer than necessary to load or unload passengers or freight.

Section 8. No person shall park any automobile or other vehicle on any of the streets and locations herein mentioned except as hereafter set forth.

Mamaroneck Avenue

On Mamaroneck Avenue between Boston Post Road and Halstead Avenue, except on the east side thereof in front of the Mamaroneck Playhouse as follows:

Sixty (60) minutes between 9:00 A.M. and 7:00 P.M.

Unlimited parking between 7:00 P.M. and 3:30 A.M.

Unlimited parking on Sundays and Holidays except as hereafter provided.

No parking on any day on any portion of Mamaroneck Avenue between Boston Post Road and Center Avenue; and Post Road and Jefferson Avenue Extension, between 3:30 A.M. and 5:30 A.M.

East side of Mamaroneck Avenue in front of Mamaroneck Playhouse:

Sixty (60) minutes between 9:00 A.M. and 1:00 P.M.

No parking between 1:00 P.M. and midnight.

Unlimited parking between midnight and 3:30 A.M.

No parking between 3:30 A.M. and 5:30 A.M.

Sixty (60) minutes on both sides of Mamaroneck Avenue between Halstead Avenue and Thruway Bridge between 9:00 A.M. and 5:00 P.M., excepting that no parking shall be permitted in this area between 3:30 A.M. and 5:30 A.M.

Halstead Avenue

Sixty (60) minutes between Mamaroneck Avenue and Jefferson Avenue from 9:00 A.M. to 7:00 P.M., except that on the north side of Halstead Avenue, between Mamaroneck Avenue and the easterly end of the Railroad abutment, cars shall be parked for not more than three hours between the hours set forth above.

Unlimited parking between 7:00 P.M. and 3:30 A.M.

No parking between 3:30 A.M. and 5:30 A.M.

Prospect Avenue

On the south side of Prospect Avenue from Mamaroneck Avenue to Elm Street, sixty (60) minutes between 9:00 A.M. and 7:00 P.M.

Unlimited parking between 7:00 P.M. and 3:30 A.M.

No parking on the north side of Prospect Avenue between Mamaroneck Avenue and Mount Pleasant Avenue, and on the south side of Prospect Avenue between Mamaroneck Avenue and Elm Street between 3:30 A.M. and 5:30 A.M.

On the westerly one-half of Prospect Avenue on the southerly side thereof lying between Mount Pleasant Avenue and Elm Street, being a distance of approximately 161.5 feet, two (2) hour limited parking from 7:00 A.M. to 7:00 P.M.; unrestricted parking between 7:00 P.M. and 2:00 A.M.; and no parking between 2:00 A.M. and 7:00 A.M.

Palmer Avenue

From Mamaroneck Avenue to Mount Pleasant Avenue no parking on the north side.

On the south side sixty (60) minutes parking between 9:00 A.M. and 7:00 P.M.

Unlimited parking from 7:00 P.M. to 3:30 A.M.

No parking on either north or south side between 3:30 A.M. and 5:30 A.M.

Mount Pleasant Avenue

No parking from Mamaroneck Avenue to Palmer Avenue between 3:30 A.M. and 6:30 A.M.

Boston Post Road

No parking on Boston Post Road from Mamaroneck Avenue to Barry Avenue between 3:30 A.M. and 5:30 A.M., and no parking on the north side of Boston Post Road between Mamaroneck Avenue and Mount Pleasant Avenue between 3:30 A.M. and 5.30 A.M.

No parking on the north side of Boston Post Road between Spruce Street and Dubois Avenue except for Church or School purposes.

Sixty (60) minutes parking on the north side of Boston Post Road between Mamaroneck Avenue and Mount Pleasant Avenue between 9:00 A.M. and 7:00 P.M., excepting that no parking shall be permitted in this area between 3:30 A.M. and 5:30 A.M.

Fifteen (15) minutes parking on the north side of the Boston Post Road for a distance of 200 feet easterly from Mamaroneck Avenue between 9:00 A.M. and 5:00 P.M., excepting that no parking shall be permitted in this area between 3:30 A.M. and 5:30 A.M.

Sixty (60) minutes parking on the south side of East Boston Post Road between a point a distance of 50 feet West from the Westerly side of South Barry Avenue and a point 575 feet West from the Westerly side of Barry Avenue, excepting that no parking shall be permitted in this area between 3:30 A.M. and 5:30 A.M.

No parking on the southerly side of the Boston Post Road between its intersection with the westerly curb line of Mamaroneck Avenue Extension and its intersection with the easterly curb line of the easterly driveway to the Westchester County Sewage Disposal Plant, a distance of 205 feet.

No parking or standing of commercial vehicles on the Boston Post Road at the locations described as follows:

1. Beginning at a point on the northerly side of Boston Post Road, said point being the westerly boundary line of the property of the Mamaroneck Union Free School District No. 1, being 417.24 feet easterly from the easterly side of Richbell Road, thence running along the north-

erly side of Boston Post Road in an easterly direction to Delancey Avenue.

2. Beginning at a point on the southerly side of Boston Post Road, said point being 525 feet west from the westerly side of Orienta Avenue, thence running easterly along the southerly side of Boston Post Road to the westerly side of Orienta Avenue.
3. Beginning at the intersection of the easterly side of Orienta Avenue with the southerly side of Boston Post Road, thence running easterly along the southerly side of Boston Post Road to the westerly side of Mamaroneck Avenue.
4. All that northerly portion of the Boston Post Road lying between Mamaroneck Avenue and North Barry Avenue. This subdivision shall in no way repeal or affect the present ordinance which prohibits the parking of vehicles, both commercial and pleasure, on the northerly side of Boston Post Road, between Spruce Street and Dubois Avenue, except for Church or School purposes.
5. All that southerly portion of Boston Post Road lying between South Barry Avenue and the Parkway.
6. All that northerly portion of Boston Post Road starting from a point 210 feet southeast from the southerly side of Keeler Avenue to the westerly side of Sunnyside Avenue.

Ninety (90) minutes parking on the south side of East Boston Post Road between South Barry Avenue and Sophia Street, excepting that no parking shall be permitted in this area between 3:30 A.M. and 5:30 A.M.

"No parking" on the northerly side of East Boston Post Road from Dubois Avenue east 90 feet.

Ward Avenue

Ninety (90) minutes from Halstead Avenue to Spencer Place.

Orienta Avenue

Two (2) hours parking from Boston Post Road to Old Post Road on the west side of Orienta Avenue.

Old White Plains Road

Sixty (60) minutes on the west side of Old White Plains Road from Center Avenue to Washington Street between 9:00 A.M. and 5:00 P.M., excepting that no parking shall be permitted in this area between 3:30 A.M. and 5:30 A.M.

NINETY (90) MINUTES PARKING ON THE FOLLOWING STREETS:

Hoyt Street from Mamaroneck Avenue to Fenimore Road.
Waverly Avenue from Mamaroneck Avenue to Plaza Avenue.
Jefferson Avenue from Jefferson Avenue Extension to Hillside Avenue.
Union Avenue from Halstead Avenue to Anita Lane.
Hinman Place from Union Avenue to Melbourne Avenue.
Grade Street from Jefferson Avenue to Railroad Tracks.
Willow Street from Jefferson Avenue to Mamaroneck River.
North side of Halstead Avenue from Jefferson Avenue to Hillside Ave.
Anita Lane from Union Avenue to Dead End.
Ward Avenue from Halstead Avenue to Union Avenue.
Mount Pleasant Avenue from Mamaroneck Avenue to Palmer Avenue.
Stanley Avenue from Mount Pleasant Avenue to Maple Avenue.
Halstead Avenue from Jefferson Avenue to Mamaroneck Avenue.

South side of East Boston Post Road between South Barry Avenue and Sophia Street, excepting that no parking shall be permitted in this area between 3:30 A.M. and 5:30 A.M.

No person shall park any automobile or other vehicle on the streets and at the locations listed below except as hereafter set forth:

Prospect Avenue

On South side between Elm Street and Mount Pleasant Avenue.

Johnson Avenue

On North and South sides of Johnson Avenue—Three (3) hours parking.

Spencer Place

On the South side between Mamaroneck and Ward Avenues.
From 6:00 A.M. to 6:00 P.M. — 2 hour limited parking.
From 6:00 P.M. to 2:00 A.M. — Unrestricted.
From 2:00 A.M. to 8:00 A.M. — No parking.
The foregoing regulations do not apply Saturday, Sunday and Holidays.

Any other ordinance or regulation now in effect dealing with parking on any of the above mentioned locations are hereby repealed.

Section 9. One Side Parking Streets

On the following streets parking shall be permitted on one side only, and shall not be permitted as follows:

Ward Avenue
No parking on east side from Spencer Place to Halstead Avenue.

Union Avenue
No parking on east side from Tompkins Avenue to Halstead Avenue.

Barry Avenue
No parking on east side from Boston Post Road to Mamaroneck Avenue.

Spencer Place
No parking on north side from Ward Avenue to Mamaroneck Ave.

Orienta Avenue
No parking on east side from Rushmore Avenue to Boston Post Rd.

Center Avenue
No parking on south side from Old White Plains Road to Plaza Ave.

Waverly Avenue
No parking on south side from Plaza Avenue to Mamaroneck Ave.

Prospect Avenue
No parking on east side from opposite Jubbs to the Bridge.

Madison Street
No parking on south side from Old White Plains Road to Plaza Ave.

Washington Street
No parking on south side from Old White Plains Road to Plaza Ave.

Pelham Street
No parking on south side from Old White Plains Road to Plaza Ave.

Tompkins Avenue
No parking on north side from East Prospect Avenue to Spruce St.

Tompkins Avenue
No parking on south side from Beach Avenue to Boston Post Road.

The Crescent
No parking on east side from Bleeker Avenue to Oakwood Avenue.

Forest Avenue
No parking on east side from Rushmore Avenue to Walton Avenue.

Wagner Avenue — East side from Frank Avenue to Halstead Avenue.

Osborn Avenue — East side from Stoneybrook Ave. to Sherman Ave.

Stoneybrook Avenue — South side from Osborn Ave. to Harrison Ave.

Beach Avenue — East side from Halstead Avenue to Brook Street.

Munro Avenue — South side from Fenimore Road to Delancey Avenue.

Louise Street — South side from Andrew Street to Dead End.

Franklin Avenue — West side from Wagner Avenue to Lorena Street.

Baldwin Place — South side from Rockland Avenue to Fenimore Road.

West Street — West side from Village of Mamaroneck Line to Harrison Avenue.

Cedar Street — West side from Jefferson Avenue to Dead End.

Cedar Street — East side from Jefferson Avenue to Third Street.

Hillside Avenue — East side from Halstead Avenue to Jefferson Ave.

Hillside Avenue — East side from Fourth Street to Mamaroneck Ave.

Jensen Avenue — South side from Keeler Avenue to Harrison Avenue.

Tompkins Avenue — North side from Union Avenue to Municipal Parking Entrance.

Maple Avenue — West side from Prospect Avenue to Livingston Ave.

Livingston Avenue — North side from Fenimore Road to Maple Ave.

Harmon Drive — North side from Rockland Avenue to Mamaroneck Town Line.

Carroll Avenue — East side for 200 ft. North of Boston Post Road.

Osborn Avenue — East side from Sherman Avenue to Harrison Ave.

Barry Avenue — West side from Railroad Bridge to Halstead Ave.

Sunnyside Avenue — East side from Shelbourne Ave. to Sterling Ave.

Section 10. No Parking Streets

No parking shall be permitted where indicated on the following streets:

Rushmore Avenue — From Orienta Avenue to the southerly end.

Orienta Avenue — From Old Post Road to Bleeker Avenue.

Seney Avenue — From Rushmore Avenue to Walton Avenue.

Ward Avenue — From Union Avenue to Spencer Place.

Hall Street — From Orienta Avenue to Royal Place.

Harbor Island — All Roads.

Fairway Avenue — From Rushmore Avenue to Walton Avenue.

Shelbourne Avenue

Willow Street — From Jefferson Avenue to end.

Underhill Avenue — Both sides Northerly 75 ft.

Sunnyside Avenue — From Boston Post Road to Shelbourne Avenue.

Section 10A. No Parking Areas at Corners

Sophia Street at Boston Post Road
West Boston Post Road at Fenimore Road
Palmer Avenue — Northeast corner at Fenimore Road
Knollwood Avenue at Mamaroneck Avenue
Osborn Avenue at Harrison Avenue
Florence Street at Harrison Avenue
Mount Pleasant Avenue at Prospect Avenue
Anita Lane at Union Avenue
Stoneybrook Avenue at Osborn Avenue
Wagner Avenue and Halstead Avenue
East side of Carroll Avenue at Boston Post Road
Mamaroneck Avenue and Villa Avenue
Halstead Avenue and Beach Avenue
Halstead Avenue and Melbourne Avenue
Rockland Avenue and Woodbine Avenue
Melbourne Avenue and Tompkins Avenue
West Boston Post Road and Rockland Avenue
Hill Street and Harmon Drive

Section 11. One Way Streets

On the following streets traffic shall only move in one direction at the points on said streets indicated as follows:

Van Ranst Place
Triangle at Mamaroneck Avenue.

Waverly Avenue
In a westerly direction from Mamaroneck Avenue to Fenimore Road.

Center Avenue
In a easterly direction from Fenimore Road to Old White Plains Rd.

Madison Street
In a westerly direction from Old White Plains Road to Fenimore Rd.

Washington Street
In an easterly direction from Fenimore Rd. to Old White Plains Rd.

Elm Street
In a northerly direction from Boston Post Road to Johnson Avenue.

Dubois Avenue
In a southerly direction from Tompkins Avenue to Boston Post Rd.

Spruce Street
In a northerly direction from Boston Post Road to Tompkins Ave.

Mount Pleasant Avenue
In a northerly direction from Palmer Ave. (In front of Post Office.)

Station Plaza
Easterly on the southerly driveway; westerly on the northerly driveway.

The Parkway
On the northerly roadway in a westerly direction from Boston Post Road to the entrance to the Shore Acres Club. On the southerly roadway in an easterly direction from the entrance to the Shore Acres Club to the Boston Post Road.

Maple Avenue
In a southerly direction between Prospect Ave. and Livingston Ave.

Livingston Avenue
In a westerly direction from Maple Avenue to Fenimore Road.

Fayette Avenue
Fenimore Road to Ogden Avenue.

Center Avenue
Easterly — Ogden Avenue to Fenimore Road.

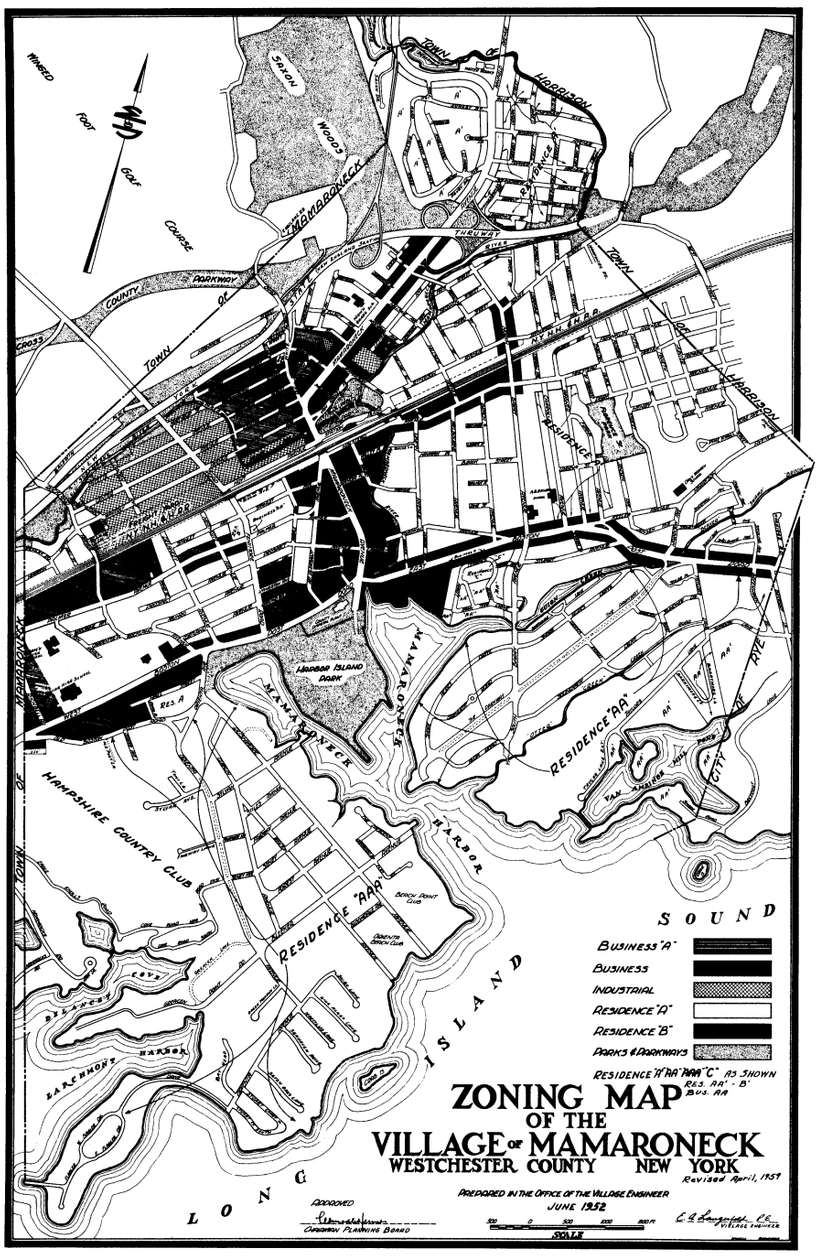
Meadow Street
Jefferson Avenue to First Street.

Fulton Road
North from Carpenter Place to Palmer Avenue.

Section 12. Parking of Trucks

No commercial vehicle shall be parked in any street or highway in any Residential Area in the Village of Mamaroneck as shown on the Zoning Map of the Village of Mamaroneck annexed hereto and made a part of this ordinance, excepting however, that this restriction shall not apply to State streets or highways, or to streets and highways located in Residence "B" and Residence "B-1" Districts.

Except as herein provided all Village Ordinances now in effect regulating the parking of motor vehicles shall remain in full force and effect.


ZONING MAP
OF THE
VILLAGE OF MAMARONECK
WESTCHESTER COUNTY NEW YORK
Revised April, 1959
PREPARED IN THE OFFICE OF THE VILLAGE ENGINEER
JUNE 1952
SCALE
BUSINESS "A"
BUSINESS
INDUSTRIAL
RESIDENCE "A"
RESIDENCE "B"
PARKS & PARKWAYS
RESIDENCE "A" "AA" "AAA" "C" AS SHOWN
RES. AA' - B'
BUS. AA
SOUND
LONG ISLAND
HAMPSHIRE COUNTRY CLUB
HARBOR ISLAND PARK
RESIDENCE "AAA"
RESIDENCE "AA"
MAMARONECK HARBOR
LARCHMONT HARBOR
TOWN OF HARRISON
TOWN OF MAMARONECK
CITY OF RYE
WINGED FOOT GOLF COURSE
SAXON WOODS
CROSS COUNTY PARKWAY
THRUWAY
RESIDENCE
RES. A
APPROVED
CHAIRMAN PLANNING BOARD
VILLAGE ENGINEER

CHAPTER 5-A

OFF STREET PARKING ORDINANCE

Section 1. Definitions

(a) The word "vehicle" shall mean any device by which any person or property may be transported upon a highway except that operated upon rails or tracks.

(b) The words "Off Street Parking Area" shall mean any land or area heretofore or hereafter acquired by and/or leased by and operated by the Village of Mamaroneck as a public parking field for the parking of motor vehicles off the streets of the Village, and heretofore or hereafter designated by the Board of Trustees of the Village as "Off Street Parking Areas".

(c) The words "Off Street Parking Meter Area" shall mean any off street area where parking meters are installed.

(d) The word "person" shall mean and include a natural person, firm, association, co-partnership or corporation.

(e) The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof or as the agent, employee or permittee of the owner.

(f) The words "park", "parked" or "parking" shall mean the stopping of a motor vehicle or motorcycle upon any parking field designated as an "Off Street Parking Area" and/or "Off Street Parking Meter Area" referred to in this ordinance, and leaving such motor vehicle or motorcycle unattended by a person capable of operating it.

Section 2. The Board of Trustees hereby designate four (4) areas as "Off Street Parking Areas" to be numbered 1, 3, 4 and 7, indicated on map printed on pages 33 and 33A, which areas are described as follows: (Additional Areas added as hereafter indicated).

Off Street Parking Area No. 1
(Upper and Lower Level)

Beginning at a point on the northeast side of Ward Avenue, said point being 50 feet northwest from Valley Place, thence running northwesterly along the northeasterly side of Ward Avenue 49.70 feet, thence running northeasterly 25 feet and northwesterly .30 of a foot, thence running northeasterly 75 feet and northwesterly 122.17 feet to the southeast side of Halstead Avenue, thence running along the northeasterly side of Halstead Avenue 150.39 feet, thence running southeasterly 132.69 feet, thence running southwesterly 150 feet, thence running southeasterly 50 feet and southwesterly 100 feet to the northeast side of Ward Avenue the point or place of beginning.

Off Street Parking Area No. 3

Located at the southwest corner of Jefferson Avenue and Station Plaza running 170 feet along westerly side of Station Plaza, running along the northerly and easterly side of Mamaroneck River approximately 500 feet, and along the southerly side of Jefferson Avenue 325 feet more or less.

Off Street Parking Area No. 4

Located at the southeast corner of Jefferson Avenue and Van Ranst Place, running along the southerly side of Jefferson Avenue 160± feet to Mamaroneck River, 120± feet along Mamaroneck River, 170± feet along northerly side of Columbus Park and 110± feet along the easterly side of Van Ranst Place.

Off Street Parking Area No. 7

All that portion of Van Ranst Place beginning at a point 100 feet north from the northerly side of Mamaroneck Avenue, running along the easterly side of Van Ranst Place in a northerly direction for a distance of 525 feet more or less.

Off Street Parking Areas No. 11 and 12 added 6-10-63.

Off Street Parking Area No. 11

Beginning at the intersection of the northwest side of Spencer Place with the southwest side of Ward Avenue, thence running along the northwest side of Spencer Place South 51°00′ West 200 feet, thence running North 39°00′ West 87.50 feet to a point, thence running North 51°00′ East 46.02 feet to a point, thence running North 39°00′ West 1.34 feet to a point, thence running North 49°57′ 35″ East 53.89 feet to a point, thence running North 39°00′ West 10.10 feet to a point, thence running North 51°00′ East 100 feet to the southwest side of Ward Avenue, thence running along the southwest side of Ward Avenue South 39°00′ East 100 feet to the northwest side of Spencer Place the point or place of beginning.

Off Street Parking Area No. 12

Beginning at a point in the northerly side of Prospect Avenue, said point being 118.06 feet east from the easterly side of Mt. Pleasant Avenue, thence running North 11°34′ West 165.77 feet to a corner, thence running North 77°51′ East 32.04 feet to a point, thence running North 9°14′ West 90.7 feet to a point, thence running North 80° 46′ East 50 feet to a point, thence running South 9°14′ East 52.26 feet to a point, thence running North 80°46′ East 112.58 feet to a monument, thence running South 10° 39′ East 199.20 feet to the north side of Prospect Avenue, thence running along the northerly side of Prospect Avenue South 79° 21′ West 198.73 feet to the point or place of beginning.

Off Street Parking Area No. 13 added 6-22-62.

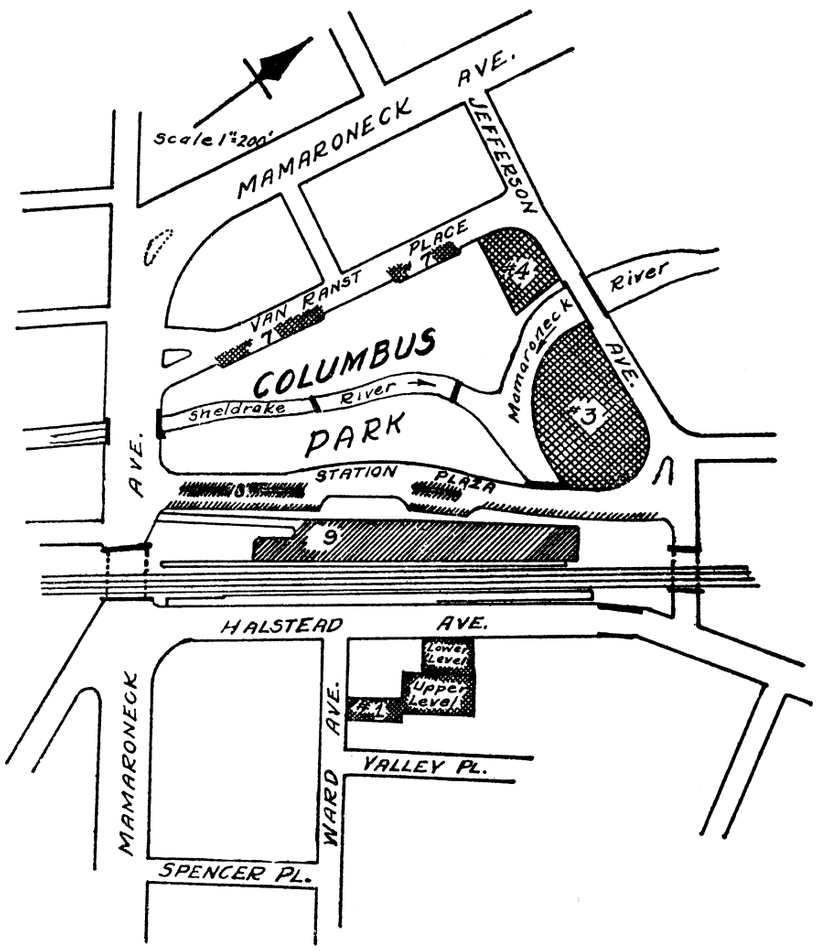
Off Street Parking Area No. 13

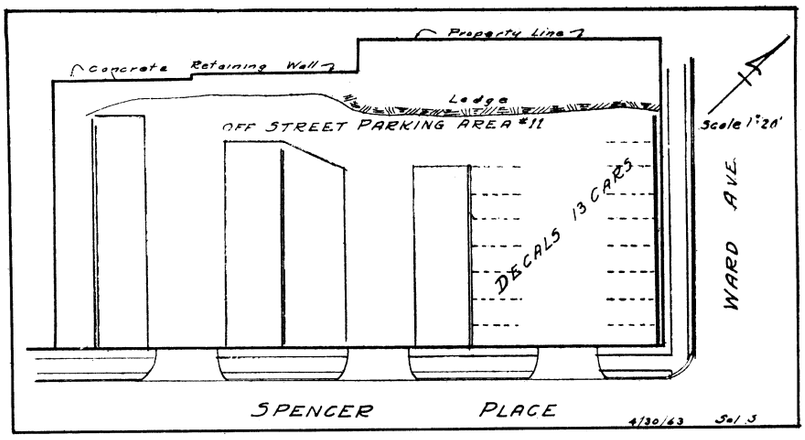
Beginning at a point on the westerly side of Mt. Pleasant Avenue, said point being 60.93 feet southeast from the monumented four track center line of The New York, New Haven and Hartford Railroad Company, thence running South 10° 27′50″ East 18.80 feet along the westerly side of Mt. Pleasant Avenue, thence leaving the westerly side of Mt. Pleasant Avenue running South 47° 50′40″ West 256.18 feet to a point, thence running South 42° 09′20″ East 20.0 feet to a point, thence running South 47° 50′40″ West 608.63 feet to the place of beginning, thence running South 47° 50′40″ West 386.0 feet to a point of curve, thence running on a curve to the left in a westerly direction having a radius of 160 feet for a distance of 26.88 feet to the northeasterly side of Fenimore Road, thence running along the northeasterly side of Fenimore Road North 49° 31′20″ West 69.75 feet, thence leaving the northeasterly side of Fenimore Road North 48° 12′39″ East 422.12 feet to Off Street Parking Meter Area No. 10, thence running along Off Street Parking Meter Area No. 10 South 41° 47′21″ East 64.23 feet to the point or place of beginning.

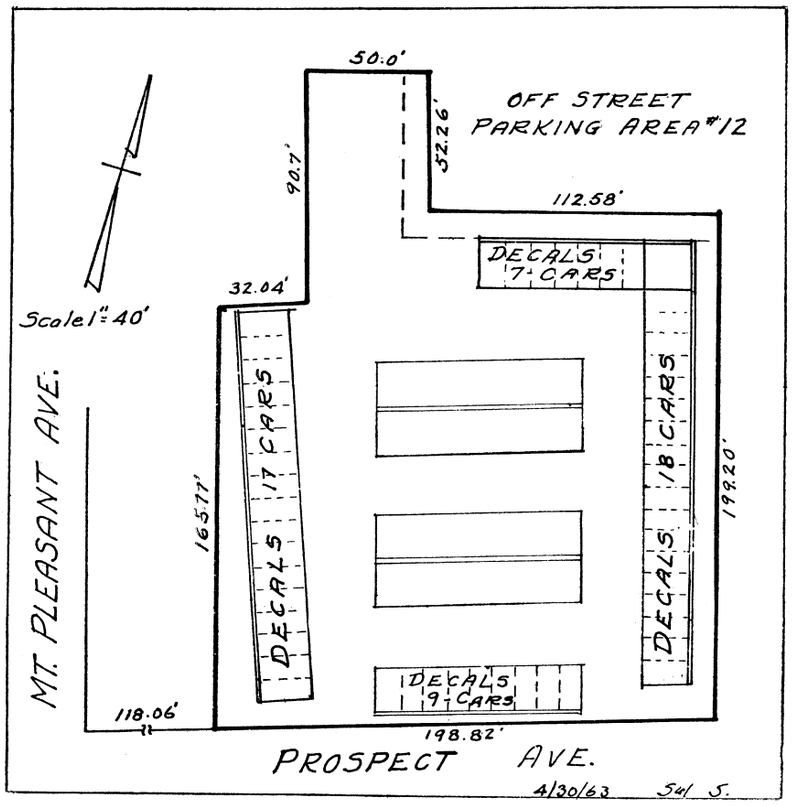
Parking of automobiles in this area shall be subject to all the provisions of Chapter 5-A of the Unified Code or Ordinances dealing with Off Street Parking Ordinance, excepting however that a special license to park in this area, subject to like limitation may be issued to non-residents who are engaged in business or are regularly employed in the Village, the fee for which

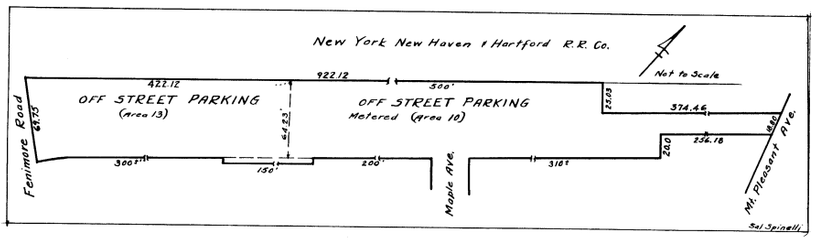
shall be Two ($2.00) Dollars per month. Such license may be issued to an individual employee and/or an employer for the use of his regularly employed non-residents.

The Village may from time to time designate other lots or areas owned and/or leased by it as "Off Street Parking Areas".




Property Line
Concrete Retaining Wall
Lodge
OFF STREET PARKING AREA #11
Scale 1"=20'
DECALS 13 CARS
WARD AVE.
SPENCER PLACE
4/30/63 541 S.


50.0'
OFF STREET PARKING AREA #12
32.26'
90.7'
112.58'
DECALS 7 CARS
32.04'
Scale 1"=40'
17 CARS
DECALS
18 CARS
DECALS
165.77'
199.20'
MT. PLEASANT AVE.
DECALS 9 CARS
118.06'
198.82'
PROSPECT AVE.
4/30/63 541 S.



Section 2-A The Spencer Place Parking Lot now known as Off Street Parking Metered Area No. 11 is hereby changed to and designated as Off Street Parking Area No. 11.

The Prospect Avenue Parking Lot now known as Off Street Parking Metered Area No. 12 is hereby changed to and designated as Off Street Parking Area No. 12.

The Board of Trustees hereby designates two additional areas as Off Street Parking Areas to be numbered 14 and 15, indicated on maps appearing below, which areas are described as follows:

Off Street Parking Area No. 14

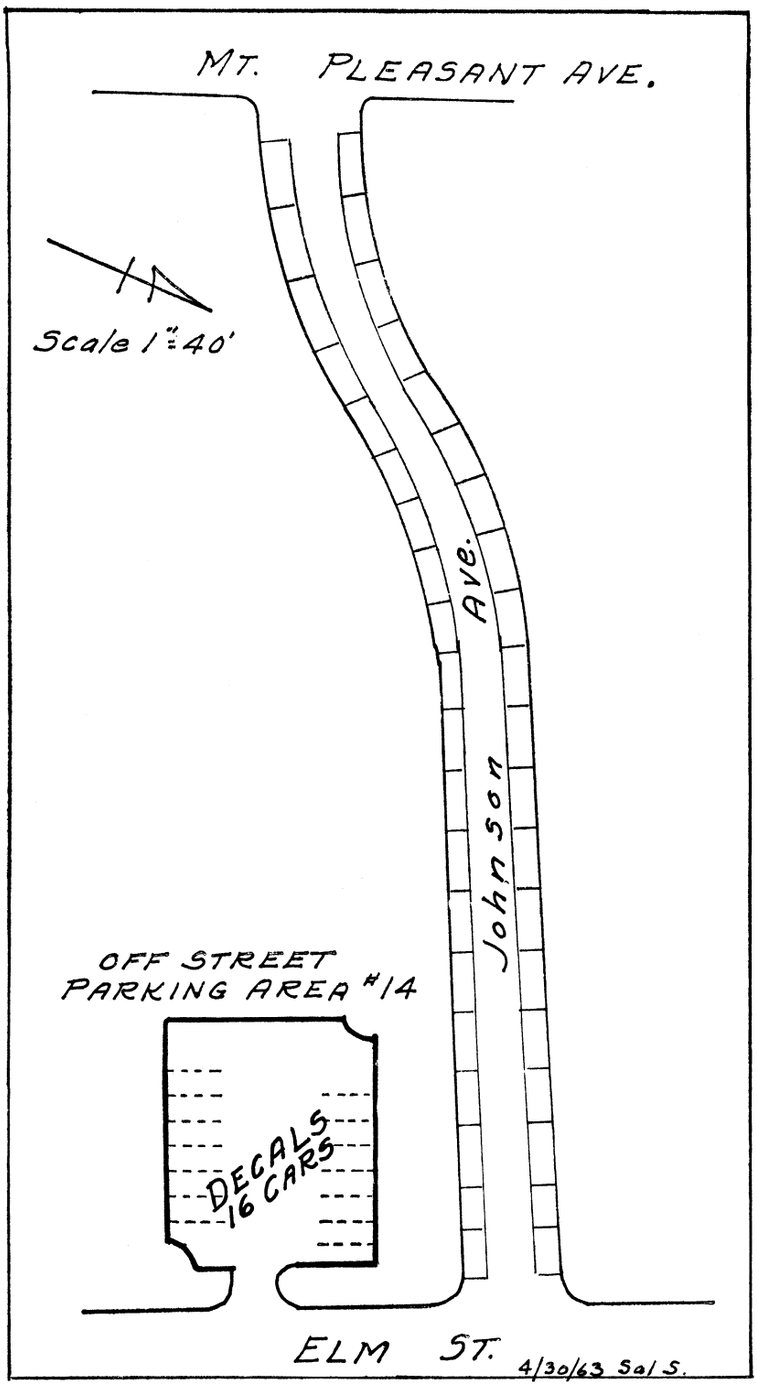
Beginning at the intersection of the Southerly side of Johnson Avenue with the Westerly side of Elm Street, thence running Southerly along Westerly side of Elm Street a distance of 105 feet to the property of S. Pettinato, thence running Westerly along the property of S. Pettinato 80 feet, thence running Northerly 90 feet to the Southerly side of Johnson Avenue, thence running along the Southerly side of Johnson Avenue 80 feet to the Westerly side of Elm Street, the point and place of beginning.

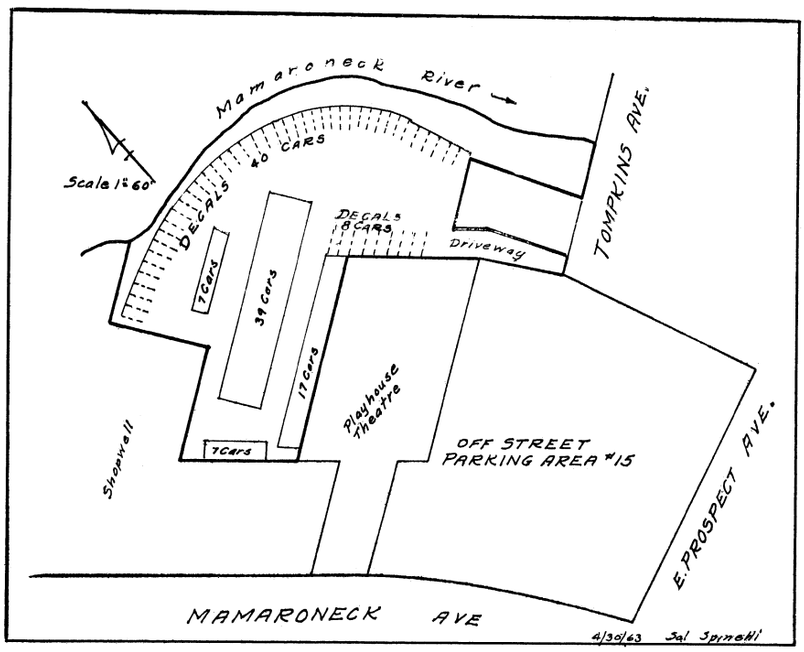
Off Street Parking Area No. 15

Beginning at the intersection of the Northerly side of Prospect Avenue with the Westerly side of Mamaroneck River, thence running South 63° 26′ West along the Northerly side of Prospect Avenue a distance of 46.70 feet, thence running North 20° 05′ West 100 feet to a point, thence running South 39° 07′ East 27.05 feet and South 20° 05 East 73.43 feet to the Northerly side of Prospect Avenue, thence running South 63° 26′ West along Prospect Avenue a distance of 16.01 feet, thence running North 29° 27′10″ West 73.10 feet and North 39° 07′ West 111.89 feet to a point, thence running South 64° 26′ West 180 feet to a point, thence running North 40° 11′50″ West 35.96± feet and North 39° 48′ West 64.38 feet to a point, thence running North 64° 26′ East 100 feet to a point, thence running North 25° 34′ West a distance of 85.30 feet to a point, thence running North 64° 26′ East 59 feet more or less to the Southerly side of Mamaroneck River, thence running along the Southerly and Westerly side of Mamaroneck River as it winds and turns a distance of 450 feet more or less to the Northerly side of Tompkins Avenue, the point and place of beginning.

Except as herein amended the parking of automobiles in the Off Street Parking Areas numbered 12, 14, and 15, set forth above, shall be subject to all the terms of Chapter 5-A entitled "Off Street Parking Ordinance."

Off Street Parking Areas numbered 11, 12, 15 described above are each divided into two sections. Decal Areas and Non Decal Areas, as indicated on the Maps showing said areas set forth below.


MT. PLEASANT AVE.
Scale 1"=40'
Johnson Ave.
OFF STREET
PARKING AREA #14
DECALS
16 CARS
ELM ST.
4/30/63 Sal S.


Mamaroneck River
Scale 1"=60'
40 CARS
DECALS
DECALS
8 CARS
Driveway
TOMPKINS AVE.
7 Cars
39 Cars
17 Cars
Playhouse Theatre
7 Cars
Shopwell
OFF STREET PARKING AREA #15
E. PROSPECT AVE.
MAMARONECK AVE
4/30/63 Sal Sprinelli

Parking in Decal Sections of said lots shall be by use of Decals issued by the Village Clerk for each separate area. A Decal shall be required for day parking.

A Day Decal permits unrestricted parking between the hours of 8:00 A.M. and 6:00 P.M. in the parking area named in said Decal.

Decals for day parking will be issued semi-annually at a cost of $6.00 for each six months period commencing September 1st and March 1st of each year.

Decals for Parking Areas numbered 11, 12, 14 and 15 shall be issued only to bona fide residents of the Village; business men and professional men whose places of business or offices are located in the Village of Mamaroneck, and to their bona fide employees..

In the Non Decal Sections of Off Street Parking Areas numbered 11, 12, 14 and 15 vehicles may be parked:

From 8:00 A.M. to 6:00 P.M. 2 hour limited parking

From 6:00 P.M. to 2:00 A.M. Unrestricted parking

From 2:00 A.M. to 8:00 A.M. — Parking prohibited.

The foregoing regulations dealing with Non Decal sections of Off Street Parking Areas numbered 11, 12, 14 and 15 shall not apply on Sundays.

All Ordinances or portions thereof now in effect which are inconsistent with the provisions of this amendment are hereby repealed.

Section 3. Parking in Off Street Parking Areas

No vehicle shall be parked or permitted to stand in Off Street Parking Areas No. 1, 3, 4, 7 and 13 between the hours of 8:00 A.M. and 6:00 P.M., Sundays and legal holidays excepted, unless

(a) The owner of such vehicle is a resident of the Village of Mamaroneck; and

(b) A license to park such vehicle in Off Street Parking Areas No. 1, 3, 4, 7 and 13 between the aforesaid hours is obtained from the Village Clerk of the Village of Mamaroneck.

Section 4. Parking licenses for Off Street Parking Areas No. 1, 3, 4, 7 and 13 shall be $6.00 annually for year beginning March 1st and ending on the last day of February of the following year. A decal may be obtained upon the payment of $3.00 to cover period between September 1st and the last day of February of the following year.

Section 5. Parking Licenses

Parking licenses required by this Chapter may be obtained from the Village Clerk upon application made on application forms approved by the Village Clerk, subject to the conditions set forth in said application, and upon payment of the license fee set forth in Section 4 hereof. All vehicles for which such license shall be issued shall have conspicuously displayed a license tag, decal, poster or sticker issued by the Village Clerk, bearing the number of such license and the period for which it was issued. No license shall be transferable.

Section 5-A. Upon presentation of satisfactory proof to the Village Clerk that a decal has been lost, mutilated or an automobile to which same has been attached has been sold or transferred, the Clerk is authorized to issue a replacement decal upon the payment of a fee of $1.00.

Section 6. It shall be unlawful for any person to give false information in his application for a license.

Section 7. The Board of Trustees hereby designate three (3) areas as "Off Street Parking Meter Areas" to be numbered 8, 9 and 10. Indicated on map printed on page 33, which areas are described as follows:

Off Street Parking Meter Area No. 8

Station Plaza between Mamaroneck Avenue and Jefferson Avenue, running in a northerly direction from Mamaroneck Avenue for a distance of 300 feet to the Railroad Station, and also a portion of 150 feet directly northerly from the Railroad Station on both sides of Plaza Avenue.

Off Street Parking Meter Area No. 9

(*Upper Level Station Plaza.*)

All that portion on the upper level of the New York, New Haven & Hartford Station Property lying between the northwest edge of the Railroad Platform and the southeast side of Station Plaza.

Off Street Parking Meter Area No. 10

(*Easterly Portion of Bishop Street.*)

Section 8. Installation of Parking Meters

In such Off Street Parking Meter Areas parking meters shall be installed within, facing or along side of such spaces as may be designated therefor as individual metered parking spaces for vehicles. Such meters shall be so set as to operate upon a deposit therein of one twenty-five cent coin of the United States of America, or its equivalent in United States coins, for the period of twelve (12) hours, namely 7:00 A.M. to 7:00 P.M., or any portion of the period between such hours, Sundays and Holidays excepted.

Each such meter shall be so designed that upon the expiration of such parking time it will indicate that the lawful parking time has expired.

Section 9. Parking in Off Street Parking Meter Areas

When any vehicle shall be parked in a space regulated by a parking meter between the hours of 7:00 A.M. and 7:00 P.M. on any day except Sundays and Holidays, the operator thereof shall, upon entering such parking space, park such vehicle within the lines marked on the pavement or parking area, immediately deposit one twenty-five cent coin or the equivalent thereof in nickels of the United States of America, in the parking meter regulating such space, and actuate the mechanism of such meter as required by the directions thereon.

Section 10. Presumption of Unlawful Parking

The fact that, at any time during any period in which the deposit of a coin in any parking meter is required to permit parking in the parking space regulated thereby, the timing device on such parking meter indicates no unexpired time shall be presumptive evidence, as to a parked vehicle then found in such parking space, that the operator of such vehicle failed to deposit, or to cause to be deposited, the required coin or coins in such meter, or failed to remove such vehicle from such parking space upon the expiration of the lawful parking time with respect thereto.

Section 11. Misuse of Meters

It shall be unlawful for any person wilfully to deface, injure, tamper

with, break, destroy or impair the usefulness of, or open without lawful authority, any parking meter installed in any parking meter area, or deposit or cause to be deposited in any such parking meter, any slug, device or substitute for a five-cent coin or a twenty-five cent coin of the United States of America.

Section 12. Penalties

Any person violating any provisions of this ordinance, other than Sections 6 and 11, may upon conviction be punished as follows for each offense. For the first offense by a fine not exceeding $5.00 and for the second offense by a fine of not more than $10.00, and for any subsequent offenses by a fine of not more than $25.00.

Any person violating Sections 6 and 11 of this ordinance may upon conviction be punished by a fine not exceeding $100.00.

Any violation of this Chapter shall constitute disorderly conduct, and the person so offending shall be deemed a disorderly person.

Section 13. This ordinance is intended to and shall be in addition to all other ordinances, rules and regulations concerning traffic, parking and the use of streets in the Village of Mamaroneck, and shall not be taken to repeal any other ordinance or part of any ordinance unless in direct conflict therewith.

Section 14. Each separate section and each separate provision of each section of this ordinance shall be deemed independent and separate from every other section and provision, and the invalidity of any section or part of a section of this ordinance shall not affect the validity of the remainder of said section or the remainder of this ordinance, it being the intention of the Board of Trustees of the Village of Mamaroneck to enact as a law separate provision herein regardless of its relationship to any or all of the other provisions, and regardless of the invalidity of any other provision.

Section 15. The net revenues resulting from the issuance of licenses and installation of meters under this ordinance shall be used for the acquisition of new, and operation, improvement and maintenance of existing parking areas for motor vehicles.

CHAPTER 5-B

PARKING METER ZONES ORDINANCE

Section 1. Definitions

The meaning of all terms used in this chapter, unless otherwise expressly stated, or unless the context or subject matter otherwise require, shall be deemed that of such terms as defined in the Vehicle and Traffic Law of the State of New York.

Section 2. The following zones to be known as "Parking Meter Zones" are hereby established.

1. The westerly side of Jefferson Avenue Extension between Mamaroneck Avenue and Station Plaza.
2. The south side of Van Ranst Place from Jefferson Avenue Extension to Sheldrake Place.
3. Easterly portion of Bishop Street.
4. The easterly one-half of Prospect Avenue on the southerly side thereof lying between Mount Pleasant Avenue and Elm Street, being a distance of approximately 105 feet.

Section 3. Installation of Parking Meters

In such "Parking Meter Zones" parking meters shall be installed within, facing or along side of such spaces as may be designated therefor as individual metered parking spaces for vehicles. Such meters shall be so set as to operate upon a deposit therein of one twenty-five cent coin of the United States of America, or its equivalent thereof in nickels of the United States of America, for the period of twelve (12) hours, namely 7:00 A.M. to 7:00 P.M., or any portion of the period between such hours, Sunday and Holidays excepted.

Each such meter shall be so designed that upon the expiration of such parking time it will indicate that the lawful parking time has expired.

Section 4. Parking in Parking Meter Zones

When any vehicle shall be parked in a space regulated by a parking meter between the hours of 7:00 A.M. and 7:00 P.M. on any day except Sundays and Holidays, the operator thereof shall, upon entering such parking space, park such vehicle within the lines marked on the pavement or parking area, immediately deposit one twenty-five cent coin or equivalent thereof in nickels of the United States of America, in the parking meter regulating such space and actuate the mechanism of such meter as required by the directions thereof. There shall be unrestricted parking between 7:00 P.M. and 2:00 A.M., and no parking between 2:00 A.M. and 7:00 A.M.

Notwithstanding any other provision in this Chapter contained, meters in Parking Meter Zone on Prospect Avenue shall be so set as to operate upon a deposit therein of one five cent coin of the United States of America, for a period of two (2) hours, between 7:00 A.M. to 7:00 P.M., or portion of the period between such hours, Sundays and Holidays excepted.

Section 5. Presumption of Unlawful Parking

The fact that, at any time during any period in which the deposit of a coin in any parking meter is required to permit parking in the parking space regulated thereby, the timing device on such parking meter indicates no unexpired time shall be presumptive evidence, that the operator of such vehicle failed to deposit, or to cause to be deposited, the required coin or coins in such meter,

or failed to remove such vehicle from such parking space upon the expiration of the lawful parking time with respect thereto.

Section 6. Misuse of Meters

It shall be unlawful for any person willfully to deface, injure, tamper with, break, destroy or impair the usefulness of, or open without lawful authority any parking meter installed in any Parking Meter Zone, or deposit or cause to be deposited in any such parking meter, any slug, device or substitute for a twenty-five cent coin or a five-cent coin of the United States of America.

Section 7. Penalties

Any person violating any provision of this ordinance may upon conviction be punished as follows for each offense. For the first offense by a fine not exceeding $5.00, and for the second offense by a fine of not more than $10.00, and for any subsequent offenses by a fine of not more than $25.00.

Any violation of this Chapter shall constitute disorderly conduct, and the person so offending shall be deemed a disorderly person.

Section 8. This ordinance is intended to and shall be in addition to all other ordinances, rules and regulations concerning traffic, parking and the use of streets in the Village of Mamaroneck, and shall not be taken to repeal any other ordinance or part of any ordinance unless in direct conflict therewith.

Section 9. Each separate section and each separate provision of each section of this ordinance shall be deemed independent and separate from every other section and provision, and the invalidity of any section or part of a section of this ordinance shall not affect the validity of the remainder of said section or the remainder of this ordinance, it being the intention of the Board of Trustees of the Village of Mamaroneck to enact as a law separate provision herein regardless of its relationship to any or all of the other provisions, and regardless of the invalidity of any other provision.

CHAPTER 6

FIRE CONTROL AND PREVENTION

Regulating — Storage and Sale of Inflammable Volatiles ..... Sec. 1
Fire — Outside Assistance to other Companies ..... Sec. 2
Immunity ..... Sec. 3
Burning of Leaves ..... Sec. 4
Space Heaters Using Oil or Like Fuel ..... Sec. 4A
Fire Prevention ..... Sec. 5

CHAPTER 6

FIRE CONTROL AND PREVENTION

Section 1. Inflammable Volatiles, Storage and Sale

Sub. 1. No person shall keep or store within the limits of the fire district of the Village any gasoline, benzine, naphtha, ether, benzole, or any other inflammable volatile of like character except kerosene in greater quantity than five gallons, except in properly constructed underground tanks which, if within the building, shall be buried not less than five feet below the level of the basement floor, or if without the building, and within ten feet thereof buried not less than two feet below the level of the basement floor and if more than ten feet below the surface of the ground and which in all cases shall be drawn from the aforesaid tanks by approved safety pumps, and all piping shall be so arranged as to drain back to the tank.

Sub. 2. Storage outside of the limits of the fire district not to exceed five gallons may be kept within any building in tightly closed container, and outside building storage may be had in properly constructed tanks of the following capacities and located at the given distances from any building or property line which may be built upon.

60	gallons	or	less	30 feet.
500	"	"	"	40 feet.
1000	"	"	"	50 feet.
10000	"	"	"	100 feet.
30000	"	"	"	150 feet.
100000	"	"	"	200 feet.

The above measurement capacities are based on level ground, and in no case shall a tank be so placed at such an elevation that it will endanger the surrounding property by leakage, and if said tank be at any appreciable elevation above the surrounding property, proper precautions must be taken by embanking or ditching to prevent such flow, nor shall any tank be so placed as to drain into any water course or canal.

Sub. 3. Inflammable liquids shall not be drawn or handled in the presence of an open flame or fire, but may be drawn and handled when lighting is by incandescent electric lamps with vaporproof globes and keyless sockets, and the installation otherwise fully in compliance with all the requirements of the "National Electric Code", and future amendments thereto, and said rules and regulations are hereby made a part of this Ordinance as affecting all electrical equipment. Smoking shall be prohibited, and signs to this effect posted wherever inflammable volatiles are stored or handled.

Sub. 4. Any person now handling or storing, or such as proposed in the future to handle or store inflammable volatiles in excess of the quantity of five gallons, shall make written application to the Board, and the said Board shall

forthwith, through its duly appointed and properly accredited representative, make an inspection of the premises used or proposed to be used as the case may be for such sale or storage and the means of distribution, and if the conditions, surroundings and arrangements are such that the intent of this Ordinance is observed, then the Board shall issue a permit that such sale, storage or distribution may be conducted, and before any new installation is covered from sight, a notification in writing shall be given to the Board who shall, through its duly appointed and properly accredited representatives, within forty-eight hours after the receipt of such notification inspect the installation and give written approval or disapproval. Upon the failure of the Board of Trustees to inspect within the specified time, the installation may be covered, but shall be subject to inspection by the said Board at the expense of the Village.

Sub. 5. Where there are practical difficulties or unnecessary hardships in the way of carrying out the provisions of Sub. 1-2 of this Section, and public safety and welfare may be secured without requiring strict compliance with such provisions, the Board of Trustees in a specific case shall have the power to vary or modify the application of any such provisions subject to such appropriate conditions and safeguards as the Board in its discretion may determine.

Sub. 6. *Penalties.*

Any person violating any provision of the foregoing Sections, or failing for twenty-four hours to comply with any direction or regulation of the Board, or its duly appointed and properly accredited representatives, in relation thereto, approved by the Village, shall thereby incur a penalty of twenty-five dollars for each offense, and each twenty-four hours the aforesaid violation shall continue shall be deemed a separate offense, and in addition to said penalty a violation of this Ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.

Section 2. Outside Assistance

The Fire Department or fire companies of the Village of Mamaroneck, N. Y. are hereby authorized and permitted to go to aid another city, village, town or fire district, or territory outside of a city, village or fire district, in extinguishing a fire or fires therein. Such assistance or aid shall be given only upon the request of such municipality desiring aid or assistance, which request shall be made to the Chief of the Fire Department of this Village by the Chief of the Fire Department of such other municipality seeking aid or assistance. Immediately upon receipt of such call for assistance, the Chief of the Fire Department shall communicate with the Police Department of the Village of Mamaroneck, for the purpose of having such call for assistance noted in the records of said Police Department.

Section 3. Immunity

While in the performance of their duties in extending such aid, the members of the Fire Department or companies of the Village of Mamaroneck, N. Y. shall have the same immunities and privileges as if performing the same within this Village.

Section 4. Burning of Leaves, Etc.

It shall be unlawful for any person to set fire to rubbish, leaves, dry grass, weeds, hay, straw, chips, shavings or other combustible material anywhere within the limits of any public street or highway in the Village.

Section 4-A. Space Heaters Using Oil or Like Fuel

Sub. 1. *Definitions.*

(a) Space heater using oil or like fuel. Any heater, stove or appliance (whether or not flue-connected) which (1) is designed for the heating of space in structures, and (2) uses or is designed to use kerosene, fuel oil or any inflammable mixture or combustible mixture (whether or not such mixture is derived from petroleum), and (3), does not constitute a central heating plant.

(b) Liquid fuel cooking stoves. Any stove or appliance using kerosene, fuel oil or any inflammable mixture or combustible mixture, which stove or appliance is designed or used for cooking purposes.

(c) Dwelling. Any building or structure which is occupied or is designed for occupancy in whole or in part as the home, residence or sleeping place of one or more persons.

Sub. 2. *Liquid Fuel Burning Appliances.*

The use of portable appliances such as stoves, heaters or similar fuel burning devices, using gasoline, kerosene or other similar flammable liquids, for cooking or warming food or heating purposes is prohibited anywhere in the Village of Mamaroneck, New York.

Sub. 3. *Public Emergencies.*

In the event a public emergency which disrupts, interferes with or impairs the operation or use of facilities, public utilities, equipment or supplies normally employed for heating in the Village or any part thereof, the Mayor shall have power, by proclamation declaring that such a public emergency exists, to suspend the effectiveness of any of the provisions of this ordinance for such period of time, to such extent and under such conditions as he may deem necessary for the protection of the health, safety and welfare of the inhabitants of the Village.

Sub. 4. *Exclusions.*

The provisions of this subdivision shall not apply to:

(a) The use or maintenance, exclusively for lighting purposes, or any appliance using kerosene, fuel oil or any inflammable mixture or combustible mixture, which appliance is designed for lighting purposes, or

(b) The keeping or storing of any space heater using oil or like fuel or any liquid fuel cooking stove in any portion of a structure, which portion is lawfully used in the business of manufacturing, selling, processing, handling, storing, repairing, or transporting such heaters, in any case where such heater is so kept or stored in the conduct of such business and is not used in such portion or maintained for the purpose of use therein.

The above section (4A) to take effect on November 1st, 1958.

Section 5. Fire Prevention

Sub. 1. *Ashes.*

No person in control of any improved real property, or any portion thereof, as owner, tenant, or otherwise, shall suffer or permit the depositing of ashes or hot material of any kind on a wooden floor or in proximity to any combustible part of any building, or in a wooden receptacle or other container made of combustible materials.

Sub. 2. *Oily Waste and Rags.*

No person in control of any improved real property, or any portion thereof, as owner, tenant, or otherwise, shall suffer or permit to be kept on any premises oily waste or oily rags, unless at all times, when not actually in use, such oily waste and oily rags be kept in a metal can with a self closing cover, standing on metal

legs which raise the bottom of the container at least three (3) inches above the floor.

Sub. 3. *Rubbish.*

(a) Every place of business shall be kept free and clean of waste paper and other combustible material, and shall provide sand in buckets in convenient places for quick use in case of fire, and in addition an approved fire extinguisher for each 2500 square feet of floor area or any part thereof.

(b) No person in control of any improved real property, or any portion thereof, as owner, tenant, or otherwise, shall suffer or permit the accumulation of waste paper, unsold or discarded Christmas trees, hay, grass, straw, weeds, litter or combustible or flammable waste, or rubbish of any kind to remain in a cellar, upon a roof, or in a court, yard, vacant lot, open space, or in any building or structure.

Sub. 4. *Fire Hazard — General.*

In addition to the foregoing, no owner, lessee, superintendent, manager, or occupant of any premises or building of any kind or character shall keep, maintain or allow to exist any fire hazard, or in any way endanger or contribute to any condition which will endanger the safety and health of any person or persons.

Sub. 5. *Passageways, Etc.*

Passageways, stairways, halls and aisles on premises and in all buildings and structures shall be kept clear of incumbrances at all times so as to insure the free and unobstructed use thereof by persons occupying or rightfully on or in such premises, building or structure. No passageway or aisle shall be less than three feet in width.

Sub. 6. *Definition.*

The term "person" shall include corporation, co-partnership, fiduciaries and other entities, tenants-in-common, joint tenants, and tenants by the entirety.

Sub. 7. *Power to Inspect.*

The Chief Engineer of the Fire Department, Assistant Chief Engineers and Wardens of the Department, when authorized and directed by the Chief Engineer, or the Building Inspector, are hereby empowered and authorized, at any and all reasonable times and as often as necessary, to enter upon and into any premises, building or structure, except a single family occupied dwelling, within the limits of the Village of Mamaroneck, for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to the presence and arrangement of deposits of any articles, materials, substances, goods, wares, equipment or merchandise, and rubbish which may have a tendency to create danger of or from fire in such premises, building or structure, or to create danger in case of fire on or in the same, or personal injury to or loss of life of the occupants of or persons on or in such premises, building or structure.

Sub. 7A. In order to facilitate the work of the Fire Department in making inspections and fighting fires, before a new business is opened or an existing business is changed to a different type, the owner, agent or manager of such business so opened or changed shall file a certificate in triplicate with the Building Department, setting forth the nature of the business, the nature and quantity of merchandise stored, and place of such storage. It shall also be the duty of the landlord, his duly authorized agent or servant, to cause such certificate to be filed in the manner herein set forth.

Sub. 8. *Removal of Fire Hazards — Order For.*

If the Chief Engineer, Assistant Chief Engineers or Building Inspector or Wardens shall find upon such inspection of such premises, building or structure, any rubbish, debris, waste or flammable or combustible materials or any other material, and shall ascertain that the same is not so arranged or disposed of as to afford reasonable safeguard against the danger of fire, or shall find that the articles, materials, goods, wares, equipment and merchandise on or in such premises, building, or structure are so arranged and disposed that the occupants thereof or persons rightfully in or on the same would not, because of such arrangement and disposition, be afforded reasonable access to the exits of such premises, building or structure in case of fire, or shall find that by reason of such arrangement and disposition, the members of the Fire Department would unnecessarily and unreasonably be interfered with in the exercise of their duties in and about such premises, building or structure in the case of fire in the same, the Chief Engineer, or, in his absence, the Acting Chief Engineer or Building Inspector may order, in writing, the removal of such rubbish, debris, waste or flammable or combustible materials or any other materials from such premises, building, or structure, or the disposing or arranging of the same on such premises, building or structure in such manner as will remove such danger from fire. He may also order in writing that such articles, materials, goods, wares, equipment or merchandise be so arranged and disposed on or in such premises, building or structure that the occupants thereof, or the persons rightfully in or on the same, will be afforded all reasonable access to the exits from the same in case of fire, and the members of the Fire Department will be afforded all reasonable facilities for the discharge of their duties in and about such premises, building and structure in the case of fire.

Sub. 9. *Orders — Notice — Duty of Owner.*

The orders provided for in Sub. 8 of this Section shall be directed to the owner, lessee or occupant of such premises, building or structure or to the owner or person in control of the articles, materials, goods, wares or merchandise herein referred to, as the circumstances may require. The service of order or notice, required in this Ordinance, shall be made by mailing a copy thereof to the owner of the premises in question or his duly authorized agent, or by mailing or delivering a copy thereof to the owner, occupant or person in charge, or by delivering a copy thereof to any person of suitable age and discretion in charge or apparently in charge of the premises, or, if no person be found in charge of the premises, then by affixing a copy of such order or notice in a prominent place on the exterior of such premises. It is hereby made the duty of such owner, lessee, or occupant of such premises, building or structure, and of such person in control of such articles, materials, goods, wares and merchandise, or the owner thereof, to comply with such order or orders.

Sub. 10. *Order — Appeal From.*

Should any owner or occupant of any premises, building or structure, or the owner or person in control of any materials, goods, wares or merchandise consider himself aggrieved by the orders of the Chief Engineer or Building Inspector, he may within 48 hours after such order has been served on him, appeal to the Board of Trustees by service upon the Clerk of the Village of a notice of intention so to do. The Board of Trustees shall thereupon take action on such appeal at its next regular meeting or special meeting following the date thereof, and such action of the Board of Trustees shall be final. The service of such notice of intention to appeal shall act as a stay of the order appealed from pending final decision of the Board of Trustees thereon.

Sub. 11. *Records to be Kept.*

The Chief Engineer shall keep or cause to be kept a record of all inspections made by himself or the Assistant Chief Engineers or Wardens, and the Building Inspector shall keep a record of all inspections made by him.

A report in duplicate of inspections made by either of the above named officials shall be filed each month with the Village Clerk.

A copy of each notice or order served in pursuance of Sub. 8 of this Section shall be filed in duplicate with the Village Clerk within 48 hours of the mailing or service of such notice or order.

A copy of each report of inspections, notice or order so filed shall be given to the Village Manager by the Village Clerk.

Sub. 12. *Violations.*

Any person or persons violating this Ordinance shall be liable to a penalty not exceeding One Hundred ($100.00) Dollars for each violation thereof, and in addition thereto such violation shall constitute disorderly conduct, and any person violating this Ordinance shall be a disorderly person.

A disobedience of, or a refusal to comply with any order or notice properly issued by the Chief Engineer, or Acting Chief in the absence of the Chief Engineer, or the Building Inspector, served in accordance with the provisions hereof, shall, the same as the violation of any of the provisions of this Ordinance, be a violation of this Ordinance.

CHAPTER 7

LICENSES AND PERMITS

Amusements and Exhibitions ..... Sec. 1
Hawkers and Peddlers ..... Sec. 2
Taxis — Drivers — Cars (Amended) ..... Sec. 3
Taxicabs — Number of ..... Sec. 3A
Taxi Driver's License ..... Sec. 4
Junk Dealers ..... Sec. 5
Junk Yard Enclosures ..... Sec. 6
Auctions and Auctioneers ..... Sec. 7
Blasting — Blasting Bond ..... Sec. 8
Bingo ..... Sec. 10
Moorings ..... Sec. 11

CHAPTER 7

LICENSES AND PERMITS

Section 1. Amusements

Sub. 1. No person shall, within the Village, exercise for hire without a license, any of the following trades or occupations:

(a) The maintenance and operation of any theatre, moving picture, or any similar exhibition.

(b) The keeping of billiard or pool tables, bowling alleys, shooting games and other similar places of lawful amusement, including the maintenance of carousal, merry-go-round, ferris wheel, steeplechase chute, scenic railway, scenic cave, striking machine, ring toss, ball game, picture show, and all other shows of the similar character, baseball games excepted.

(c) The use of any public hall or opera house.

Sub. 2. No license shall be required for any show of the kind herein specified, the proceeds of which are to be devoted exclusively to charitable, benevolent or religious purposes.

Sub. 3 *License Expire.*

The fees as fixed in this Section shall expire on the last day of January next, following the granting thereof, unless sooner suspended or revoked for cause.

Sub. 4. *How Issued.*

All licenses so granted shall, upon the payment of the prescribed fee therefor, be issued by the Manager to such persons as he shall deem fit and proper for such trade or occupation, which shall in the judgment of the Manager not be likely to disturb the peace and order of the Village, or to be immoral or improper. All such licenses shall be revocable with or without notice for any cause for which they might have been originally refused.

Sub. 5. *Collective.*

Trades or occupations specified in the foregoing sections when carried on within one field or enclosure entirely under the control of one person may be collectively licensed by a Park License.

Sub. 6. *Fees.*

The following fees for licenses for the said several trades or occupations are hereby established:

Circuses	$ 25.00
Theatre or Opera House, including moving picture shows	10.00
Common shows	50.00
Shooting Galleries	100.00
Bowling Alleys	10.00
Billiard or pool tables (each)	3.00
Public Hall	10.00
Dance Hall	150.00
Park License	2,000.00

Sub. 7. *Cancellation of License.*

The Board of Trustees retains the right to cancel any license granted by the Manager, and to refund such portion of the license fee as may be proper.

Sub. 8. *Bowling Hours Prohibited.*

In order that the repose or religious liberty of the Village be not interrupted, it shall be unlawful for bowling to be permitted or carried on between the hours of 8:00 A.M. and 1:00 P.M. on Sunday.

Section 2. Hawkers, Peddlers and Solicitors

Sub. 1. *Definitions.*

The terms "Hawker", "Peddler" and "Solicitor" as used in this Ordinance shall mean and include, except as hereinafter expressly provided, any person either principal or agent who on foot or from any vehicle in any public street, park, highway or on any Village property or who by going from house to house accompanied by his goods, wares and merchandise, sells, offers for sale or carries or exposes for sale, any goods, wares or merchandise except newspapers, periodicals, pamphlets and booklets or any other articles or products that are free from regulation by the Village of Mamaroneck under any law of the State of New York.

The term "established place of business" as used in this Ordinance shall mean and include a building or store in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits for during regular business hours.

The word "person" as used in this Ordinance shall mean and include one or more persons of either sex, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

Sub. 2. *Exemptions.*

Nothing in this Ordinance insofar as it relates to procuring a license to hawk, peddle or solicit orders in the Village, shall be held to apply to any sales conducted pursuant to statute or by order of any Court; to any person selling personal property at wholesale to dealers in such articles; to any merchant from making deliveries to their customers of articles previously ordered or contracted for; to farmers and truck gardeners, who themselves or through their employees vend, sell or dispose the products of their own farms and gardens.

This Section shall also not apply so as to interfere unlawfully with interstate commerce.

Sub. 3. *License Required.*

It shall be unlawful for any person, within the corporate limits of the Village of Mamaroneck, to act as a hawker, peddler or solicitor as herein defined without first having obtained and paid for, and having in force and effect, a license therefor.

Sub. 4. *Application for License.*

Any person desiring to procure a license as herein provided shall file with the Treasurer-Clerk a written application upon a blank form furnished by the Village and shall file at the same time satisfactory proof of good character. Such application shall give the number and kind of vehicles to be used by the applicant in carrying on the business for which the license is desired, the kind of goods, wares and merchandise he desires to sell or the kind of service he desires to perform, the method of distribution, the name, address and age of the applicant, the name and address and age of the person, firm or corporation he represents, the length of time the applicant desires the license, and such other information as may be required by the Treasurer-Clerk.

Sub. 5. *License.*

Upon the filing of the application, as provided in the preceding subdivision, the Treasurer-Clerk, shall upon the approval by the Village Manager of such application, issue to the applicant a license as provided in subdivision 3, signed by the Treasurer-Clerk. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.

A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person shall each be guilty of a violation of this Section.

Whenever a license, badge or vehicle plate shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application may be issued by the Treasurer-Clerk upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in the order in which they are issued and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of his badge and license plate, the dates of issuance and expiration of the license, the fee paid and the name and address of the licensee. Such licenses shall automatically expire on January 1 following the date of issuance of such licenses, but such licenses may specifically state and provide for an earlier expiration date.

Such license shall include the right to use only one vehicle in carrying on the business for which the person is licensed. No license shall be granted to a person under twenty-one years of age. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.

Sub. 6. *License Fees.*

The license fees shall be as follows: Twenty-five ($25.00) Dollars for each and every license to be issued hereunder, with no right or claim to a rebate or reduction of such amount in case the license expires at any time within one year of its issuance. Any licensee using a horse and wagon or motor vehicle may employ two persons, and no more, to assist in selling and delivering the wares, but such persons shall so act only while accompanying a licensed peddler, hawker, or solicitor.

Sub. 7. *Badges and Plates.*

The Treasurer-Clerk shall supply badges and vehicle plates to licensed hawkers, peddlers and solicitors. Such badges and plates shall not be transferred or assigned. On the expiration of the license, the licensee shall surrender his badge to the Treasurer-Clerk.

It shall be unlawful for any person to destroy, deface or injure such badge in any manner, or change the number or date thereon. It shall also be unlawful for any person to wear or have in his possession such badge unless he be the licensed hawker, peddler or solicitor in whose name the license is issued.

Such licensee, while exercising his license, shall wear on the front of his outermost garment the badge so provided which badge shall state the number and character of the license and the date when it expires. The vehicle plates shall be displayed by every licensee operating a vehicle, one on each side of the body of the vehicle used by him in the exercise of his license. Such vehicle plates shall state the character and number of the license and the date of expiration. The color of the vehicle plates may be changed each license year.

The wearing of the badge and the display of the vehicle badge or plates apply, and failure by the licensee to wear the badge or to display the vehicle plates, as aforesaid, while in the exercise of his license, shall be cause for the revocation of such license. A charge of Two ($2.00) Dollars shall be made by the Village Clerk for each badge, which sum shall be refunded when the badge is returned by the licensee.

Sub. 8. *Name and Address on Vehicle.*

Every vehicle used by a licensed hawker, peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in heighth in a conspicuous place on the outside of each side of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

Sub. 9. *Revocation of License.*

The Village Manager may, at any time, for a violation of this or any other ordinance or any law, suspend any license. Notice of such suspension and the reason or reasons therefor shall be served in writing by the Treasurer-Clerk 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 Treasurer-Clerk's office, with affidavit of service or mailing, such license shall be suspended until the next regular meeting of the Board of Trustees at which said meeting the license may be revoked or continued by the Board. When a license shall be revoked, no refund or any unearned portion of the license fee shall be made.

Sub. 10. *Restrictions.*

A licensed hawker, peddler or solicitor or any person authorized by law to hawk, peddle or solicit, shall:

(a) Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale, or offer for sale any unwholesome, tainted or diseased provisions or merchandise.

(b) Not wear the badge provided by the Village or use the vehicle plates after the expiration or revocation of the license represented by them.

(c) Keep the vehicles and receptacles used by him in a clean and sanitary condition and the food stuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

(d) Not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares, or shout or cry out his wares.

(e) Not stand or permit the vehicle used by him to stand in one location in any public place or street within the Village limits of the Village of Mamaroneck for more than ten minutes, or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

(f) Not permit any vehicle used by him to stop or remain on any cross walk.

(g) Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

Sub. 11. *Records.*

It shall be the duty of the Treasurer-Clerk to keep a record of all applications and of all licenses granted under the provisions of this Section, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

Section 3. Taxis - Drivers - Cars

Sub. 1. No person shall keep, use or drive a hack, cab, coach, sightseeing car or other public conveyance of any kind for carrying or conveying passengers for hire within the corporate limits of the Village of Mamaroneck without having obtained a license from the Treasurer-Clerk complying with the terms and conditions herein provided and paying the fee therefor.

Sub. 2. No person shall be licensed under any provision of this Section unless he be a citizen of the United States, or one who has regularly declared his intention to become a citizen.

Sub. 3. Such license shall be issued as of May 1st, and shall expire on April 30th next succeeding unless sooner suspended or revoked. Application for license shall be made upon blank forms to be furnished by the Village, and such applications shall contain the full name and address of the owner, the class of vehicle for which the license is desired, the length of time the vehicle has been in use, the number of persons it is capable of carrying, the motor power thereof, the engine number and the State license number.

Sub. 4. No vehicle shall be licensed until it has been thoroughly inspected and examined by the Chief of Police and found to be in a thoroughly safe condition for the transportation of passengers, clean, fit, of good appearance and well painted and varnished.

Upon the recommendation of the Chief of Police, the Treasurer-Clerk may refuse to license any vehicle, or if already issued, the Village Manager may suspend until the next meeting of the Board of Trustees, the license of any vehicle reported by the Chief of Police to be unfit or unsuited for public patronage.

Sub. 5. Any vehicle found to be in accordance with the provisions of this Section and the rules and regulations established herein, upon the payment of the license fee, shall be licensed by a card which shall contain the official license number and the date of inspection, and shall contain blank spaces upon which any entry shall be made of every subsequent inspection. The owner of the vehicle shall affix a license plate, to be furnished by the Village, to a conspicuous place on the licensed vehicle, where it shall be carried at all times.

Sub. 6. No larger number of licensed cars of any owner under this Section shall be permitted to stand or be parked at the New Haven Railroad Station or highway adjacent on the south thereof than the number of licensed drivers of said owner who are working and are actually on duty as drivers at the time of placing or parking of said cars.

Sub. 7. Owners desiring one or more vehicles licensed shall accompany the application with Two ($2.00) Dollars for each vehicle.

Section 3-A. Number of Taxicabs to be licensed

The number of taxicabs for which licenses may be issued under Section 3 of Chapter 7 of the Unified Code of Ordinances of the Village of Mamaroneck shall be limited to thirty-five (35) in number.

Section 4. Driver's License

Sub. 1. Every driver of a public vehicle who solicits business within the corporate limits of the Village must be licensed. Each applicant for a driver's license must:

(a) Be a citizen of the United States, or one who has regularly declared his intention to become a citizen.

(b) Be duly licensed as a chauffeur by the State of New York.

(c) Be of sound physique, with good eyesight, and not be subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind, which might render him unfit for the safe operation of a public hack, and shall produce doctor's certificate of physical fitness with application for driver's license.

(d) Be able to read and write the English language.

(e) Be clean in dress and person and not addicted to the use of intoxicating liquors.

(f) Produce affidavit of his good character from two reliable citizens of the Village, or persons known to the Manager of the Village from outside of the Village, who have known him personally and observed his conduct for one year next preceding the date of his application.

(g) Fill out a blank form to be provided by the Village giving a statement of his full name, present residence, places of residence for five years previous, age, color, height, color of eyes and hair, place of birth, length of time of his residence in the Village, whether a citizen of the United States, places of previous employment, whether married or single, whether he has been convicted of a felony or misdemeanor, whether he has previously been licensed as a driver or chauffeur, and if so, whether his license has ever been revoked and for what cause, which statement shall be signed and sworn to by the applicant.

(h) If for any reason a driver licensed under this Section leaves or gives up his position of driver, he shall immediately surrender his license card to the Chief of Police or in his absence to the Desk Officer on duty at Police Headquarters. A person so leaving or giving up his position as driver shall not be eligible to a new license for a period of one year from the date of the surrender of his license.

Sub. 2. All applications for a driver's license must be in writing and approved by the Chief of Police. When the application has been approved by the Chief of Police, and the applicant has filed his photograph and fingerprints with the Police Department, the Clerk shall issue such a license. The Chief of Police may refuse to approve such application if in his judgment the applicant is not a fit and proper person to be licensed.

Sub. 3. The Village Manager may, at any time, for a violation of this or any other Village Ordinance, or any law, suspend any license. Notice of such suspension and the reason or reasons therefor in writing shall be served by the Treasurer-Clerk 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 Treasurer-Clerk's office, with affidavit of service or mailing, such license shall be suspended until the next regular meeting of the Board of

Trustees at which said meeting the license may be revoked, or continued by the Board. When a license shall be revoked, no refund or any unearned portion of the license fee shall be made.

Sub. 4. Any applicant who shall have been refused a license either for his vehicle or as a driver may apply to the Board of Trustees at a meeting thereof, and the same may be granted or refused by the said Board of Trustees.

Sub. 5. The Manager shall issue to the driver or chauffeur a metal badge which must, under penalty of revocation of the license, be constantly and conspicuously displayed on the outside of the driver's coat when he is engaged in his employment.

Sub. 6. Each driver shall pay a fee of Five ($5.00) Dollars for the license. The driver's license shall be issued as of the 1st day of May and expire on the 30th day of April next succeeding.

Sub. 7. The maximum rate of fares for public vehicles shall be as follows:

The following rates apply from any point to or from the Railroad Station to the zones indicated below:

ZONE 1

65¢ for 1 or 2 passengers, each additional passenger 25¢ extra.

Bounded on the north by the New York State Thruway, east by the Town of Harrison line to a point opposite the southerly end of Hampshire Road, thence running southerly across the end of Hampshire Road to a point on the rear of the properties fronting Wood Street, thence running along the rear of the properties fronting Wood Street to a point on the center line of Wagner Avenue and westerly side of English Place, thence running along the center line of Wagner Avenue to Halstead Avenue, thence running along the center line of Wagner Avenue to the center line of Frank Avenue, thence running along the center line of Frank Avenue to the center of East Boston Post Road, thence running along East Boston Post Road to the easterly end of Stuart Avenue, thence running southerly to Guion Creek, thence running along the northerly side of Guion Creek, Mamaroneck Harbor and the West Basin to a point opposite Delancey Avenue, thence running westerly to Rockland Avenue, thence running along Rockland Avenue to the southerly side of New York State Thruway, the point or place of beginning.

ZONE 2

65¢ for (1) passenger, each additional passenger 25¢ extra.

Comprised of 3 areas bounded as follows:

That portion of land beginning at the intersection of West Boston Post Road and the Town of Mamaroneck Line, thence running northerly and northeast along the Town Line to the Westerly side of Saxon Woods Park, thence running southeast along Saxon Woods Park to the northerly side of New York State Thruway, thence running southwesterly along the northerly side of the New York State Thruway to Rockland Avenue, thence bounded on the east by Rockland Avenue and Mamaroneck West Basin to Sylvan Avenue, thence bounded on the south by Sylvan Avenue, on the west Hampshire Country Club to the southerly side of Old Boston Post Road, thence running westerly along Old Boston Post Road to the Town of Mamaroneck Line, the point or place of beginning.

Bounded on the north by New York, New Haven & Hartford Railroad Co., thence running along the Town of Harrison Line to West Street, thence running along West Street to Harrison Avenue, thence running southwesterly along Harrison Avenue to Sterling Subdivision, thence running along the Sterling Subdivision to Boston Post Road to Greenhaven Road, thence running along

Greenhaven Road 100 feet, thence running southwest and parallel to Boston Post Road to Taylors Lane, thence running along Taylors Lane and the easterly side of Barrymore Estates to Van Amringe Mill Pond, thence bounded on the south by Van Amringe Mill Pond west by Mamaroneck Harbor and north by Guion Creek to Boston Post Road, thence running along the Boston Post Road to a point between Frank Avenue and Jensen Avenue, thence running northerly to the northwest corner of Florence Street Park, thence running to corner of Wagner Avenue and Halstead Avenue, thence running along the easterly and southerly side of Wagner Avenue to English Place, thence running northerly to the New York, New Haven & Hartford Railroad Co. to the point or place of beginning.

Beginning at a point on the easterly side of Winfield Avenue said point being 100 feet north from the northerly side of Villa Avenue, thence running easterly to a point 100 feet west from the westerly side of Urban Street, thence running northerly and 100 feet parallel from the westerly side of Urban Street approximately 250 feet, thence running easterly to the Mamaroneck River, thence running along the Mamaroneck River easterly and southerly to the New York State Thruway, thence running westerly along the northerly side of the New York State Thruway across Mamaroneck Avenue to a point approximately 200 feet from Mamaroneck Avenue, said point being the division line of Mamaroneck Knolls and Birch Hill Circle Subdivision, thence running northerly between Birch Hill Lane and Knollwood Avenue approximately 1150 feet, thence running northeast and across the northerly end of Knollwood Avenue to a point on the easterly side of Knollwood Avenue, thence running northerly along the westerly end of Sunset Subdivision and to a point approximately 100 feet northerly from the northerly side of Sunset Road, thence running easterly and parallel 100 feet from the northerly side of Sunset Road and across Mamaroneck Avenue to the northeast corner of Mamaroneck Avenue and Villa Avenue, thence running westerly 100 feet to a point on the easterly side of Winfield Avenue, the point or place of beginning.

ZONE 3

75¢ for (1) passenger, each additional passenger 25¢ extra.

Comprised of 4 areas bounded as follows:

All that property lying between West Street, Town of Harrison Line and Harrison Avenue.

All that portion of Mamaroneck Avenue opposite Villa Avenue to the Town of Mamaroneck Line, Saxon Drive, Birch Hill Lane and the portion of Raleigh Road lying in Birch Hill Circle Subdivision.

Bounded on the north by Sylvan Avenue, east by Mamaroneck Harbor, south by Bleeker Avenue and part of Greacen Point Road being 1000 feet west from the westerly side of Orienta Avenue, thence running northwesterly to Delancey Cove, thence bounded on the south by Delancey Avenue to a point opposite Cove Road, thence bounded on the north by Cove Road North and the west by Hampshire Country Club to the division line of Whispering Pine, thence running easterly along Whispering Pine Subdivision to Sylvan Avenue, the point or place of beginning.

Also including both sides of Taylors Lane Extension.

ZONE 4

$1.00 for 1 or 2 passengers, each additional passenger 25¢ extra.

Comprised of 4 areas as follows:

Bounded on the north by Greacen Point Road and Bleeker Avenue, Ma-

maroneck Harbor on the east, Long Island Sound on the south, across the Causeway to Larchmont Harbor on the west and south, and Delancey Cove on the North.

Also all that property bounded by Town of Mamaroneck Line on the West Eagles Knolls Road on the northeast and Delancey Cove on the south.

Both sides of Winfield Avenue from a point 100 feet north of Villa Avenue to the Town of Harrison Line.

Bounded on the north by Harrison Avenue, on the east by City of Rye Line to the Barrymore Estates Subdivision, thence running along the Barrymore Estates Subdivision to Taylor's Lane, thence running northwesterly along Taylor's Lane to a point 100 feet south of Boston Post Road, thence running northeast parallel to and 100 feet southerly from the southerly side of Boston Post Road to Greenhaven Road, thence running across Boston Post Road and to a point 100 feet northerly from the northerly side of Boston Post Road on the easterly side of Sterling Avenue, thence running northeasterly 150 feet to the rear of Lots fronting on Sterling Avenue, thence running northerly along the rear of properties on Sterling Avenue and Osborn Avenue to the southerly side of Harrison Avenue, the point or place of beginning. Also Shore Road.

ZONE 5

$1.25 for (1) passenger, each additional passenger 25¢ extra.

All that property known as Flaglers Point, being both sides of Flagler Drive.

Double fare to all points between 1:00 A.M. and 6:00 A.M., waiting over five minutes at the rate of $4.00 per hour.

A charge of 25¢ will be made for package deliveries.

The foregoing rates shall be posted conspicuously in each cab.

A map showing the aforementioned zones in colors is on file in the Village Clerk's Office, Mamaroneck, New York, and a similar Map shall be carried in each taxicab.

Sub. 8. No other or different rates shall be charged than those set forth above.

Sub. 9. There shall be only one solicitor for any vehicle at the railroad station or any other public stand. The drivers shall solicit only from a point within five feet of their own vehicle.

Sub. 10. Any owner or driver of a vehicle not licensed and equipped in accordance with the provisions of this Section, or of a vehicle, the license of which has been suspended or revoked, who engages in business as defined in this Ordinance, or attempts to engage in such business, or solicits passengers for hire, shall incur a penalty of not more than Fifty ($50.00) Dollars for each offense, and in addition to said penalty a violation of this Section shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.

Sub. 11. Any person not having been duly licensed as a driver or whose license as such driver has been revoked or has been suspended, and who drives for hire a vehicle as provided in this Ordinance, shall incur a penalty of Twenty-five ($25.00) Dollars for each offense, and in addition to said penalty, a violation of this Ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.

Sub. 12. Upon the conviction of any person for any violation of any of the other provisions of this Ordinance, he shall incur a penalty of Twenty-five ($25.00) Dollars for each offense, and in addition to said penalty, a violation of this Ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.

Section 5. Junk Dealers

Sub. 1. *Definitions.*

(a) Junkman, junk shop. Anyone dealing in the purchase and sale of junk, old rope, old iron, brass, copper, tin or lead, rags, slush, or empty bottles, shall be deemed to be a junk dealer and his place of business a junk shop.

(b) Junk carts, junk boat. Any vehicle in the streets or any vessel in the waters of the Village used for the purpose of collecting junk, rags, old rope, paper, bagging, old iron, brass, copper, tin, empty bottles, slush, or lead, shall be deemed, respectively, a junk cart or junk boat; and every junk cart or junk boat shall show on each outside thereof the words "junk cart" or "junk boat", together with the figures of its official number, and no person shall do such collecting in any other way or manner than as aforesaid.

Sub. 2. *License Fee.*

Every junk dealer shall pay an annual fee of Five Dollars for a license, which said license shall expire on the 30th day of June in each year. The license fee for each junk cart shall be Five Dollars per annum and the license shall expire on the 30th day of June in each year.

Sub. 3. No person, association, partnership or corporation shall be entitled to or shall receive such license who or which and, in the case of a partnership or association, any member of which has been since January 1st, 1930 or who or which shall hereafter be convicted of larceny or knowingly receive stolen property.

Sub. 4. *Restrictions. Place and Manner of conduct of business.*

No junk dealer shall carry on business without a license, and no junk dealer shall maintain a junk shop or carry on his business at any place other than the one designated in the license therefore, nor shall he continue to carry on such business after such license has been suspended or revoked, or has expired. No junk dealer shall break iron or other metals on Sunday, nor before eight o'clock A.M., nor after six o'clock P.M., nor otherwise at any time so conduct his business as to make unusual or improper noises tending to disturb the peace and quiet of the neighborhood.

Sub. 5. *Purchase.*

No junk dealer shall purchase any goods, article or thing whatsoever from any minor, apprentice or servant, knowing or having reason to believe the seller to be such, nor from any person between the setting of the sun and 7 o'clock in the morning.

Sub. 6. *Other Business.*

No junk dealer shall be licensed as a pawnbroker or dealer in second-hand articles in the Village.

Sub. 7. *Record of Purchase.*

Every junk dealer shall keep a book in which shall be legibly written, at the time of every purchase, a description of every article so purchased, the name, residence, and general description of the person from whom such purchase was made, the day and hour of such purchase and, when the purchase consists of articles from a scow, coal boat, lighter, tug or other vessel, the name of such scow, coal boat, lighter, tug or other vessel, and the name and residence of the owner thereof. The book shall be at all reasonable times open to the inspection of any police officer, the Manager, or any person duly authorized in writing for such purpose by the Manager, who shall exhibit such authorization to the dealer.

Sub. 8. *Reports to the Police Department.*

Every junk dealer, upon being served with a written notice so to do by a member of the Police Department, shall report to the Chief of Police on blank form to be furnished by the Police Department, an accurate description of all goods, articles or things purchased or received in the course of business of the junk dealer during the days specified in such notice, stating the amount paid for, and the name, residence, and general description of the person from whom such goods, articles or things were received.

Sub. 9. *Lost or Stolen Goods.*

If any goods, article or thing whatsoever shall be advertised in any newspaper printed in the Village as having been lost or stolen, and the same, or any answering to the description advertised, or any part or portion thereof shall be or come in the possession of any junk dealer, he shall give information thereof, in writing, to the Chief of Police, and state from whom the same was received. Every junk dealer who shall have or receive any goods, articles, or thing lost or stolen, or alleged to or supposed to have been lost or stolen, shall exhibit the same on demand to any Police officer, or to the Manager, or any person duly authorized in writing by the Manager, who shall exhibit such authorization to such dealer.

Sub. 10. *Junk not to be Altered for One Month.*

No keeper of a junk shop, his agent, servant or employee, shall alter, deface, or take apart any article or thing, which shall be purchased in his business within the period of one month from the time of such purchase, but the same shall be sold or offered for sale in the same form, state, and conditions, if sold within one month from the purchase thereof, in which it was first received by said keeper.

Sub. 11. *Additional Junk Carts.*

Every licensed keeper of a junk shop shall be entitled to use in his business, without additional license but one cart, wagon or other vehicle. For each additional cart, wagon or vehicle, such keeper shall obtain in the manner aforesaid an additional license, and shall pay therefor the sum of $5.00. On all carts, wagons or other vehicles used in accordance with this Section, there shall be plainly and conspicuously painted thereon the name of the junk dealer, his place of business and the number corresponding to the number of his license, all of which shall be in letters and figures of not less than two inches.

Sub. 12. *Junk to be Exhibited on Demand.*

Every keeper of a junk shop, his agent, servant or employee, shall on demand made by the Manager, or any police officer, or other person authorized in writing by either of the above named officers to make such demand, exhibit to the same any article or thing in his possession.

Sub. 13. *Revocation of License.*

The Manager may, at any time, for such cause as he upon investigation deems sufficient, revoke any license granted under the provisions of this Ordinance. Whenever any license shall be so revoked, no refund of any unearned portion thereof shall be made and no license shall be granted to any person, firm, partnership, association or corporation whose license has been so revoked within a period of two years from the date of such revocation. Notice of such revocation and the reason or reasons therefor in writing shall be served by the Manager upon the person, firm, partnership, association or corporation named in the application by mailing the same to the address given in the application, and upon filing a copy of such with the Village Clerk.

Sub. 14. *Penalties.*

Any person, persons, firm, association, partnership or corporation, who himself or itself or by his or its clerk, agent or employee shall conduct the business of a junk merchant or peddler as herein defined without a license required by this Ordinance, or shall violate any of the provisions of this Ordinance, or who, having had his, its or their license revoked, shall continue as a junk merchant or peddler, shall, upon conviction thereof, be subject to a fine or penalty of not less than $5.00 or more than $25.00, and each day on which said violation continues shall constitute a separate offense, and in addition to said penalty a violation of this Ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person. In addition to the penalties imposed, the license of the person, persons, firm, association, partnership or corporation violating the same shall be cancelled or revoked.

Section 6. Junk Yard Enclosures

Sub. 1. No person, co-partnership, association or corporation shall maintain or operate, or allow to be maintained or operated within the limits of the Village of Mamaroneck a place for dumping or accumulation of junk, old metal, paper, cloth or rubber, dismantled, abandoned or worn out motor vehicles and parts thereof, unless

(a) All such junk yards or accumulation places as aforesaid shall be completely enclosed by a solid fence at least six (6) feet in height and kept in good repair, and the junk or accumulation stored within such fence shall be so located as not to be visible above said fence from a point in the middle of the highway adjoining; and

(b) All such fences which abut a public street shall be set back at least six feet from the public sidewalk; if there is no such sidewalk, then such fence shall be at least twenty (20) feet from the edge of the public street or highway; and

(c) All junk, motor vehicles, or parts thereof shall be piled neatly so as to eliminate all fire hazards, and cared for in such a way that no unpleasant odor shall arise therefrom.

Any person, co-partnership, association or corporation violating this Ordinance shall be subject to a penalty of not more than $50.00, and in addition to said penalty a violation of this Ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.

Each day that such junk yard or accumulation place is operated or maintained in violation of this Ordinance shall be considered a separate offense thereunder and be punishable as such.

Section 7. Auctions and Auctioneers

License Required.

No person shall carry on the business of auctioneer, or sell any personal property at auction within the Village of Mamaroneck, except his own property, upon the premises owned and occupied by him, or under and by virtue of legal process, or for a mortgagee, or for an executor or administrator of a decedent who was a resident of the Village of Mamaroneck, unless such person shall have procured a license as required by the terms of this Section as follows:

Sub. 1. *Who May Be Licensed.*

A license to sell personal property at public auction within the Village of Mamaroneck may be granted to any person who is a resident thereof.

Sub. 2. *Fee, Duration of License.*

The fee for the license hereby required shall be Fifteen ($15.00) Dollars. Such license shall expire on the thirty-first day of December next succeeding its issuance.

Sub. 3. *Short Time License to Non-Resident.*

A license may be granted to a non-resident or traveling auctioneer to conduct an auction sale of any personal property within said Village upon the payment to the Village Clerk of Ten ($10.00) Dollars for each day or fraction of a day while such sale is continued.

Sub. 4. *Bond Required; Transfer of License.*

Every person licensed under this Ordinance is required to execute to the Village of Mamaroneck, and file with the Clerk thereof, a bond in the sum of Five Hundred ($500.00) Dollars, the sureties to be approved by the Village Manager conditioned for the faithful observance of the laws of the State of New York and the Ordinances of the Village of Mamaroneck now or hereafter enacted relating to auctions and auctioneers. The license required by this Ordinance shall not be transferred without the written consent of the Manager endorsed thereon.

Sub. 5. *False Representations By Auctioneers.*

No auctioneer or other person shall knowingly make any false representations as to the character, quality or ownership of any personal property offered for sale at any public auction within said Village.

Sub. 6. *Substituting Articles.*

No auctioneer or other person shall substitute any other article for the article sold to the buyer.

Sub. 7. *Bidding In By Accomplice.*

No auctioneer shall bid in any personal property offered for sale by him and no person shall act as accomplice for the purpose of making false bids at any auction.

Sub. 8. *Bellman, Crier, Flag.*

No bellman, crier, or any instrument of music or means of attracting the attention of passersby, other than a sign or a flag, shall be employed or permitted to be used at or near any place where any auction sale is conducted, and such sign or flag shall bear the license number given when the license is issued.

Section 8. Blasting

Blasting within the Village is forbidden except when same is done under the following conditions:

Sub. 1. No blast shall be set off within the Village unless a written permit so to do has been issued by the Village Engineer, such permit to be granted only to persons qualified as follows:

(a) He must produce such evidence of his character and past employment as may be satisfactory to the Engineer of his competency.

(b) He must present satisfactory evidence of his experience in handling high explosives, either as a blaster or as a blaster's helper, covering a period of at least two years.

(c) No blast shall be set off except by the person having such license.

Sub. 2. No permit or license shall be granted until the bond required by Sub. 7 hereof shall be furnished.

Sub. 3. Explosives for blasting shall be kept in a properly constructed magazine painted red and marked "Danger".

Sub. 4. Explosives shall not be placed in a magazine containing blasting caps, detonators or electric fuses. These must be placed in a separate magazine similarly marked.

Sub. 5. *Quantities of Explosives.*

Only such quantity of explosive shall be used in a blasting operation as may be necessary to properly start the rock.

Sub. 6. *Covering Blasts.*

Immediately after loading and tamping the hole and before firing the blast, the rock to be blasted shall be covered on all exposed sides with a strong woven matting of rope or wire and in the case of a rope mat, same shall be held down by a sufficient number of timbers, each ten (10) feet long and ten (10) inches in the smallest diameter, held securely together by chains or steel wire. After the rock has thus been covered, the blast shall be fired without unnecessary delay. The amount and manner of application of the proposed covering to be placed over blasts situated on the perpendicular or diagonal side of the rock, and over blasts for trenches, manholes, sewer and gas connections shall be as required by the good practice as follows:

(a) At least three (3) minutes before firing a blast, the blaster shall give warning thereof by causing a competent man, carrying a red flag, to be stationed a reasonable distance and not less than 150 feet from the blast at each avenue of approach, and also by calling out the words "A BLAST" several times repeated and loud enough to be heard at a distance of 300 feet from the point of discharge.

(b) The blaster shall further notify all occupants of all houses within 300 feet of the work on the morning of each day when blasting is to be done, and shall notify the occupants of all houses within 150 feet of the work before each blast is fired.

(c) Every accident caused by an explosion of a blast within the Village limits shall be regarded as presumptive evidence of negligence on the part of a contractor or blaster concerned with the operation in the course of which such explosion occurs, and the permit of the blaster shall be revoked, unless it shall appear at a subsequent hearing that the accident occurred despite the observance of all proper precautions in the handling of such explosive, and pending such hearing, such permit shall be suspended. The permit shall not be reissued or renewed except upon delivery to the Clerk of a new and additional bond under the provisions of Sub. 7 of this Ordinance.

Sub. 7. *Blasting Bond.*

No one shall blast within the Village until he or his employer has given the Village a bond executed by a Surety Company, satisfactory to the Village Manager, agreeing to pay all property damages caused by such blast, not to exceed $10,000.00; and shall satisfy the Manager with a general liability insurance policy in the sum of at least $50,000.00.

Section 10. The Bingo Licensing Ordinance
Conduct of certain games of chance by certain organizations

Sub. 1. *Definitions.*

As used in this ordinance, unless the context requires otherwise, the following terms shall have the following meanings:

1. "Control Commission" shall mean the state lottery control commission.

2. "Bingo" or "Game" shall mean and include a specific game of chance, commonly known as bingo or lotto in which prizes are awarded on the basis of

designated numbers or symbols on a card conforming to numbers or symbols selected at random.

3. "Authorized Organization" shall mean and include only bona fide religious, charitable or non-profit organizations of veterans, volunteer firemen and similar non-profit organizations.

4. "License" shall mean a license issued pursuant to the provisions of this ordinance.

Sub. 2. *Authorization.*

It shall be lawful for any organization upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial liimits of the Village of Mamaroneck subject to the provisions of this ordinance, the provisions of Article 14-H (Sections 475-499) of the General Municipal Law and the provisions of the State Lottery Control Law.

Sub. 3. *Application for License.*

1. Each applicant shall file with the Village Clerk of the Village of Mamaroneck a written application, in the form prescribed in the rules and regulations of the control commission, duly executed and verified.

2. In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance, described in the application are to be held, operated and conducted, and there shall be appended to the application a statement executed and verified by the applicant and by the member or members so designated that he, she or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of this ordinance. Chapter 854 of the Laws of 1957, and the rules and regulations of the Control Commission, if such license is granted.

3. In the event that any premises upon which any such game of chance is to be held, operated or conducted, or which is to be used for any other purpose in connection with the holding, operation or conduct thereof, is to be leased or rented from any person, persons or corporations the application shall be accompanied by a written statement signed and verified under oath by such person or persons or on behalf of such corporation, stating his or its address, the amount of rent to be paid for such premises, and stating that such lessor, lessors or if a corporation all of its officers and each of its stockholders who held more than ten per cent or more of its stock issued and outstanding, are of good moral character and have not been convicted of a crime.

Sub. 3-A. No bingo game shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

Sub. 4. *General Restrictions.*

Any game or games licensed hereunder shall be subjected to the following restrictions in addition to such other restrictions as may be provided herein or contained in the rules and regulations of the Control Commission.

1. No person, firm, association, corporation or organizations, other than an authorized organization licensed under the provisions of this ordinance, shall be permitted to conduct such games.

2. The entire net proceeds of any game or games shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the game.

3. No single prize shall exceed the sum or value of Two Hundred Fifty ($250.00) Dollars.

4. No series of prizes on any one occasion shall aggregate more than One Thousand ($1,000.00) Dollars.

5. No person except a bona fide member of such organization shall participate in the management or operation of such game.

6. No person shall receive any remunerations for participating in the management or operation of any such game.

7. The unauthorized conduct of a bingo game and any willful violation of any provisions of this ordinance shall constitute and be punishable as a misdemeanor.

Sub. 5. *Issuance and Duration of License.*

1. The Board of Trustees of the Village of Mamaroneck shall cause to be investigated the qualifications of each applicant and the merits of each application with due expedition after the filing of the application. The Board shall determine, among other things, the due qualifications of the applicant to be licensed, the relationship of the members under whom such games are to be conducted with the applicant, whether such persons are of good moral character or have ever been convicted of a crime, whether the conduct of such games will comply with all the provisions of law and rules and regulations applicable thereto, whether the proceeds thereof will be disposed of as provided by Chapter 854 of the Laws of 1957, whether a commission, salary, compensation, reward or recompense of any nature will be paid to any person conducting or assisting in conducting such games of chance, whether a prize will be offered or given in excess of the sum or value of Two Hundred Fifty ($250.00) Dollars in any single game or an aggregate of all prizes given in a series of games on a given occasion will exceed the sum or value of One Thousand ($1,000.00) Dollars, and such other questions or inquiries as the Board may direct.

Sub. 2. If the Board shall determine that the requisite conditions have been met by the applicant, they shall issue a license to the applicant for the holding, operation and conduct of the specific kinds of games of chance applied for upon payment of a license fee or fees of Ten ($10.00) Dollars for each occasion upon which any games of chance are to be conducted under such license, which fees are to be paid to the Village Clerk. A license fee or fees of Ten ($10.00) Dollars for each occasion upon which any games of chance are to be conducted under such license are to be paid in advance.

3. On or before the thirtieth day of each month the Treasurer of the Village of Mamaroneck shall transmit to the State Comptroller a sum equal to fifty per cent (50%) of all license fees collected by the Village pursuant to this section during the preceding calendar month.

4. No license shall be issued under this ordinance which shall be effective for a period of more than one year.

Sub. 6. *Hearing Amendment of License.*

1. No application for a license hereunder shall be denied by the Board until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

2. Any license issued under this article may be amended upon application to the Board, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon the payment of such additional license fee, if any, as would have been payable if it had been so included.

Sub. 7. Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the Control Commission.

Sub. 8. The Board shall have and exercise control and supervision over all games of chance held, operated or conducted under such license, and shall have the power and authority to suspend any such license, and, after notice and hearing, to revoke the same for violation of any provision of such license, this ordinance, Sections 475 to 499 of the General Municipal Law, or the rules and regulations of the Control Commission. The Board or any officer designated by them shall have the right of entry at all times into any premises where any such game of chance is being held, operated or conducted, or where it is intended that any such game of chance shall be held, operated or conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

Sub. 9. No game of chance shall be conducted under any license issued under this ordinance on the first day of the week, commonly known as Sunday.

Sub. 10. No person under the age of eighteen years shall be permitted to participate in any game or games of chance held, operated or conducted pursuant to any license issued under this ordinance unless accompanied by a parent or guardian.

Sub. 11. No game or games of chance shall be held, operated or conducted under any license issued under this ordinance oftener than on six days in any one calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

Sub. 12. *Persons Operating and Conducting Games; Equipment; Expenses; Compensation.*

No person shall hold, operate or conduct any game or games of chance under any license issued under this ordinance except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance held, operated or conducted pursuant to any license issued under this article, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof under any circumstances whatever; no rental shall be paid for the use of any premises for holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in section three of this ordinance or which is in excess of the sum stated as the rental to be charged therefor in such statement; and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operating or con-

duct of any game of chance so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered according to a schedule of compensation prescribed by the rules of the Control Commission.

Sub. 13. *Charge For Admission and Participation; Amount of Prizes.*

Not more than One ($1.00) Dollar shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be held, operated and conducted under any license issued under this ordinance, which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate without additional charge in all regular games of chance to be played under such license on such occasion, and no charge in excess of One ($1.00) Dollar shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. No price greater in amount or value than Two Hundred Fifty ($250.00) Dollars shall be offered or given in any single game conducted under any such license, and the aggregate amount or value of all prizes offered or given in all games played on a single occasion shall not exceed One Thousand ($1,000.00) Dollars, and all winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any such game.

Sub. 14. *Advertising Games.*

No game of chance to be conducted under any license issued under this ordinance shall be advertised as to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one sign not exceeding sixty (60) square feet in area may be displayed on or adjacent to the premises where the game will be played, and an additional sign may be displayed on or adjacent to the premises where the prize or prizes are displayed and additional signs may be displayed upon any fire fighting equipment belonging to any licensee, which is a volunteer fire company, or upon any first-aid or rescue squad equipment belonging to any licensee, which is a first-aid or rescue squad, in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad as the case may be. Except as above set forth signs shall be subject to other sign regulations of the Village.

Sub. 15. *Statement of Receipts, Expenses, etc.*

Within fifteen (15) days after the conclusion of the holding, operating and conducting of any such game of chance, the authorized organization which held, operated or conducted the same, and its members who were in charge thereof, shall furnish to the Village Clerk a duly verified statement showing the amount of the gross receipts derived from each game of chance, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game or the right to participate therein, each item of expense incurred, or paid, and each item or expenditure made or to be made, the name and address of each person to whom each such item has been paid or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the use to which such net profit has been or is to be applied, and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of such licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

Sub. 16. *Examination of Books and Records; Examination of Managers, Etc.; Disclosure of Information.*

The Board and the Control Commission shall have power to examine or cause to be examined the books and records of any authorized organization to which any such license is issued so far as they may relate to any transactions connected with the holding, operating and conducting of any game of chance thereunder and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance under any such license, but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this ordinance.

Sub. 17. *Appeals to Control Commission.*

Any applicant for, or holder of, any license issued or to be issued under this ordinance aggrieved by any action of the Village, its officers or agents, concerning an application which has been made or a license which has been issued, may appeal to the Control Commission from the determination of the Village, its officers or agents, by filing with the Board a written notice of appeal within thirty (30) days after the determination or action appealed from, and upon the hearing of such appeal, the evidence, if any, taken before the Board and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the Control Commission upon said appeal shall be binding upon the Village and all parties to said appeal.

Sub. 18. *Immunity from Prosecution; Exemption.*

No person or corporation

(1) lawfully conducting, or participating in the conduct of,

(2) possessing, selling or in any manner disposing of, any shares, tickets or rights to participate in, or

(3) permitting the conduct upon any premises owned by him or it of any game of chance conducted or to be conducted under any license lawfully issued pursuant to this ordinance, shall be liable to prosecution or conviction for violation of any provision of Article One Hundred Thirty of the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this article, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

Sub. 19. *Offenses: Forfeiture of License; Ineligibility to Apply for License.*

Any person, association or corporation who or which shall make any false statement in any application for any such license or in any statement annexed thereto or shall pay any rental for the use of any premises for holding, operating or conducting any game of chance under this ordinance or for any other purpose in connection with the holding, operating or conducting thereof, unless the amount of such rental is stated in a statement annexed to the application for the license as provided in Section three of this ordinance or shall pay or receive any sum for such rental in excess of the sum stated as the rental to be charged therefor in such statement executed by him or on its behalf, or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating and conducting of games of chance under any such

license or shall falsify or make any false entry in any book or record so far as they relate to any transaction connected with the holding, operating or conducting of any game of chance under any such license or shall violate any of the provisions of this ordinance or of any term of such license shall be guilty of a misdemeanor and shall forfeit any license issued to it under this ordinance and be ineligibile to apply for a license under this ordinance for one year thereafter.

Sub. 20. *Amendment and Repeal.*

This ordinance may be amended, from time to time, or repealed by the Village Board, and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty days following the date of enactment of the local law or ordinance affecting such amendment or repeal, as the case may be; and the approval of a majority of the electors shall not be a condition pre-requisite to the taking effect of such local law or ordinance.

Sub. 21. *Severability.*

If any provision or application of this ordinance or a provision or application of Chapter 854 of the Laws of 1957 to any municipality, person, or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application of Chapter 854 of the Laws of 1957 to other municipalities, persons and circumstances shall not be affected thereby, and the Board hereby declares that it would have enacted this ordinance without the invalid provisions or application, as the case may be, had such invalidity been apparent.

Sub. 22. The Village Board may delegate to an officer or officers thereof designated by it for that purpose any of the authority granted to it hereby in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees.

Sub. 23. *Effective Date.*

The provisions of this ordinance shall remain inoperative unless and until a proposition therefor is submitted at a special election in the Village of Mamaroneck, on a date to be fixed by the Board of Trustees, and shall be approved by a vote of the majority of the qualified electors in the Village of Mamaroneck voting thereon. In the event such proposition is approved this ordinance shall take effect immediately.

Sub. 24. *Purpose.* The purpose of this ordinance is to amend an ordinance adopted by the Village of Mamaroneck, Westchester County, New York, dated June 4th, 1958, authorizing the conduct of bingo in such village to change the reference in such ordinance from Article 14-G of the General Municipal Law to Article 14-H of the General Municipal Law, as so renumbered by Chapter 438 of the Laws of 1962, and to set forth therein the following additional amended and renumbered restrictions concerning the conduct of the game of bingo by an authorized organization in the Village of Mamaroneck as required by Section 479 of the General Municipal Law of the State of New York as amended by Chapter 438 of the Laws of 1962:

(1.) No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-H of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.

(2.) No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the

basis of a percentage of the receipts or net profits derived from the operation of such game.

(3.) No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law or from another authorized organization.

(4.) The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

(5.) No prize shall exceed the sum or value of two hundred fifty dollars in any single game of bingo.

(6.) No series of prizes on any one bingo occasion shall aggregate more than one thousand dollars.

(7.) No person except a bona fide member of any such organization shall participate in the management or operation of such game.

(8.) No person shall receive any remuneration for participating in the management or operation of any game of bingo.

(9.) The unauthorized conduct of a bingo game and any willful violation of any provision of this ordinance shall constitute and be punishable as a misdemeanor.

Section 11. Licenses and Permits Regulating Moorings in the Water and Waterways of the Village of Mamaroneck.

Section II. Moorings

Sub. 1. *Legislative Findings.*

It is hereby declared and found that the operation and mooring of boats in the water or waterways of the Village of Mamaroneck is a matter affecting the public interest, consequently should be subject to supervision and administrative control of municipal authorities for the purpose of safeguarding the public. It is the purpose of this ordinance to provide the means to properly police and supervise the waters and waterways of the Village, thereby safeguarding the safety, welfare, comfort and security of the people of the State and their property.

Sub. 2. *"Undocumented Vessel"* as used in this section shall mean and include a vessel commonly known as a houseboat, and every vessel or floating craft 12 feet or over in length propelled in any other manner than by hand.

Sub. 3. *"Water"* and *"Waterways"* shall include all navigable waters, inlets, bays and coves of Mamaroneck Harbor within the limits of the Village of Mamaroneck.

Sub. 4. *"Mooring"* and/or *"Moored"* shall mean the attachment of, or to attach, a vessel to a pier or dock or other structure, or the attachment of, or to attach, a vessel to the ground by means of tackle so designed that when such attachment is terminated, some portion of the tackle remains attached to the ground and is not taken under the control of the vessel.

Sub. 5. No mooring tackle shall be laid nor shall a vessel twelve (12) feet or over be moored in any way unless a permit is issued therefor and then only for the particular vessel and at the location specified in said permit, in the water or waterways of the Mamaroneck Harbor, or for a distance of 1500 feet from the Village Boundary, excepting therefrom waters of Larchmont Harbor and the City of Rye.

Notwithstanding the foregoing portion of this Subdivision, during the year 1965, it shall not be a violation of this ordinance for any person who is regularly engaged in the business of servicing moorings or mooring equipment to service any moorings or mooring equipment which existed during 1964, provided that the location of such moorings or mooring equipment is not changed, and provided further that nothing in this sentence shall be construed to authorize the mooring of any vessel to any mooring or mooring equipment which has been so serviced unless and until a mooring permit has been issued pursuant to this ordinance.

Sub. 6. Guest vessels having no permit may use an existing mooring, or place anchors in a location approved by the Harbor Master for no more than four (4) days free of charge. Any extension of this guest privilege must be approved in writing by the Village Manager, and in no case can exceed an additional seventeen (17) days. Vessels having no permits may be temporarily moored for a reasonable period of time to a pier, dock or other structure which is attached to or adjacent to a commercial boat yard while undergoing repairs or while in the process of commissioning or decommissioning.

Sub. 7. Mooring permits shall be issued only to the owner, lessee or charterer of the vessel to be moored.

Annual fees for such permit shall be in accordance with the following schedule:

Size of Boats	*Fees*
Twelve feet, one inch (12′ 1″) to sixteen (16′) feet	$ 5.00
Sixteen feet, one inch (16′ 1″) to twenty-six (26′) feet	$10.00
Twenty-six feet, one inch (26′ 1″) and over	$12.50

Each vessel shall be measured from bow to stern on a center line over the deck. Mooring Permits shall be valid for the calendar year for which issued.

Sub. 8. Mooring permits are not assignable. Subject to the consent of the Village Manager, the holder of a mooring permit may exchange such permit with the holder of another mooring permit so as to allow an exchange of mooring locations between such two holders. The holder of a mooring permit may substitute another vessel of which such holder is the owner, lessee or charterer for the vessel originally specified in such mooring permit, if such vessel be of comparable length, beam and draft, or, any vessel of other dimensions, provided the Village Manager consents that the mooring location specified on the mooring permit is appropriate to the vessel being so substituted. Evidence of such permit shall be displayed in a prominent place on the vessel by means of a decal issued by the Village Manager.

Sub. 9. Any person desiring to procure a mooring permit shall file with the Village Manager a written application upon a form furnished by the Village. Such application shall give the name, type, length, registration number, if any, of the vessel, and the name and address of the owner, and a company owning a vessel shall designate a person as its individual representative. Payment shall accompany application. First time applications may be filed with Village Manager at any time. Any renewal application for such permit made by an applicant other than the operator of a commercial boat yard or a commercial marina shall be filed with the Village Manager on or before December 31 of the year prior to the year for which the permit is to be effective, and any application made by an applicant which is the operator of a commercial boat yard or a commercial marina shall be filed with the Village Manager on or before May 30 of the year for which the permit is to be effective. Any applicant who

has been issued a permit for the previous year shall not be unreasonably denied a permit for the same mooring location for the next year, provided such applicant makes timely application therefor, and provided further that the application for a mooring permit specifies the same vessel as the previous year or any other vessel of comparable length, beam and draft, or, any vessel of other dimensions which the Village Manager finds is appropriate for such mooring location.

Sub. 10. Except as otherwise provided vessels moored pursuant to permit herein provided for shall conform to all regulations regarding mooring of vessels contained in Chapter 9 of the Unified Code of Ordinances of the Village of Mamaroneck entitled "Harbor and Waterways."

Sub. 11. Any person placing moorings or mooring equipment before a permit has been issued by the Village Manager shall also be found in violation of this ordinance.

Sub. 12. A violation of this ordinance shall constitute disorderly conduct, and the person violating same shall be upon conviction a disorderly person, and, subject to a fine of not to exceed One Hundred ($100.00) Dollars for each violation.

Sub. 13. *Inseparabilities and Repeal.* If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective. Any other Local Law, Ordinance or regulation now in effect in the Village of Mamaroneck inconsistent herewith is hereby repealed.

CHAPTER 8.

SIDEWALKS AND STREETS

Snow and Ice — Removal ..... Sec. 1, 2
Awnings, etc. — Height of ..... Sec. 3
Wares and Merchandise on Sidewalks ..... Sec. 4
Personal Property Left on Streets ..... Sec. 4A
Obstruction of — Building Permits ..... Sec. 5
Sidewalk Sheds, Barricades, Building Materials — Storage of
Fences — Barbed-wire Prohibited ..... Sec. 6
Poles and Wires — Permits ..... Sec. 7
Driveways and Parking Areas — Construction of ..... Sec. 8
Gasoline Service Stations — Surfacing of ..... Sec. 9
Parades — Permit required for ..... Sec. 10
Trees — Regulations covering ..... Sec. 11
Curbs and Sidewalks ..... Sec. 12
Trench, Ditch — Digging of ..... Sec. 13
Power Shovel — Use of — Permit ..... Sec. 14
Public Service Corp. — Board may waive deposit ..... Sec. 15
Rates for Repair of Pavements ..... Sec. 16
Sidewalk, Repair of ..... Sec. 17

CHAPTER 8.

SIDEWALKS AND STREETS

Section 1. Snow Removal

Any owner, lessee, tenant, occupant or other person having charge of any building or vacant lot of ground within the Village limits abutting upon any street where the sidewalk is paved shall, within two (2) hours after snow ceases to fall or after the deposit of any dirt or other material upon said sidewalk, remove the snow or ice, dirt or other material from the sidewalk and gutter, the time between 9 P.M. and 7 A.M. not being included in the above period of two (2) hours.

Section 2. In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or other person having charge of any building or vacant lot may within the time specified in the preceding Section cause the sidewalk abutting the said premises to be strewn with ashes, sand, salt, sawdust, or other similar suitable material and shall as soon thereafter as the weather shall permit thoroughly clean said sidewalk.

Section 3. Encumbering Streets, Encroachments, Awnings

No person shall erect any awnings over any street, avenue, highway or public place in the Village, the lowest point of which shall be less than seven feet from the level of the sidewalk.

Section 4. No person shall hang or place any goods, wares or merchandise or any stand, sign or other encumbrance of any kind or suffer or maintain or permit the same upon any sidewalk in front of any premises owned or occupied by him.

Wares or merchandise in process of loading, unloading, shipment or being received from shipment may be transferred from trucks or other vehicles over the sidewalk by the use of skids. Household furniture may be temporarily placed on

a sidewalk for the purpose of loading or unloading the same during daylight and without unreasonable delay; but, in any such case a passageway shall be kept open within the stoop line of the building abutting on the sidewalk so obstructed and the curb for free movement of pedestrians.

Section 4A. *Personal Property Left on Streets.*

Sub. 1. Definitions: Unless otherwise stated expressly the following words and expressions where used in this Section shall have meanings as follows:

(a) "Street" shall include a street, avenue, road, alley, public passageway, lane, highway, concourse, driveway, culvert, crosswalk, and sidewalk, and every class of road, square and municipal parking field used by the general public.

(b) "Person" shall include a natural person of either sex, corporation, partnerships, associations, joint stock companies, societies and all other entities capable of being such.

(c) "Shopping Cart" shall include any cart, basket, container or other device made of wire, metal or other material mounted on wheels, manually operated and used generally for the conveyance of goods and property.

Sub. 2. It shall be unlawful for any person, his agent or employee, to leave, or to suffer or permit to be left unattended, any shopping cart, either owned by such person or in such person's possession, custody or control, upon any street, sidewalk, municipal parking field or public place.

Sub 3. It shall be deemed a violation of this Section if any shopping cart is left unattended or remains upon any street, sidewalk, municipal parking field or public place for a period in excess of twelve (12) hours.

Sub. 4. That the presence of a abandoned shopping cart at the places designated herein for a period in excess of twelve (12) hours shall be presumptive evidence that it was removed from owner's presence and abandoned with the owner's consent and permission expressed or implied.

Sub. 5. Every person who owns or makes available to the public in connection with the conduct of business and trade any shopping cart shall make or cause the same to be marked and identified conspicuously with the name and address of the owner. Such identification shall be in the form of a metal tag securely fastened to the cart, or a cutting or stamping on the frame of the cart.

Sub. 6. Any person violating any of the provisions of this Section shall be liable for and forfeit and pay a penalty as follows for each violation.

Five ($5.00) Dollars to any person who having possession, custody or control, with or without the permission of the owner thereof of any shopping cart, shall leave or suffer or permit to be left unattended such shopping cart upon any street, sidewalk, municipal parking field or public place.

Ten ($10.00) Dollars to any person who is the owner of any shopping cart which shall be left or suffered or permitted to be left, unattended, either by the owner, his agent or employee or by any person using such shopping cart with or without the permission of the owner, upon any street, sidewalk, municipal parking field or public place.

Violations of any provisions of this Section shall constitute disorderly conduct and the person so violating the same shall be and is hereby declared a disorderly person. This is in addition to any fees for redemption of impounded property or costs of sale chargeable to the owner of impounded property as hereinafter provided.

Sub 7. Whenever the Chief of Police shall take possession of any property left upon any street, sidewalk, municipal parking field or public place in violation of this Section, and such property contains identification of ownership, a notice shall be sent by ordinary mail to such person purporting to be the owner

advising that such property is held by the Chief of Police and advising the amount necessary to redeem.

Sub. 8. Such property may be redeemed by the owner thereof at any time prior to the sale, dismantling, destruction or disposal thereof, and he shall be entitled to receive such property upon tendering the sum of Five ($5.00) Dollars to the Chief of Police. No property shall be delivered to a person seeking to redeem the same unless proof establishing to the satisfaction of the Chief of Police such person's ownership is submitted. Any delivery to a person apparently entitled thereto shall be a good defense to the Village against any other person claiming to be entitled thereto, but if the person to whom delivery is made is in fact not entitled thereto, the person to whom the same ought to have been delivered may recover the same with interest and costs from the person to whom the same shall have been delivered.

Sub. 9. Where any such property remains in the custody of the Chief of Police for a period of fifteen (15) days after removal, and with respect to which no person has presented to the Chief of Police proof establishing to his satisfaction such person's ownership, the Chief of Police shall give public notice in the official newspaper of the Village, advising that a specified place and time, not less than five (5) days after such notice is published, such property will be sold at public auction for the best price he can obtain. A general description in such notice of the property to be sold shall be sufficient. Said sale shall be conducted by the Chief of Police or any employee of his Department designated by him or by an auctioneer designated by the Chief of Police.

Sub. 10. In the event that the said property shall remain unsold at public auction, the Chief of Police may reoffer said property for sale at a subsequent public auction held pursuant to this Section, or he may dismantle, destroy or otherwise dispose of this property. Any such sale or other disposition of such property, pursuant to this Section, shall be without liability on the part of the the Village to the owner of such property or other person lawfully entitled thereto or having an interest therein.

Sub. 11. Immediately after property is redeemed the Chief of Police shall pay over to the Treasurer of the Village, the amount received for redemption, costs and expenses, of the article redeemed together with an itemized statement thereof. Immediately after a sale or other disposition of such property the Chief of Police shall pay to the Treasurer, the proceeds of sale or other disposition of such property with an itemized statement of the article sold, the price received and the costs and expenses of sale, and the Treasurer shall retain so much of the proceeds as equals the costs and expense of such sale plus Five ($5.00) Dollars for such article sold to cover the cost of removing and storing the property; the remainder of the moneys realized from such sale or other disposition shall be paid without interest to the lawful owner thereof as determined by the identification, if any, on the property so sold or otherwise disposed of.

Sub. 12. The provisions of this Section shall not apply to any property which may come into the possession or custody of the Police Department pursuant to any other ordinance, law or regulation.

Section 5. Builder's Permits.

No builder, contractor or workman in control of any operations or repairs upon private property shall obstruct any sidewalk in the Village, or endanger the safety of pedestrians over such sidewalk. If such building or repair operations shall necessitate the temporary obstruction of such sidewalk or the existence of a condition making the use of said sidewalk unsafe, the Manager may, in his discretion and subject to such restrictions as he may impose, authorize the temporary closing of said sidewalk to public use during the period of such operations.

Sub. 1. *Sidewalk Sheds.*

Whenever any building or part thereof within ten (10) feet of the Building Line is to be erected or raised to exceed thirty-five (35) feet in height, or whenever a building more than forty (40) feet in height is to be demolished, the owner or the person doing or causing such work to be done shall erect and maintain during such work a substantial shed over the sidewalk in front of said building and extending, so far as practicable, from building line to curb. Such shed shall remain in place until the building is enclosed or, in case of a demolition operation, until the building has been reduced to twenty (20) feet in height. Every such shed shall be kept properly lighted at night.

Sub. 2. *Barricade.*

In any building operation that does not require sidewalk sheds the owner or person doing or causing such work to be done shall, unless relieved by a general rule from the Village Board or a special permit from them, erect and maintain in front of the building during such building operation a substantial fence or barricade suitable to the Building Department.

Sub. 3. *Permission to Place Building Materials on Streets.*

Before commencing any building operation, upon approval by the Village Manager, a permit shall be obtained from the Village Clerk for the placing of any building materials on said street or avenue. In no case shall this permit be issued for or in excess of one-third of the street or avenue. A suitable bond approved by the Village Manager shall be furnished by the person or persons occupying said portion of the street or avenue to indemnify the Village of Mamaroneck for any damage to the street or avenue, sidewalk or curb, and indemnifying the Village against any liability for injuries to any person or property in any manner caused by reason of the deposit of building materials in such street or avenue. This bond shall be filed with the Village at or prior to the issuance of such permit.

Sub. 4. A permit in the following form shall be issued upon application to the Village Engineer:

LICENSE FOR STORAGE OF MATERIALS ON HIGHWAY

No. .....

Mamaroneck, New York, ..., 19.....

Permission is hereby given ....., (hereinafter called the Licensee) to store building materials on .....,

Mamaroneck, N. Y., for a distance of ..... feet by ..... width.

In consideration of the Village of Mamaroneck granting this permit the licensee hereby guarantees:

1. To repay the Village for any damage to the pavement by reason of such use.

2. To keep the sidewalk at this property open at all times for the use of pedestrians.

3. To keep the material so stored on the public highway well and sufficiently lighted at night with at least two red lanterns.

4. To hold and save the Village of Mamaroneck free, harmless and protected from all damages in connection with the same or by reason thereof.

5. To pay the Village for any damage to the sidewalk by reason of such use.

6. Notwithstanding the provisions of any other law or ordinance to procure a certificate of occupancy for the building so constructed.

In the Presence of: ..... L. S.

Bond in Penalty of $..... filed.

Date .....

.....
Village Clerk

Approved:

.....
Village Manager

In presence of ..... L. S.

Received ..... Dollars for the above license.

..... Clerk.

Received ..... Dollars as deposit required for above license.

..... Clerk.

The Manager in his discretion may also require a bond with sufficient security to indemnify and save harmless the Village for any damage that may be caused to it by reason of the neglect or default of the person obtaining such permit.

Section 6. Fences. Barbed-wire Prohibited

No person shall use or maintain a fence of barbed wire or similar construction along the boundaries of any such streets or grounds of the Village.

"Sub. 1. All fences abutting upon a public street shall be kept in reasonable repair and in a safe condition, and when such fences are between a street and an excavation or depression in a lot, it shall be properly, safely and securely braced so that pedestrians shall be secure in passing. And no fence or other structure located on any land at or near any corner or any curve on any street within the limits of the Village shall be permitted by the owner or owners thereof to so obstruct or interfere with the view of drivers of vehicles as to create a traffic hazard at such corner or curve."

Section 7. Poles and Wires. Sidewalk Permits

No person not otherwise authorized by law to do so shall erect or maintain on or over any street, or sidewalk within the Village any telegraph, telephone, electric light or other poles, or string wires in, over or upon any street, sidewalk or public ground, or over or in front of any building or buildings within the Village without permit from the Village Manager.

All telephone, telegraph, electric light or electric power poles where the same are located upon the public highway within the Village shall be marked with the name or initial of the owner or owners of the said poles in such manner as the Village Manager shall prescribe.

Section 8. Driveways and Parking Areas

Driveways and parking areas shall be so constructed as to prevent materials used in the construction thereof from being washed or scattered upon sidewalks.

Section 9. Gasoline Service Stations

The use of gravel or bluestone for surfacing of gasoline stations is prohibited. Gasoline stations shall be surfaced with such materials as will prevent the materials used in such surfacing from being scattered upon adjacent sidewalks.

Section 10. Parades

No person or persons shall participate in any parade, exhibition or the playing of bands of music upon the streets of the Village unless a written permit shall have been previously obtained therefor in each specific instance from the Village Manager of the Village.

Section 11. Trees

The planting of trees on Village streets or public grounds or other Village property by private individuals is hereby prohibited.

Sub. 1. Property owners and other persons are hereby prohibited from planting within a distance of twenty (20) feet from a public street or sidewalk silver maples and allied species, ailanthus, and poplars of any variety.

Sub. 2. The attaching of signs and/or posters to Village trees is hereby prohibited.

Sub. 3. No person or persons shall in any manner injure or destroy Village trees by chopping into said trees, scarring the trunks, driving nails into the trunks or limbs, building fires near the trunks or under the branches, pouring or depositing oil, gasoline, tar, creosote, salt, or other injurious substances on the soil near such trees.

Sub. 4. No person or persons shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated trees on Village streets or public grounds within the Village, except after having obtained written consent from the Park Commission of the Village of Mamaroneck.

Sub. 5. Any person or persons, firms or corporations engaged by any private individual to treat trees on Village streets or on other public places within the Village shall, before proceeding with the treatment of said tree or trees, deposit with the Village Clerk a sum of money equal to the cost of such treatment as a guarantee that such treatment will be properly made. Upon examination and inspection of said trees by the Park Commission after such treatment, if it shall appear that the work was properly done, said sum of money shall be returned.

Sub. 6. Any person or persons, including Public Utilities Corporations, their agents, servants and employees are prohibited from climbing Village trees with the aid of spurs. Any wires of Public Service Utilities passing among the branches of Village trees shall be properly insulated so as to prevent damage to said trees. Guy wires shall not be attached to trees in such a manner as to girdle or restrict growth. When necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunk or by eyebolts passing through the trunk.

Sub. 7. When necessary to remove tree limbs in the moving of building, and/or to make clear passage for wires, and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain permission of the Village Park Commission before the issuance of a permit and the starting such work. It shall not be necessary to secure permission for the usual periodical removal of small branches by Utility Companies to allow the free passage of wires, but any such work will be subject to inspection by the Village Park Commission, and where such work is not proper, any expense incurred by the Village in repairing same will be charged to the Public Utility or to any person or persons responsible for the damage.

Sub. 8. It shall be lawful for the Village to spray or take other means to control and prevent the spread of insects or disease where privately owned trees shall have become infected with such disease or infested with insects so as to endanger trees belonging to the Village.

Sub. 9. This ordinance shall not apply where the Board of Trustees of the Village of Mamaroneck shall deem it advisable to cause Village trees to be removed during the course of the improvement of a Village street or of other public grounds within the Village.

Sub. 10. No tree, shrub or other plant located on any land at or near any corner or any curve on any street within the limits of the Village shall be permitted by the owner or owners thereof to so obstruct or interfere with the view of drivers of vehicles as to create a traffic hazard at such corner or curve.

Sub. 11. The Superintendent of Public Works of the Village shall report any violation of Sub. 10 hereof to the Village Manager, and he may, by notice mailed to the owner or owners of such tree, shrub or other plant, order such owner or owners, on or before a date fixed in such notice, to cause such tree, shrub or other plant to be removed or so trimmed that it shall cease to be a violation, and may direct the Superintendent of Public Works to cause the same to be removed or so trimmed unless the owner or owners thereof shall do so on or before such date.

Sub. 12. In case such owner or owners shall fail to cause such tree, shrub or other plant to be removed or so trimmed on or before such date, the Superintendent of Public Works shall cause the same to be removed or so trimmed.

Sub. 13. Any such owner or owners (including any individual, partnership or corporation owning such tree, shrub or other plant, alone or in common with another or others) who shall fail to comply with an order made pursuant to Sub. 11 hereof, or shall resist or obstruct the Superintendent of Public Works or any other person or persons acting under his direction in removing or trimming any tree, shrub or other plant pursuant to Sub. 12 hereof shall, upon conviction, be liable to a penalty not exceeding $100.00 for each such offense, and in addition thereto such resistance or obstruction shall constitute disorderly conduct and anyone who so resists or obstructs shall be deemed a disorderly person.

Sub. 14. *Dead Trees.*

(a) It shall be unlawful for any owner of any lot or land in the Village of Mamaroneck to permit or maintain on any such lot or land, any tree that is dead, diseased, or which is so damaged as to be a public nuisance, unsightly, and in danger of falling, thereby causing damage to persons or property of others.

(b) It shall be the duty of the owner of any lot or land to cut down and remove any tree upon his property which is dead, diseased, or which is so damaged as to be a public nuisance, unsightly, and in danger of falling, thereby causing damage to persons or property of others.

(c) If the provisions of paragraph (b) above are not complied with, the Village Clerk shall serve or cause to be served a written notice by mail upon the owner of any such lot or land requiring the provisions thereof. If the person upon whom notice is served fails, neglects or refuses to cut down and remove any such dead or diseased tree within (30) days after service of such notice, or damaged tree, which is in danger of falling, within five (5) days after service of such notice, or if no person can be found in the Village who either is or claims to be the owner of such lot or land or either represents or claims to represent such owner, the Superintendent of Public Works or other duly appointed officer or employee of the Village shall cause said dead, diseased, or damaged tree, which is in danger of falling, to be taken down and removed, by contracting with

trained experts or by other adequate means, and the actual cost thereof and any other additional cost in connection therewith shall be paid by the owner of any such lot or land within thirty (30) days after completion of such destruction and removal, and upon failure of such owner to pay such costs within thirty (30) days, shall be certified by the Superintendent of Public Works or other duly appointed officer or employee of the Village to the Assessor of the Village, and shall thereupon become and be a lien upon the lot or land on which such dead, diseased, damaged or unsafe tree is located, and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land, and shall bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as taxes. The assessment of the cost of the work done by the Village against the property involved shall be in addition to the penalties imposed herein for any violation or non-compliance with any provision of this paragraph, or any rule, regulation, order or special direction duly made thereunder.

Section 12. Curbs and Sidewalks

No alteration, removal or construction of any curb or sidewalk within the street limits of the Village of Mamaroneck shall be made without the written permission of the Village Engineer given to the owner of the abutting property.

Section 13. No person shall be allowed to excavate, open or dig any trench, ditch or hole in any portion of any street, highway, sidewalk or public place in the Village without first obtaining a permit therefore signed by the Village Engineer.

Section 14. No power shovel or equipment shall be used to excavate on any street in the Village, whether improved or unimproved, without a written permit from the Village Engineer and approved by the Village Manager.

Sub. 1. Such permit may be granted to any property owner or their duly appointed agent carrying liability insurance in the amounts of Fifty Thousand ($50,000.00) Dollars and One Hundred Thousand ($100,000.00) Dollars and property damage in the amounts of Twenty-five Thousand ($25,000.00) Dollars and Fifty Thousand ($50,000.00) Dollars covering any accident or damage that may occur due to the work contemplated, upon the payment of a Five ($5.00) Dollar license fee and the fulfillment of following conditions.

Sub. 2. The person applying for such permit shall deposit with the Village Treasurer a sum—if the excavation is to be done by hand—representing the estimated replacement cost of pavement to be disturbed but in no case less than the value of 100 square feet of pavement at the value set by the Board of Trustes from time to time and filed in the office of the Village Engineer. No excavation by mechanical equipment shall be allowed except by special permit approved by the Village Manager, and if excavation is to be made by use of steam shovel, back hoe or other mechanical trencher, the deposit required shall be three times the amount required if the excavation is to be made by hand.

Should the completion of the work be unnecessarily delayed or the work improperly done, the Village shall upon the request of the Village Engineer, and with the approval of the Village Manager, complete the work or reconstruct same under the direction of the Village Engineer. The cost of this work shall be charged against the deposit.

Sub. 3. The applicant shall sign an agreement contained in said permit, which permit shall be in the following form with blank spaces filled in as required:

No. ..... VILLAGE OF MAMARONECK, Westchester County, N. Y.

Permission is hereby given to ..... to dig up and open a trench, not exceeding ..... in length, in ..... in said Mamaroneck Village, upon the following conditions, Viz:

The said .... (hereinafter called the Licensee) hereby stipulate and agree in consideration of the granting of this license that all work done and material used will comply with any covering rules or ordinances of this Village; that he will not permit or suffer the said trench or opening to remain open longer than is absolutely necessary and required for the proper doing and performance of the work necessary to be done and for which this license is granted; and that he will at all times keep the same properly and sufficiently guarded against danger or accident to any person or persons by reason of the same; that he will at all times keep the same well and sufficiently lighted at night with at least two lanterns; that when said work is finished he will at once notify the Village Engineer, in writing, who shall at the expense of said licensee (to be deducted from the deposit made at the date hereof) restore the said ..... to as good condition as it was before the said work was undertaken, and the said licensee will hold and save the Village of Mamaroneck free, harmless and protected from all damages in connection with the same or by reason thereof.

Purpose of Permit .....

.....

Licensee

Section 15. The Board may on such terms as it shall deem proper, exempt any public service corporation supplying the Village with its product from the obligation to make the deposit above provided for on such corporation agreeing that the cost of restoring the highway and the paying for any damage resulting to the said Village may be deducted from its claims against the Village, or in excess thereof be recovered in an action against the said corporation.

Section 16. Rates for repair of pavements as established by the Board of Trustees:

Minimum Deposit—Work done by hand	100 sq. ft.
Minimum Deposit—Work done by machine	300 sq. ft.
Minimum deposit—Sidewalk opening	50 sq.ft.
Minimum Deposit—General sidewalk repairs	$25.00
Minimum Deposit—Curb cut	20.00
Ordinary Road—oiled or sealed	$ .50/sq. ft.
Penetration on black top—stone base	.90/sq.ft.
Reinforced Concrete	1.50/sq. ft.
Black top on concrete base including Hasting Block or brick	1.75/sq. ft.
Sidewalk openings	.75/sq. ft.
Concrete curb disturbed or cut	2.50/lin. ft.
Concrete curb and gutter section disturbed	5.00/lin. ft.

Section 17. Sidewalk Repairs

Sub. 1. It shall be the duty of the owner of every lot or piece of land in the Village of Mamaroneck to keep the sidewalks in front of the premises owned by him, them, or it at all times in good repair and in a safe condition for public use, and free from all obstructions or incumbrances so as to permit the public use thereof in an easy and commodious manner.

Sub. 2. In case any sidewalk in said Village shall at any time, in the judgment of the Village Engineer, require repairing or improving, the said Village Engineer

shall serve a notice upon the owner of the lot or piece of land in front of which such sidewalk is out of repair or in an unsafe condition, requiring the owner or owners thereof within five days from the service of each notice to repair or improve such sidewalk so as to make the same in good repair and in a safe condition. Such notice shall be served on such owner personally or by leaving the same at the residence of such owner or owners with a person of suitable age and discretion, or by posting the same conspicuously on such premises, or by mailing the same addressed to such owner or owners at Village of Mamaroneck, New York. Where there are two or more owners of any such property, service upon one of them shall be sufficient.

Sub. 3. If any owner or owners shall neglect or refuse to repair or improve such sidewalk within the time limited therefor by said notice, the Village of Mamaroneck shall forthwith make such repairs or improvements 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 improvement or repairs were made, with the Village Clerk, who shall certify the same to the Board of Trustees at the next regular meeting thereafter. The expense of making such improvement or repairs shall be paid by the owner of the property abutting on the sidewalk so improved or 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.

CHAPTER 9

HARBOR AND WATERWAYS

Short Title ..... Sec. 1
Definitions ..... Sec. 2
Purpose of ..... Sec. 3
Discharging garbage, waste or human excrement into—prohibited ..... Sec. 4
Toilets to be locked or render inoperative ..... Sec. 5
Toilets unlocked—presumptive evidence ..... Sec. 6
Boat yards to provide toilet accommodation ..... Sec. 7
Inspection of boats and premises ..... Sec. 8
Speed—regulation ..... Sec. 9
Noise—muffling of ..... Sec. 10
Reckless operation prohibited ..... Sec. 11
Anchorage—Inner-Outer Harbor ..... Sec. 12
Sail boats ..... Sec. 13
Moorings—Permits for ..... Sec. 14
Dredging—Regulation of ..... Sec. 15
Living on board boats prohibited ..... Sec. 16
Penalties ..... Sec. 17
Repeal ..... Sec. 18

CHAPTER 9

HARBOR AND WATERWAYS

Section 1. Short Title

This Ordinance shall be known as the "Harbor Ordinance".

Section 2. Definitions

The following terms, wherever used in this Ordinance except as otherwise specifically indicated, shall be defined to mean and shall be held to include each of the meanings hereinbelow specifically set forth, and any such term used in the singular number shall be held to include the plural.

"Vessel" shall include every kind of vessel, boat, houseboat and floating craft.

"Motorboat" shall include every kind of vessel propelled in whole or in part by machinery, including a detachable motor.

"Harbor" shall include all navigable waters, inlets, bays and coves of Mamaroneck Harbor within the limits of the Village of Mamaroneck.

The "Outer Harbor" shall mean that portion of Mamaroneck Harbor lying easterly and southerly of a line ranging from Mably's Dock to Shore Acres Point.

The "Inner Harbor" shall mean that portion of Mamaroneck Harbor lying northerly and westerly of the said line ranging from Mably's Dock to Shore Acres Point.

The "East Basin" shall mean the dredged anchorage area lying off the northeast shore of Harbor Island Park.

The "West Basin" shall mean the dredged anchorage area lying off the southwest shore of Harbor Island Park and northerly and westerly of a line ranging from the southerly end of the County Bulkhead, southerly to the dock of the Sound Marine and Howard McMichael Corp. Yacht Yard.

Section 3. The general purpose of this Ordinance is to keep the harbor sanitary and safe and to make the best use of available mooring space in Mamaroneck Harbor so as to accommodate more craft, to avoid congestion, to avoid obstruction of

the Federal Government Channel and Village Channel or the fairway on the west side of the Inner Harbor and the fairways and manoeuvering area in the east and west basins, to make available mooring positions with due regard for the depth of water and draft of the boats accommodated, and to afford ease of approach to and departure from moorings without danger of fouling and collision.

Section 4. It shall be unlawful for any person, association or corporation to cast, deposit or discharge, or cause or suffer to be cast, deposited or discharged into the navigable waters of the harbor, from or out of any vessel lying or proceeding in the harbor, or from the shores, wharves, docks or piers adjacent to the harbor, any garbage, human excrement, or refuse matter of any kind or description whatever.

Section 5. No person shall occupy any boat, vessel or motor boat equipped with one or more toilets while such boat, vessel or motorboat is within the navigable waters, inlets, bays and coves of Mamaroneck Harbor or adjacent shores thereof, within the Village of Mamaroneck, unless such toilets are rendered inoperative by an effectively locked enclosure or locking device or by the dismantling of an essential portion thereof.

Section 6. Permitting a toilet or toilets to be unlocked or failure to dismantle same so as to render such toilets inoperative shall be presumptive evidence that such toilets are intended to be used in violation of Section 4 hereof.

Section 7. The owner and operator of every boat yard or marine service yard which provides berths for vessels equipped with toilets, at the marinas, docks or floats of such yard, and the owner and operator of every Yacht Club, Marine Service Yard, or any other property, which provides at said club, yard or property, accommodations for berthing dinghies or other tenders for vessels equipped with toilets moored or operated in the Mamaroneck Harbor, shall maintain suitable toilet facilities on shore for the accommodation of the users of said vessels, and shall post a sign clearly visible to the users of said vessels, reading in substance as follows: "The Harbor Ordinance of the Village of Mamaroneck prohibits discharging the contents of toilets of boats into Mamaroneck Harbor, and requires that when such boats are occupied the toilets thereof shall be rendered inoperative. The Owner and Master of each offending boat is liable for the penalty prescribed."

Section 8. The Village Manager, Harbor Master, or any other person authorized by the Board of Trustees, may enter and survey all vessels moored, anchored or proceeding in the harbor and grounds, buildings and places within the Village of Mamaroneck, to which this ordinance is applicable, for the purpose of determining compliance therewith.

Section 9. No motorboat shall, within the harbor limits, be driven at a speed exceeding four (4) nautical miles per hour through the water.

Section 10. No motor boat shall be operated within the harbor unless the same is provided with an underwater exhaust, or muffler, so constructed and used as to muffle the noise of the explosion.

Section 11. Reckless Operation Prohibited

The operation of any vessel in any manner which unreasonably interferes with the free and proper use of the Mamaroneck Harbor, or unreasonably endangers the users of the waters of said Harbor, is hereby prohibited.

Section 12. Anchorage

The following anchorage grounds for boats in Mamaroneck Harbor are hereby defined and established.

Outer Harbor Anchorage

The entire Outer Harbor except the Government Channel which shall be kept clear and open at all times.

Inner Harbor Anchorage

The entire Inner Harbor except (1) the Government Channel on the east side of the Inner Harbor and the Village Channel or fairway on the west side of the Inner Harbor which shall be kept clear and open at all times; (2) with respect to the east basin the portions thereof to be used as an anchorage shall be defined from time to time by the Village Manager; and (3) with respect to the West Basin the only anchorage therein shall be between the shores of said West Basin and a line substantially parallel to said shores and distant therefrom sufficiently to accommodate between said shores and line a single row of boats moored with their fore and aft line substantially at right angles to the said shores, the remaining portion of said West Basin to be kept clear and open at all times as a fairway manoeuvering area, and for a limited number of guest moorings for visiting vessels.

Section 13. The anchorage area between Harbor Island Beach and Grassy Knolls shall be confined to sail boats including auxiliaries.

Section 14. The Village Manager is authorized to issue permits for maintaining mooring buoys within the anchorages. No mooring shall be placed or mooring buoy anchored without such permit. Said permit shall run from the 15th day of May to the 1st day of April of the following year, and shall not be transferable. Application for permits shall be made on or before April 1st.

Sub. 1. Each such permit shall be subject to revocation by the Village Manager upon a conviction of any of the provisions of this Ordinance. Upon the revocation of the permit, no permit for such vessel to any owner thereof shall be issued within two years after the date of such revocation, unless a prior restoration thereof is authorized by the Village Board upon appeal to that body.

Sub. 2. The Village assumes and shall be under no liability for anything done or omitted to be done under or in relation to any of the provisions of this Ordinance, and applicants for permits shall release the Village accordingly.

Sub. 3. All boats in the Harbor in excess of fourteen feet overall measurement shall be moored in the following manner:

(1) In the Outer Harbor boats may be moored to a single mooring.

(2) In the Inner Harbor boats shall be moored both fore and aft, except in the anchorage area between Harbor Island Beach and Grassy Knolls where boats may be moored forward to a bridle connecting two moorings or anchors, and need not be moored aft.

Sub. 4. The method of anchoring mooring buoys shall conform to the following: The length of mooring chain, cable or rope, shall be as short as is consistent with the depth of water, the extent of rise of tide; the displacement and freeboard of the boat, and degree of exposure. The type and weight of the anchor and the strength of the mooring chain, and all other mooring gear employed shall be sufficient to permit such short scope to be employed. The provisions of this Section shall apply to all boats and in all parts of the Harbor.

Sub. 5. No boat shall anchor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy.

Sub. 6. In case of emergencies, the Harbor Master is authorized to shift the position of any unattended boat moored in or near any anchorage.

Sub. 7. With the approval of the Village Manager first obtained, the Harbor Master shall have authority to direct the change of location of moorings, the

shortening of mooring chains, cables, or ropes, and the compliance with this Ordinance in all other respects.

Sub. 8. The Harbor Master shall also collect and record in a proper register the location and the names, length, draft, beam, type and names and addresses of the owners of all boats mooring in Mamaroneck Harbor, and the position of each approved mooring shall be noted upon a map or chart of the Harbor. Such records, maps and charts shall be records of the Village, and shall be kept at the office of the Village.

Sub. 9. If directions given by the Harbor Master with the approval of the Village Manager with respect to removing unauthorized moorings or changing the location of existing moorings, shortening of mooring chains, cables or ropes, or with respect to other provisions of this Ordinance, are not complied with within ten days after notice of such directions has been given as herein provided, the Harbor Master, with the approval of the Village Manager may cause such moorings to be removed or changed or may drop the same to the bottom. Whenever the Harbor Master shall be unable to find the owner of a boat or mooring or any agent or person in possession, charge or control thereof, upon whom notice may be served, he shall address, stamp, and mail such notice to such person at his last known address, and in addition thereto shall attach said notice to the boat or mooring concerning which said notice is given.

Sub. 10. Any ruling of the Harbor Master shall be subject to review by the Village Manager, and any ruling of the Village Manager shall be subject to review by the Board of Trustees, upon application of any person affected by the ruling. Upon any such review the ruling may be affirmed, reversed or modified.

Sub. 11. In approving the position of moorings, the Village Manager and Harbor Master shall be guided by the purposes of this Ordinance.

Sub. 12. Nothing contained herein shall apply to the location of moorings on the shore side of established government bulkhead lines.

Section 15. Dredging

No dredging operation shall be conducted in any portion of Mamaroneck Harbor between May 1st and October 1st.

Section 16. Living on Boats

Living on boats anchored or moored in the Inner Mamaroneck Harbor is prohibited.

Section 17. Penalties

It shall be the duty of the Owner and Master of each vessel moored, berthed or operated in Mamaroneck Harbor to enforce strict compliance with the provisions of this Ordinance. The Owner and Master shall be liable for all violations of the provisions of this Ordinance occurring upon his vessel. The minimum punishment for the first violation upon a vessel of Section 4 shall be a fine of $50.00, and the minimum punishment for each successive violation of said Section 4 upon the same vessel shall be $100.00. In addition a violation of Section 4 of this Ordinance shall constitute disorderly conduct, and the person violating the same shall be a disorderly person. A violation of any of the other Sections of this Ordinance shall subject the violator thereof to the penalties provided for in Chapter 3 of this Code of Ordinances.

Section 18. Repeal

Upon taking effect of the above ordinance, any and all ordinances heretofore passed and now in effect dealing with the Harbor and Waterways are superseded and repealed.

CHAPTER 10.

PARKS

Acts Prohibited ..... Sec. 1
Disorderly Conduct—What constitutes ..... Sec. 2
Vehicles—Regulation of ..... Sec. 3
Aircraft—Land, low and stunt flying over prohibited ..... Sec. 4
Schedule of Charges ..... Sec. 5
Charges subject to change ..... Sec. 6

CHAPTER 10.

PARKS

Section 1. No person shall:

Sub. 1. Cut, break or in any way injure or deface grass, shrubs, plants, posts, railings, chains, lamps, lampposts, benches, treeguards, buildings, structures or other property in or upon any Village Park or of any paths, roads or roadways upon or across the same.

Sub. 2. Go on foot or otherwise upon the grass, except when and where permitted.

Sub. 3. Post, paint, affix, distribute, deliver, place, cast or leave about any bill, placard, ticket, hand bill, circular or advertisement, display any flag, banner, transparency, target, sign, placard, or any other matter for advertising purposes, or for any purpose whatsoever in any Village Park without previous permission therefor from the Commissioners having jurisdiction.

Sub. 4. 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 Commissioners having jurisdiction.

Sub. 5. Coast with hand sleds, bobs, carts or other vehicles on wheels or runners in any Park except at such places as may be designated therefor.

Sub. 6. Use any bathing beach, tennis court, athletic field, parking space or other park facilities without the permission of the Park Commission.

Sub. 7. Cause or permit any animal owned by him or in his custody or under his control, except a dog when restrained by a leash not exceeding 6 feet in length, to roam, go, or be at large in, on or through the parks, and any such animal so found at large may be seized and impounded, or disposed of as provided by the law or ordinance covering the disposal of stray animals on highways or other public places in effect at the place where such stray animals may be seized.

Sub. 8. Notwithstanding the foregoing subdivision, no person shall bring or permit any dog or other animal on Harbor Island Park between May 1st and October 1st.

Sub. 9. Use, ride or drive a horse in any Village Park except on streets or highways or places designated therefor.

Sub. 10. Throw, drive, cast, catch, kick or strike any ball of any kind, or other object except in places designated therefor.

Sub. 11. Use roller skates in the Parks except at such places as may be designated therefor, or ice skates until ice is declared by or under the authority of the Commission to be in a safe condition therefor, and so designated.

Sub. 12. Remain in the Parks in bathing costumes except on the beach thereof.

Sub. 13. 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 Commissioners may designate, and unless so covered with a bathing suit as to prevent any indecent exposure of the person.

Sub. 14. Dress or undress in the Parks except in such bathhouses as may be maintained by the Commission or at such places as may be designated for that purpose by the Commission.

Sub. 15. If not a resident of the Village of Mamaroneck and entitled to the use of a permit, pass or ticket permitting such resident of the Village of Mamaroneck to the special privileges of the Parks of the Village of Mamaroneck, use or attempt to use such permit, pass or ticket. If such a resident cause or permit such permit, pass or ticket issued to him to be used by any person not lawfully entitled to use the same, such permit, pass or ticket shall be forfeited.

Sub. 16. Have charge of, run or drive a boat propelled by steam, naphtha, gasoline, electric or other motor or engine in, on or upon any waters subject to the jurisdiction of the Park Commission of the Village of Mamaroneck unless he shall first have obtained a permit therefor from the Commission.

Sub. 17. Row or paddle a boat, canoe or raft in or upon any waters subject to the jurisdiction of the Commission unless able to control the same with safety to himself and other occupants thereof, or in such manner as to annoy or endanger occupants of other boats, canoes or rafts, swimmers or other persons lawfully using the said waters.

Sub. 18. With a permit as set forth above run or drive a boat propelled by steam, naphtha, gasoline, electric or other motor engine in, on or upon any waters subject to the jurisdiction of the Park Commission of the Village of Mamaroneck within 100 feet of the water line of any bathing beach, or within fifty feet of any life line, or cause any boat of any class or kind or any canoe or raft to land upon the shores of a park except at such locations as may be designated as landing places.

Sub. 19. Moor or tie to any bulkheads, docks or piers of any park, subject to the jurisdiction of the Commission, without a permit from the Commission.

Section 2. Disorderly Conduct

Sub. 1. 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 shall be deemed to have committed the offense of disorderly conduct:

(a) Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior.

(b) Acts in such a manner as to annoy, disturb, interfere with, obstruct or be offensive to others.

(c) Congregates with others, or who is alone in a Park, and refuses to move on when ordered by any Park patrolman, official or attendant.

(d) By his actions causes a crowd to collect except when lawfully addressing such a crowd.

(e) Shouts or makes a noise either outside or inside a building during the night time to the annoyance or disturbance of any considerable number of persons.

(f) Interfere with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocket, pocketbook or handbag.

(g) Stations himself in a Park or follows pedestrians or passengers in any vehicle for the purpose of soliciting alms or contributions unlawfully in a Park.

(h) Frequents or loiters in a Park soliciting men for the purpose of committing a crime against nature or other lewdness.

(i) Causes a disturbance in any omnibus or other public conveyance by running through it, climbing through windows or upon the seats or otherwise annoying passengers or employees therein.

(j) Stands in a Park and makes insulting remarks to or about passing pedestrians or persons in vehicles or annoys such pedestrians or persons in vehicles.

(k) Throws stones or other missiles.

(l) Interferes with, encumbers, obstructs, or renders dangerous any drive, path, walk, lawn, park or public place.

(m) Climbs upon any wall, fence, shelter, seat, statue, or other erection.

(n) Enters or leaves except at established entrance ways or exits, or enters or leaves the beach in bathing suit or costume except at designated entrances or exits.

(o) Introduces, carries or fires any firecrackers, torpedoes, fireworks or pistols.

(p) Engages in, instigates, aids or encourages a contention to fight, whether or not in a ring or prize fight.

(q) Assaults any person.

(r) Plays games of chance.

(s) Participates in the conduct of a lottery.

(t) Uses or operates any slot machine, gaming table or instrument.

(u) Tells fortunes or futures, spits upon any walk, crossing, safety zone or the floors of any structures, bridge, platform or stairway.

(v) Casts, throws or deposits on any drive, walk, crossing, path, safety zone, floor park surface or bathing beach, any portion of any fruit, vegetable, foodstuffs, paper, pasteboard, glass, litter or other substance, or takes upon the beach any newspaper or other paper except a book or magazine.

(w) Leads, takes, allows or permits any dog or other animal on any bathing beach or in the waters adjacent thereto, notwithstanding the provisions of Section 1, Sub. 7, 8 and 9 of this Ordinance.

(x) Wears any bathing suit or costume that offends public decency.

Sub. 2. No person shall between one-half hour after sunset and 11:00 P.M. loiter in any Park in a vehicle or otherwise, where there is no artificial light, or between 11:00 P.M. and sunrise, loiter under any circumstances, or, except in emergency, cause or permit any vehicle during any part of the period between one-half hour after sunrise to remain standing except when its occupants are attending a gathering or function held under a permit.

Sub. 3. No person shall without the permission of the Park Commission erect in the 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 be founded on any stake, bet or otherwise.

Sub. 4. No person, except by printed or written sign or signs, the form thereof to be approved by the Park Commission, shall solicit passengers for any automobile, coach, taxicab, omnibus or other vehicle, and all chauffeurs or drivers or attendants of any automobile, or, vehicle shall stand within two feet of their respective vehicles while the same are unloading, awaiting or loading passengers.

Sub. 5. 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 Park Commission.

Sub. 6. 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.

Sub. 7. No person shall sell or offer for sale any object or merchandise or any other thing, whether corporeal or incorporeal, nor perform any personal service for hire in any park except under a written permit by the Park Commission and then only at the place or places designated in the permit.

Sub. 8. Any person who violates the provisions of Sub. 2, 3, 4, 5, 6 and 7 of this Section shall be deemed to have committed an offense of disorderly conduct.

Section 3. Vehicles

Sub. 1. No vehicles shall be allowed in a Park except at places designated therefor.

Sub. 2. No person shall drive, operate, or cause to remain in a Park during any part of the period between one-half hour after sunset and one-half hour before sunrise, any vehicle, the lights of which are not displayed in the same manner as lights are required to be displayed upon vehicles when used in public highways.

Sub. 3. 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.

Sub. 4. 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.

Sub. 5. 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.

Sub. 6. No person shall ride a bicycle, tricycle, velocipede or motorcycle upon any walk or footpath, but persons may push machines in single file along the same.

Sub. 7. Every vehicle driven through a Park or parked in a Park shall have the interior thereof open to full view at all times.

Sub. 8. No person shall operate or drive a motor vehicle, or move trailer over, or park a motor vehicle or trailer 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.

Sub. 9. 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.

Section 4. Aircraft

Sub. 1. No person shall bring, land, or cause to descend or alight within or upon a Park or any portion thereof any airplane, flying machine, balloon, parachute or other apparatus for aviation.

Sub. 2. 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.

Sub. 3. 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 Park Commissioners.

Section 5. Schedule of Charges — Harbor Island

SCHEDULE OF CHARGES

HARBOR ISLAND
VILLAGE OF MAMARONECK, N. Y.

	Monday to Friday incl.	Saturday Sunday & Holidays	Season
DAILY BATHING BEACH TICKETS: (Including Beach and Pavilion privileges)			
Children	$.25	$.50	
Adults	$.50	$.75	
(Guest privileges afforded *residents only* on Sat., Sun. and Hol.)			
RESIDENT FAMILY SEASON TICKETS:			
Beach			$ 4.00
Pavilion			1.00
NON-RESIDENT FAMILY SEASON TICKET: (Including Beach, Pavilion and Parking) GUEST PRIVILEGES NOT AFFORDED NON-RESIDENTS ON SAT., SUN. & HOL.			
Town of Mamaroneck and Larchmont Village			$25.00
Residents of other cities and villages in West. Co.			$50.00
PARKING TICKET:			
Daily (Residents and Non-residents) including Sat., Sun. and Hol.	$ .25		
Season Permits: Residents			$ 2.00
Non-Resident			4.00
TENNIS TICKET:			
Jr. Membership (Up to 16 yrs) —Resident (Season)			$ 3.00
Individual Ticket for Resident			$10.00
Individual Ticket for Non-Resident			$25.00
Hourly rate for guests of Season Ticket Holders			$ 1.50
DINGHY FLOAT SERVICE FEES:			
Resident (Including Locker Space, Parking and Use of Ramp			$50.00*
Non-resident (Including Locker Space, Parking and Use of Ramp			$100.00

*Resident Charge $50. Optional basis $40. dinghy float
$10. locker

Section 6. The foregoing charges are subject to change by the Park Commission and approval thereof by the Board of Trustees.

CHAPTER 11.
BUILDING AND STRUCTURAL APPURTENANCES

Unsafe Buildings ..... Sec. 1
Signs ..... Sec. 2
Numbering of Buildings ..... Sec. 3
Roof Structures — Antennae ..... Sec. 4

CHAPTER 11.
BUILDING AND STRUCTURAL APPURTENANCES

Section 1. Unsafe Buildings

Sub. 1. No person, firm, corporation or association, who or which is the owner of a building in the Village of Mamaroneck, shall cause, suffer, allow or permit the said building to become dangerous or unsafe to the public. In the event that any building now is or hereafter becomes dangerous or unsafe to the public, from any cause whatsoever, the said owner or occupant shall repair or remove the said building. In the event of the failure of the owner of any such building to repair or remove the same, the Building Inspector of the Village of Mamaroneck shall make a complete inspection and report of the condition of the said building to the Board of Trustees of said Village. Notice shall thereafter be served on the owner or some one of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the said building. The said notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the said building or structure to be made safe and secure or removed. The said notice shall also provide for the time within which the person served with the said notice shall commence and complete the securing or removal of the building or structure. In the event of the neglect or refusal of the person so served with the said notice to comply with same, a survey of the premises shall be made by an inspector and architect to be named by the Board of Trustees of said Village, and a practical builder, engineer or architect appointed by the person notified as above, and in the event of the refusal or neglect of the person so notified to appoint such surveyor, the two surveyors named shall make the survey and report. The notice shall further provide that in the event the building or other structure shall be reported dangerous or unsafe under such survey, an application will be made at a Special Term of the Supreme Court, Westchester County, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

Sub. 2. A signed copy of the report of surveys shall be posted on the building and the surveyors appointed by the Board of Trustees shall be compensated by the Village.

Sub. 3. All costs and expenses incurred by the Village in connection with any and all of the above proceedings to remove or secure, including the cost of actually removing the said building or structure or securing the same, shall be assessed against the land on which the building or structure is located.

Sub. 4. If such owner or person served by mail as hereinabove provided shall fail to pay the costs and expenses incurred by the Village within ten days after being notified of the costs thereof by registered mail, the Village Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expense with a statement as to the property upon which such cost and expense were incurred, the buildings or other obstructions removed, as the case may be, with the Assessor of the Village, who shall in the preparation of the next assessment roll of general village taxes,

assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general village tax and as a part thereof.

Sub. 5. Emergency Provisions. In cases of great emergency, where the delay of proceedings, as hereinbefore provided, would result in probable loss of life or property, the Mayor or Manager shall have the power to direct the Building Inspector to proceed at once to take such action as is needed to guard the safety of persons and property.

Section 2. Erection and Maintenance of Outdoor Advertising Display, Signs and Awnings

(1) *Definitions.*

(a) The term "sign" or "signs" as used in this Ordinance means any material or structure, or part thereof, composed of lettered or pictorial matter or upon which lettered or pictorial matter is used outside of or on the exterior of any building for display of an advertisement, announcement, notice, directional matter or name, and includes signs, billboards, sign boards, illuminated signs or ground signs, but does not include signs erected and maintained pursuant to and in discharge of any governmental function.

(b) The term "front" or "face" of a building as used in this Ordinance, means the general outer surface of the building abutting or fronting upon any street or public highway.

(c) The term "projecting sign" as used in this Ordinance means any sign which is erected or maintained over any street, sidewalk, alley or highway within the Village of Mamaroneck.

(d) The term "person" as used in this Ordinance means and includes one or more persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

(e) The term "building inspector" or "inspector of buildings" as used in this Ordinance means the inspector of buildings of the Village of Mamaroneck, or other officer duly authorized to perform his duties.

(f) The term "roof sign" as used in this Ordinance means a sign erected upon or above the roof of a building but shall not include a pylon or other structure which protrudes above the roof and is an integral part of the building upon which the same is attached.

(g) The term "standing sign" as used in this Ordinance means a sign not attached to a building.

(2) *Permit Required.*

After the effective date of this Ordinance, and except as otherwise herein provided, it shall be unlawful and a violation of this Ordinance for any person to erect, construct, paint, alter, relocate, reconstruct, display or maintain, or cause to be erected, constructed, displayed or maintained within the Village of Mamaroneck any sign or signs without first having obtained a written permit from the building inspector for such sign or signs, and without having complied with the provisions of this Ordinance.

(3) *Application for Permit.*

Any person desiring to procure a permit for a sign or signs shall file with the inspector of buildings of the Village of Mamaroneck, a written application which shall contain:

(a) A drawing showing the lettering and pictorial matter composing the sign, a description of the construction details of the sign structure and the intensity and type of lighting to be provided; a location plan showing the position

of the sign on the building premises; and such other information as the inspector of buildings may require to show compliance with the provisions of this ordinance.

(b) A written statement showing the name of the owner, or of the person in control of the building or premises where such sign is to be located, and the right or authority of the applicant to obtain a permit.

(c) Application for an awning permit shall show the location, size and structure of the awning.

(4) *Fees.*

Except as otherwise provided herein no sign permit shall be issued by the building inspector until the applicable fee listed below is paid to the Village Treasurer, to wit:

A fee of Five ($5.00) Dollars for erecting, placing, or painting a new sign.

A fee of Three ($3.00) Dollars for altering, relocating, reconstructing or enlarging an existing sign.

An annual fee at the rate of Five (5 cents) Cents per square foot of the area thereof for a marquee.

A fee of One ($1.00) Dollar for temporary signs, temporary banners, real estate signs, and awnings.

A fee to consist of publication costs plus a minimum mailing cost of One ($1.00) Dollar for a public hearing on an application for a variance.

(5) *Revocation of Permit.*

The building inspector may at any time for a violation of this Ordinance revoke any sign permit. Notice of such revocation and the reason or reasons therefor in writing shall be served by the building inspector upon the person named in the application by mailing the same to the address given in the application, and upon the last known owner of the premises on which the sign is placed by mailing the same to his name and address as shown on the Assessment Roll of the village, and by filing a copy of said notice immediately in the office of the Village Clerk.

(6) *Unsafe and Unlawful Signs.*

Whenever it shall appear to the building inspector that any sign has been constructed or erected or is being maintained in violation of any of the terms of this Ordinance, or is unsafe and insecure, or is in such condition as to be a menace to the safety of the public, he shall thereupon issue or cause to be issued a notice in writing to the owner, if the whereabouts of such owner is known, informing such person of the violation of this Ordinance or the dangerous condition of such sign and directing him to make such alteration or repair thereto, or to do such things or acts as are necessary or advisable to place such structure in a safe, substantial and secure condition, and to make the same comply with the requirements of this Ordinance within such reasonable time as shall be stated in such notice. Upon failure to comply with such notice within the time specified the building inspector may cause such sign or such part thereof as is constructed or maintained in violation of this Ordinance to be removed, and may charge the expense of such removal to the person so notified, provided however, that nothing herein contained shall prevent the building inspector from adopting such precautionary measures as may be necessary or advisable in case of imminent danger to the public or to adjoining property to place such sign in a safe condition, the expense of which shall be paid by the owner.

Every person maintaining a sign shall upon vacating the premises where the sign is maintained forthwith remove such sign.

(7) *Regulation of Signs in Residential Districts.*

In Residential Districts as established by the Zoning Ordinance no signs shall be erected or maintained except the following, and no fee shall be required for such signs:

(a) Signs customarily incident to churches and places of worship, libraries or public museums, municipal buildings and structures, parks and playgrounds of the Village of Mamaroneck, and directional signs of a governmental agency.

(b) Professional name plates provided, however, that such professional name plates shall not exceed One (1) square foot in area.

(c) Signs not exceeding One (1) square foot in area used solely for showing the name and address of the occupant of the premises.

(d) Signs not exceeding six (6) square feet in total area attached to or free standing in front of an apartment house stating the name of the apartment house, and the apartments presently available for lease, and name of owner or agent.

(8) *Regulation of Signs in Business Districts.*

In Business Districts as established by the Zoning Ordinance no sign shall be erected or maintained unless and until it complies with the following provisions, except that any sign permitted in Residential Districts shall be permitted in Business Districts.

In addition, except as hereinafter required, one sign on side or rear of building not exceeding eight (8) square feet in area shall be permitted where such side or rear of building abuts an off-street parking area. Where required, in the opinion of the Building Inspector, a directional sign not to exceed two (2) square feet shall be permitted.

(a) Such sign shall advertise only the business conducted on premises, and may be placed only upon the front or face of a building as defined in this ordinance and not elsewhere, and must be constructed and maintained flat or parallel with the building wall to which it is attached and shall not extend more than eighten (18) inches from such exterior building wall.

(b) The maximum vertical dimension or height of such sign shall be thirty-six (36) inches, except that the maximum lettering or pictorial matter shall not exceed twenty-four (24) inches and the maximum horizontal dimension or length of such sign shall not exceed the length of the street frontage of the business establishment upon which such sign is erected or maintained but no sign shall exceed fifty (50) feet in length on any street frontage for the same business. The lower edge of such sign shall not be located above the level of the floor of the second story of the building upon which the sign is placed or maintained, and no such sign shall extend beyond the top or ends of the building surface upon which it is placed. More than one sign for each business establishment is permitted provided the combined signs do not exceed the maximum limitations for a single sign as herein prescribed.

No roof sign shall be permitted on any building in Business Districts.

No standing sign shall be permitted in Business Districts, except such a sign not exceeding sixteen (16) square feet in area shall be permitted where the front of the building is set back fifteen (15) feet or more from the property line.

At the entrance of buildings with business establishments above the first floor, name plates of uniform design and appearance at each such building and not more than eighteen (18) inches in length and nine (9) inches in height may be mounted at the sides of such entrance provided they are placed flat against the exterior wall.

(c) Signs may bear either the name of the proprietor of the business conducted, the nature of the business, the goods sold or the services rendered on the premises or any or all of them.

(9) *Regulations for Projecting Signs*:

No projecting sign, or part thereof shall be erected or maintained over any street, sidewalk, alley or highway in the Village except the following:

(a) Signs which do not extend or project more than eighteen (18) inches over a street, sidewalk, alley or highway in the Village, and which otherwise comply with this Ordinance.

(b) Theatre marquees erected and maintained in compliance with the Building Code of the Village.

(c) Hoods or shields for lighting by reflection signs attached to buildings or structures provided such hoods or shields do not extend more than eighteen (18) inches beyond the face of the building or sign; and reflection lights on projecting arms for lighting such signs providing such projecting arms do not extend more than two (2) feet beyond the face of the building or sign.

(10) *Regulation of Signs in Industrial Districts.*

Any sign permitted in Residence and Business Districts shall be permitted in Industrial Districts.

In addition signs or billboards not attached to any building may be erected in Industrial Districts provided the same shall not exceed (12) feet in height; have a square foot area not exceeding three hundred (300) square feet; and said signs shall be subject to the lighting restrictions contained in Subdivision 11 following:

No roof signs shall be permitted in Industrial Districts except such signs not exceeding six (6) feet in height nor three hundred (300) square feet in area and advertising the business conducted on the premises.

(11) *Illumination of Signs—All Zoning Districts.*

(a) No exterior signs on any building or premises shall be illuminated after 12:00 Midnight, excepting on those places of business which shall remain open after 12:00 Midnight, and they shall be extinquished at the time of closing of such business.

(b) Illuminated signs shall employ only lights emitting an essentially white light, except that neon signs existing as of the effective date of this ordinance shall be permitted for the duration of their useful life and shall not be replaced. No intermittent flashing, or revolving illumination shall be employed nor shall any sources of illumination be exposed, except as herein provided.

(c) No illuminated sign employing any red, green or amber light source shall be so located as to be in the direct line of vision to and beyond a traffic light from any point in the street served by such traffic light.

(d) Signs having illuminated surfaces shall have a maximum nighttime illumination level of fifty (50) foot candles.

(e) Signs having luminous lettering or backgrounds shall have a maximum nighttime brightness of two hundred (200) foot lamberts.

(f) No lighting devices for the illumination of buildings and grounds including interior illumination shall employ exposed light sources. They shall be so designed and located that the light directed therefrom shall not extend beyond the lot line of the particular property, and in no case shall the light source or the beams therefrom be directed into adjoining residential properties or into public streets.

(g) Except as specifically permitted in this Ordinance in connection with lawful signs, neon lighting or other illumination on or about the exterior of a building for the purpose of attracting the public is prohibited.

(12) *General Safety Provisions.*

(a) No signs shall be erected in such a manner as to obstruct free egress from any window, door or fire escape or so placed as to become a menace to life, health or property.

(b) All signs affixed to any wall or building shall be securely fastened thereto.

(c) All wiring, fittings, materials and electrical or other installation of illuminated or lighted signs shall be subject to inspection by and approval of the building inspector.

(13) *Temporary Signs, Bills, Banners and Awnings.*

(a) No bills or notices shall be posted within the Village except on bulletin boards or signboards maintained by the Village or other governmental authority for that purpose.

(b) No banner shall be displayed over any street, sidewalk or highway except temporary banners for a period not to exceed thirty (30) days and for which a permit issued by the building inspector has been obtained. A public liability bond or policy in the sum of at least Twenty-five Thousand ($25,000.00) Dollars shall be furnished for each banner which extends across or over a street, sidewalk or highway. Such banner must be securely fastened to buildings or structures.

(c) Signs or banners erected or maintained for a limited period of time for public or charitable purposes may be permitted by the building inspector, and any fee for the same may be waived. However, a public liability bond or policy in the sum of at least Twenty-five Thousand ($25,000.00) Dollars will be required.

(d) No signs having moving parts shall be employed.

(e) No exterior banners, pennants, cloths, valances or other temporary advertising displays or signs shall be permitted, excepting however that upon application duly made the Village Engineer may issue a temporary building sign for use by a building contractor during construction, such sign shall be of the size and type prescribed by the Village Engineer and subject to all the conditions applicable to temporary signs set forth in Subdivision (13).

(14) *Exceptions.*

(a) One Real Estate sign is allowed for each improved parcel of land showing the property is for sale or rent, provided such sign shall be attached to the principal building and not exceed twenty-four (24) inches x twenty-four (24) inches in size on unimproved land one real estate sign not over twenty-four (24) inches x twenty-four inches in size is allowed with the location subject to approval of the building inspector.

(b) Lettering advertising the name of owner of business may be placed upon the valance of an awning which shall be not more than eight (8) inches in depth. The bottom of valances shall be not less than seven (7) feet above the sidewalk.

(15) *Variances.*

Except with regard to billboards and roof signs in the case of new signs, and except with regard to billboards in the case of the existing signs, the Board of Trustees may, in appropriate cases and after public notice and hearing, and subject to appropriate conditions and safeguards, vary or modify the applica-

tion of the sign regulations prescribed in this Ordinance in harmony with the general purpose and intent as follows:

Notice of such public hearing shall be duly published in the official newspaper, and notice thereof mailed to owners of land immediately adjacent extending one hundred (100) feet on both sides from the street frontage and to owners of land directly opposite thereto, and to owners of land extending one hundred (100) feet on both sides from the street frontage on such opposite land. Applicant for such a variance shall pay the cost of advertising and $1.00 minimum mailing charge.

(a) Permit signs to be erected or maintained which do not comply with the regulations herein prescribed for Residence, Business and Industrial Districts, or projecting signs or temporary signs provided the Board of Trustees determines that the applicant is entitled to some relief, and that such relief will not be detrimental to the District in which the sign is located.

(b) Permit standing signs to be erected and maintained upon vacant property or open unoccupied areas between the front or face of the principal building of a lot and the public street or highway, provided, however, that such signs so permitted shall not exceed the equivalent of sign space allowed under the regulations prescribed for the district within which the sign is located.

(c) Any variance granted for a sign other than an existing roof sign shall be limited to a period not to exceed two (2) years from the date granted with the right to appeal to the Board of Trustees for renewal. Any variance granted for an existing roof sign shall be limited to a period not to exceed eight (8) years from the effective date of this Ordinance for signs having cost more than $1,500.00 to construct and erect, and not to exceed five (5) years for signs having cost less than $1,500.00, and no application for renewal shall be entertained.

The foregoing variance powers shall not be deemed to limit the general variance powers of the Board of Trustees allowed or provided for in the Village Law, and shall be deemed in addition thereto.

(16) *Violations and Penalties.*

Any neglect, failure or refusal to comply with any provisions of this Ordinance shall be deemed a violation thereof, and any person who shall so violate any provision of this Ordinance, shall upon conviction thereof be punished by a fine of not more than Fifty ($50.00) Dollars for each offense. Each and every day such violation shall continue will constitute a separate offense.

(17) *Validity.*

The invalidity of any part, clause, section or provision of this Ordinance shall not invalidate any other part, clause, section or provision thereof.

(18) *Application of Ordinance.*

This Ordinance shall take effect immediately upon due publication and posting according to law, and shall be construed as an exercise of the powers of the Village of Mamaroneck to regulate, control or prohibit outdoor advertising display, signs and awnings.

Non-conforming signs existing at the time of the adoption of this Ordinance shall be removed or changed to conform to the provisions of this Ordinance as follows:

In all Residence Districts as established in the Zoning Ordinance of the Village of Mamaroneck by March 1st, 1963.

In all Business and Industrial Districts as established in the Zoning Ordinance of the Village of Mamaroneck by March 1st, 1964.

Section 3. Numbering of Buildings

All dwelling houses or other buildings erected or fronting on any street, lane, alley or other public space within the Village of Mamaroneck shall be numbered in accordance with the plan hereinafter provided.

Sub. 1. The numbering on all dwelling houses or other buildings as aforesaid shall be in accordance with the plan prepared by the Engineering Department and on file in such office, and the books containing said plan shall be public records, and shall be open for inspection at all times and shall be accessible to all persons.

Sub. 2. It shall be the duty of the owner or agent of any dwelling house or other building to affix or inscribe the proper number or numbers as designated in the plan referred to in Subdivision 1 of this ordinance in plain and legible figures at least two inches in length in a conspicuous place in front of said building or premises.

Section 4. Roof Structures — Antennae

Antenna structures for radio or television reception not exceeding sixteen feet in height may be erected and maintained without a building permit upon a roof of a building, provided such antenna structure is set back from any side of such building, which side is within sixteen feet of any lot line of the lot on which said building is situated a distance not less than the height of such antenna structure. The construction of any such antenna structure which does not strictly comply with the foregoing requirements without a building permit is prohibited. The application for a building permit for an antenna structure shall be accompanied by detailed drawings of the proposed structure and in such form and giving such additional information as shall be required by the Building Inspector. All antennae and masts shall be of substantial incombustible material and construction, shall be supported in a rigid manner, and shall be grounded in an approved manner. The antenna structure may be designed with a special heavy base of dimensions to make the mast self-supporting, and all antenna structures ten feet or over in height with the exception of the self-supporting type shall be securely guyed.

CHAPTER 12

SANITARY AND PLUMBING CODE

Section 1. Rules and Regulations for Plumbing and Draining

The Board of Trustees of the Village of Mamaroneck in the County of Westchester, State of New York, hereby makes the following regulations deemed by it necessary and proper for the preservation of life and health in the Village of Mamaroneck.

Any person desiring to engage in the business of plumbing may do so after filing his certificate of competency or license.

Sub. 1. Every person before doing plumbing or drainage work in connection with any plumbing system in the Village of Mamaroneck shall report to the Examining Board appointed by the Trustees of the Village of Mamaroneck and after passing a satisfactory examination shall file a bond of not less than Five Hundred ($500.00) Dollars for the faithful compliance with the rules, regulations and conditions prescribed by the Village of Mamaroneck, and receive his license and such person is hereinafter referred to as MASTER PLUMBER. A plumbing system includes the water supply distributing pipes, the fixtures and fixture traps, the soil, waste and vent pipes, the house drain and house sewer and the gas distributing pipes together with their devices, appurtenances, and connections within the structure and adjacent premises.

Sub. 2. A fee of Five ($5.00) Dollars shall accompany each application for a certificate of competency. Each person failing to pass the examination shall file another application before receiving another examination.

Sub. 3. A fee of Twenty ($20.00) Dollars shall be paid by each successful applicant prior to the issuance of a certificate of competency and of registration.

Sub. 4. In the case of an application for a Village of Mamaroneck Master Plumber's license where said applicant holds a license issued by another municipality to install plumbing work, where said license has not lapsed or been revoked, the Village Clerk, upon receipt of a certified copy of said license issued by said other community, and upon receipt of the registration fee herein stipulated, and also provided that said other municipality recognizes in a reciprocal and similar manner Master Plumbers' licenses issued by the Village of Mamaroneck, shall issue to such applicant a license, duly signed by the Village Manager and Village Clerk to do plumbing work, subject to the requirements of this ordinance within the limits of the Village of Mamaroneck. The fee for registering as a Master Plumber under this subdivision shall be the same as required by the municipality in which said applicant is licensed.

Sub. 5. Said certificate of registration shall expire on the 31st day of December of the year in which it had been issued, and shall be renewed within thirty days preceding such expiration, by application to the Village Clerk and the payment of a fee of One ($1.00) Dollar. A Master Plumber who permits his registration to lapse for one year may apply and receive a certificate of registration upon the payment of a fee of Twenty ($20.00) Dollars. Any person retiring, abandoning or not actually engaged in such trade, business or calling hereinbefore mentioned, shall surrender to the Village Clerk the certificate of registration. A lapse of registration for one year shall be considered an abandonment of the business. Every registered Master Plumber shall give immediate notice of any change of location of his place of business to the Village Clerk.

Sub. 6. *Misuse of Licenses.* Every registered plumber shall give immediate notice of any change in his place of business, and upon his retirement from business, shall surrender his certificate of registration to the Village Clerk. The Plumbing Inspector shall investigate the registration and license of every

plumber, and shall promptly report to the Examining Board of Plumbers any violation of the provisions of law relating to the loaning, renting, selling or transferring of license, and the Plumbing Inspector shall immediately apply to the Examining Board of Plumbers for the forfeiture of the license and certificate of qualification of any plumber who shall have loaned, rented, sold or transferred such license in violation of law, and the Plumbing Inspector shall summon and have prosecuted such offender for a misdemeanor as provided by law.

Section 2. New plumbing and drainage for all buildings in the Village shall be executed in accordance with these Rules and Regulations and approved by the Plumbing Inspector.

Section 3. There shall be a Practical Plumbing Inspector employed by the Village with duties as hereinafter provided.

Sub. 1. Such Plumbing Inspector shall have at least five years experience as a journeyman plumber in order to be qualified for appointment.

Section 4. All materials used in the work of Plumbing and Drainage must be of good quality and free from defects, the work must be executed in a thorough and workmanlike manner.

Section 5. The plumbing of every building except in the case of a building located in the rear of another building and on the same lot shall be separately and independently connected with the public sewer, or if no sewer is accessible, connected with a water tight cesspool or septic tank.

Section 6. A trap must be placed on the house drain at an accessible point at or near where it leaves the building; this trap shall have two (2) cleanouts which shall be closed by brass trap screw ferrule.

Section 7. Sub. 1. There must be an inlet for fresh air of not less than four inches in diameter entering the drain just inside the trap and leading to the open air at a convenient point away from any window; said inlet to extend above the grade and to be provided with a suitable cap.

Cold air boxes for furnaces shall not be placed so that they can by any possibility draw air from the said inlet pipes.

Sub. 2. All stacks shall be at least 4 inches in diameter except that where structural conditions exist which makes it impracticable to use a 4 inch stack, the inspector may permit a 3 inch stack for the purpose of accommodating one complete bathroom.

Section 8. The house drain pipe must be laid in a straight line if possible. All changes in direction must be made with Y bend or one-eighth bends. The use of double hubs will not be allowed.

Sub. 1. All stacks must have a cleanout at the base, the opening of which must be above the finish floor.

Section 9. All drain, soil, waste, ventilating and supply pipes shall be as direct and concentrated as possible, protected from frost.

Section 10. All cast iron pipes must be sound, free from defects and of the grade known in the trade as extra heavy, except in alterations where the same grade of pipe may be used as now in old houses.

All fittings used in connection with extra heavy cast iron pipes must correspond with them in weight and quality.

Section 11. No brick, sheet metal, earthware flue or chimney flue shall be used as a sewer ventilator, or to ventilate any trap, drain, soil or waste pipe.

Section 12. Every soil and waste pipe must be either of cast iron or wrought galv. iron or steel and must extend full size above the roof, shall be securely

fastened, and each line of soil pipe shall rest on a proper support at its foot. All joints in cast iron drain or waste pipes must be so filled with oakum and lead and caulked as to make them gas tight, and the amount of lead used shall not be less than twelve (12) ounces to each inch diameter of the pipe so connected.

Section 13. A vertical waste pipe into which a line of kitchen sinks discharges must be at least two inches in diameter with not less than one and one half (1½) inches branches.

Section 14. No waste pipe from a refrigerator or any receptacle in which provisions are stored shall be directly connected with any drain, soil or waste pipe. Such waste pipe shall be so arranged as to admit of frequent flushing. It shall be as short as possible and when impracticable to run to an open fixture, it may discharge outside the house within sight.

Section 15. The overflow from tanks shall discharge into an open fixture, or into a roof gutter, with branches not less than one and one half (1½) inches in diameter.

No vent pipe shall be used as a waste or soil pipe.

Section 16. All soil and waste pipes shall be carried undiminished in size to a height of at least one foot above the roof, except in the case of roofs of apartment houses, or roofs used for drying purposes, in which case they shall extend seven (7) feet above the roof and be suitably braced. Pipes on extension roofs, when within ten (10) feet of any window, shall be carried up and continued above the main roof. There shall be no caps, cowls, ventilators or return bends put on the ends of the pipes, above the roof, and the mouths of all such pipes on the roof shall be kept wide open. Iron, brass or copper wire baskets will be permitted in the mouths of such pipes to keep out obstructions. Vent pipes may be carried above the roofs in the same manner as soil and waste pipes, or they may be connected with a soil or waste pipe above the highest floor.

Section 17. Sub. 1. Every trap must have a vent pipe of cast iron, galv. wrought steel or iron or lead. These vent pipes must be carried above the roof, or connected to soil or waste pipe above the highest fixture and main vent pipe must be connected to the soil or waste pipe below the lowest vent connection to avoid collecting water by condensation, branches from vent pipes to traps shall be connected above the fixture at which they are placed and shall be full size of trap up to 1½ and 1½ for a 2 inch trap.

Sub. 2. A non-syphon trap may be used for isolated basins, sinks or wash trays where the running of the vent pipe is impracticable.

Section 18. Water closets shall not be placed in unventilated rooms, compartments or sleeping rooms, and in every case the room or compartment in which a water closet is placed must be open to the outer air, or be ventilated by means of an air duct or shaft not less than one (1) sq. foot in area, for each water closet.

Section 19. Every fixture must be effectively trapped and ventilated. Traps must be placed as near the fixtures as practicable. When water closets are within 24 inches of the main stack no separate vent shall be required.

Section 20. When water closets are supplied from tanks, the pipe to water closet shall in no case be less than one and one quarter (1¼) inches in diameter.

Section 21. All waste or overflow pipes shall be of lead, brass, cast iron, galv. steel wrought or galv. iron pipe of standard pipe sizes.

Section 22. All additions, alterations or repairs to the waste, soil or vent pipes of any building in the Village shall be done in accordance with the provisions of these regulations.

Section 23. Rain water leaders shall not be used as soil, waste or vent pipes, nor shall any soil, waste or vent pipe be used as a leader. No leader drain or surface water shall be run into any public sewer.

Section 24. When within the house the leader must be of cast iron with leaded joints, or galv. iron or steel with screw joints and when placed under the ground must be of cast iron or wrought iron. The joints between a cast iron leader and the roof must be made tight by means of a brass ferrule and lead or copper pipe properly connected. Sheet metal or slip joints shall not be allowed inside of any building.

Section 25. *Water closets.* Where no tile floor exists, all water closets must set on a floor slab of non-absorbent material at least 10x20" properly laid.

Section 26. All earthenware traps must have heavy brass floor plates soldered to the lead bends and bolted to the trap flange and the joints made gas tight with red or white lead putty.

The use of rubber washer for floor connections is prohibited.

Section 27. When old houses are connected with the sewer the main drain must have a trap and fresh air inlet.

Sub. 1. All house sewers must be of extra heavy cast iron, not smaller than four inches (4") in diameter.

Sub. 2. No steam exhaust, boiler blowoff, drip-pipe or public garage drain shall be connected with the house drain or sewer. Such pipes must first discharge into a proper condensing tank from which a proper outlet to the house sewer outside the building must be provided. In low pressure steam systems the condensing tank may be omitted, except for the purpose of waste connection.

Section 28. There shall be the following inspections by the Inspector of Plumbing of work done pursuant to plans and specifications approved as hereinafter provided:

1. The first inspection shall be made when all the lines of soil, waste and vent pipes with all their respective branches are in place and before any work has been covered or concealed. At this inspection the work shall be tested by the water test in the presence of the Inspector of Plumbing. Any joint appearing at this inspection to be defective must be made tight and any defective pipe then discovered must be replaced by sound pipe.

2. An inspection shall be made when the work is completed by smoke.

3. In case the Inspector of Plumbing at first inspection or at any time thereafter, prior to the issuance of certificate by Inspector hereinafter provided, shall deliver to the plumber in charge of the work a written statement of any particular or particulars in which the work violates any provision or provisions of this code, there shall be such inspections in addition to those hereinabove provided as shall be necessary for the Inspector of Plumbing to find out whether the violation has been cured, provided, however, that such inspection shall, if possible, be a part of the inspection specified in Subdivision 2 hereof.

Section 29. The Plumber shall give to the Inspector of Plumbing prompt notice in writing whenever the work is ready for any of the inspections herein provided. The Inspector of Plumbing shall make inspections within two (2) days after receiving such notice.

Section 30. The fee for the inspection of Plumbing shall be payable to the Village at the rate of 50¢ per fixture with a maximum of $25.00.

Section 31. If the Inspector of Plumbing finds that the work conforms to this CODE, he shall give to the Plumber a certificate to that effect.

Section 32. No Plumbing work shall be used until after the certificate hereinabove provided for has been given.

CHAPTER 13

OIL BURNER AND FUEL OIL ORDINANCE

Section 1. Fuel Oil Defined

For the purpose of this ordinance "Fuel Oil" shall mean any liquid used as fuel and having a Flash Point not less than 110 degrees Fahrenheit. The Pensky-Martens closed cup tester shall be authoritative. The test shall be made in accordance with the methods of test adopted by the American Society of Testing Materials.

Section 2. Oil Burners Defined

For the purpose of this ordinance "Oil Burners" shall mean any device designed and arranged for the purpose of burning or preparing to burn "Fuel Oils," as specified in Section 1 of this Ordinance, and having a tank or container with a capacity for more than 20 gallons connected thereto.

Section 3. Oil Burner Equipment Defined

For the purpose of this ordinance "Oil Burning Equipment" shall consist of "Oil Burners" and all equipment connected thereto, including internal and external supply or storage tanks, piping, wiring and all other accessories.

Section 4. Inspector of Oil Burning Equipment

The Plumbing Inspector shall be charged with the duty of enforcing the provisions of this code, and shall be referred to in this ordinance as "Inspector".

Section 5. Permit to Install Oil Burning Equipment

1. Any person, firm, corporation, or their agents having a "certificate of approval" as provided in Section 6, may install "Oil Burning Equipment" in accordance with the provisions made in this Ordinance.

2. An application shall be filed with the Village Clerk previous to the installation of fuel oil storage tanks, their auxiliaries, piping, burner, heater and pumps giving the following information:

Name and address of applicant.
Location where oil burning equipment is to be installed.
Section Block Lot
Location of storage tanks.
Maximum quantity of fuel oil to be stored.
Dimensions of storage tank.
Gauge of metal in tanks.
Name of burner.
Whether or not a Certificate of Approval has been issued for this burner by the Inspector.

If, in the opinion of the Inspector, it is deemed necessary to furnish a detailed plan, the same shall be drawn to a scale of ¼ in. to the foot, showing clearly thereon the following:

A. Location of building where burner is to be located.
B. Nature of construction, dimensions of buildings, and purpose for which occupied.
C. Size and layout of all piping connected with the installation.

3. A carbon copy of each and every application and permit shall be mailed to the Chief of the Fire Department by the Inspector immediately upon the issuance of same.

4. Inspection fee of One Dollar ($1.00) shall be paid with each and every application to the Treasurer of the Village of Mamaroneck, New York.

Section 6. Approval of Oil Burners

a. It shall be unlawful for any person, firm or corporation or their agents governed by this ordinance to install any "Oil Burner" unless they shall have been issued a Certificate of Approval, application for which must be filed with the Village Clerk at least fifteen (15) days before the first installation is made.

APPLICATION FOR CERTIFICATE OF APPROVAL

Request is hereby made that a Certificate of Approval is issued to the undersigned applicant for the "Oil Burner" described below:

1. Name of Burner .....
2. Name of Manufacturer .....
3. Address of Manufacturer .....
4. Grade of Fuel Oil Recommended for Burner (Commercial Standard Grade Number) .....
5. Length of time Burner has been on Market .....
6. List of approvals by States, Cities or recognized laboratories:
   Name ..... Date .....
   Name ..... Date .....
   Name ..... Date .....
7. Attach blue print of assembly drawing showing construction of device, indicating moving parts, oil passages and air passages.

In consideration of being issued a Certificate of Approval, the undersigned swears that he will to the best of his ability install or have installed in accordance with the provisions made in this ordinance all oil burning equipment sold or otherwise disposed of and further agrees and does hereby waive all rights to a Certificate of Approval which may on thirty (30) days notice in writing by the Inspector be revoked for wilfull violation of the provisions of this ordinance over which he has direct control.

Signature of Applicant .....

(SEAL)

Filed at the Village of Mamaroneck, New York,
this ..... day of ..... 19.....

Application received by — Village Clerk.
Application approved by — Inspector.

At Mamaroneck, New York,
this ..... day of ..... 19.....

b. The Inspector shall within ten days of the filing of the above application issue a Certificate of Approval or Disapproval according to the provisions of this Ordinance.

c. The Inspector shall approve an Oil Burner listed by the Underwriters' Laboratories or any other nationally recognized Inspection Board or Laboratory. Oil Burners not listed by the Underwriters' Laboratories or any other nationally recognized inspection board or laboratory shall not be approved until the applicant submit a report from a recognized laboratory satisfactory to the Inspector.

d. With a Certificate of Disapproval the Inspector shall issue to the applicant and the manufacturer of the device a clear and concise statement as to the reason or reasons for disapproval.

e. New application made after the issuance of a Certificate of Disapproval shall not be made until fifteen (15) days from date of issue of said Certificate.

f. New application shall be accompanied by a clear and concise statement giving reasons for reconsideration based on information received with Certificate of Disapproval.

g. The Inspector shall act on new applications for reconsideration as specified in paragraphs (b), (c) and (d).

h. Before any certificate of approval may be revoked the holder of such Certificate shall be given a hearing before the Inspector within at least ten (10) days after notice has been mailed. The action of the Inspector shall be subject to review by the Board of Trustees.

i. A carbon copy of each and every certificate of approval shall be forwarded by the Inspector to the Chief of the Fire Department immediately upon the signing of said certificate by the Inspector.

j. A filing fee of Five ($5.00) Dollars shall be paid with each and every application.

Section 7. Installation of Storage Tanks for Oil Fuel, Material and Construction of Tanks

1. Storage tanks connected to oil burners shall be constructed of galvanized steel, open hearth steel or wrought iron of a minimum gauge (U. S. Standard) or thickness approved by Board of Fire Underwriters.

2. For tanks of 1,100 gallons and more, a tolerance of ten per cent in capacity may be allowed.

3. All joints shall be riveted and caulked, brazed, welded, or made tight by some equally satisfactory process. Tanks shall be tight and sufficiently strong to bear without injury the most severe strains to which they may be subjected in practice. Shells of tanks shall be properly reinforced where connections are made. All connections shall be made through the top of the tank above the liquid level, except in tanks having a capacity of 275 gallons and less where one connection, not larger than one inch iron pipe size, may be made in the bottom of the tank. Unenclosed inside storage or gravity tanks of 275 gallons capacity and less may be provided with an additional one-inch opening in the bottom of the tank for an approved key stem gate valve to aid in cleaning the tanks.

4. Underground tanks shall be thoroughly coated on the outside with tar, asphaltum or other suitable rust resisting material dependent upon the condition of the soil in which they are placed.

5. Inside and above ground tanks and auxiliary tanks shall be coated with a good quality rust resisting paint.

Section 8. Location of Tanks

1. Inside storage, gravity and auxiliary pressure tanks not enclosed in masonry or concrete, shall be mounted on substantial incombustible supports, and be adequately secured to avoid strains on piping, and shall not be located within five feet, measured horizontally from any fire or source of flames.

2. The aggregate capacity of exposed storage tanks installed in a cellar or basement and used in connection with one complete system shall not exceed 275 gallons.

3. Storage tanks of over 275 gallons capacity, when located above the floor level, shall be placed in an individual enclosure of inside dimensions six inches greater on all sides than the outside dimensions of the tank. The walls of the enclosure shall be constructed of cement-plaster on metal lath and steel studding not less than two inches in thickness or of four inches of brick or tile masonry. The walls shall be bonded to floor and carried up to a height not less than one

foot above the tank and the space between the tank and the wall and the top of the enclosure shall be completely filled with sand or well-tamped earth.

4. Storage tanks having a capacity greater than 275 gallons may be placed in the cellar or basement of any building below the level of the floor provided that they are so placed that the top of the tank is not less than twelve inches below the level of the floor.

5. Tanks located outside of the building underground shall be so placed that the top of the tank is not less than two feet below the surface of the ground, except that in lieu of the two feet cover, tank may be buried under twelve inches of earth and a cover provided of reinforced concrete at least three inches in thickness which shall extend at least twelve inches beyond all sides of the tank.

6. Where tanks are located so that the top of the tank is above the level of the suction inlet of the pump supplying oil to the burner or burner assembly, a siphon-breaking device consisting of an anti-siphon valve, a vacuum tank, Underwriters' Vacuum siphon breaker, siphon breaking pump set of equivalent devices to prevent siphoning shall be installed.

7. Tanks of 275 gallons capacity and less may be used to supply oil to the burner by gravity, provided that there is a suitable automatic safeguard to prevent abnormal discharge of oil at the burner. When more than one storage tank is installed, such tanks shall be connected with the main feed pipe line leading to the burner, through a manually operated three-way valve, so that not more than one tank can in any way discharge its contents at one time.

8. Tanks of sixty (60) gallons capacity and less may be used under pressure provided they shall be designed for six times the maximum working pressure. Working pressure shall not exceed fifty (50) pounds per square inch. Pressure tanks shall be equipped with a reliable pressure gauge and an automatic relief valve piped to discharge by gravity to the storage tank.

Section 9. Venting of Tanks

1. All storage tanks shall have an open or automatically operated "vent pipe" of ample size to prevent abnormal pressures in cases of fire or when filling. In no case shall this be less than one and one-quarter inch iron pipe size.

2. The lower end of the vent pipe shall extend through the top of the tank for a distance of not more than one inch.

3. The vent pipe shall extend from the tank to the outside air, terminating at a point outside of the building one foot above the level of the highest reservoir from which the tank may be filled and not less than two feet, measured vertically or horizontally, from any window or other building opening. Outer ends of the vent, unless automatically operated, shall be provided with a return bend or a weatherproof hood.

4. All alteration work such as changing the location of fuel oil tanks or burner or installing new burners to replace old ones shall be done in such a manner so as to conform with the fuel oil ordinance making it necessary to file the necessary permits.

Section 10. Fill Pipes

All filling pipes shall terminate outside of building and shall be closed tight with a metal cover or cap when not in use. Cross connections between fill pipe and vent pipe is prohibited.

Section 11. Tank Gauges

1. No oil tank used in connection with oil burning equipment shall be equipped with a glass gauge or any gauge the breaking of which will permit oil to escape from the tank.

2. Test wells shall not be located within buildings. Test wells located outside of buildings shall be closed tight with a metal cover or cap when not in use.

Section 12. Scavenging Line

A scavenging line, installed in connection with tank located within a building, may be used and shall terminate outside of the building. It shall be capped oil tight when not in use.

Section 13. Piping

1. Standard full weight wrought iron, steel or brass pipe with substantial fittings or standard full weight copper tubing with standard fittings, shall be used and shall be carefully protected against mechanical injury. In all piping systems proper allowance shall be made for expansion and contraction, jarring and vibration. Flexible metallic tubing may be used to reduce the effect of jarring and vibration.

2. All threaded joints shall be tight and shall be made up with litharge and glycerine, or other suitable pipe compound.

3. All piping shall be secured rigidly and protected from injury in a workmanlike manner, consistent with good practice.

4. On all tanks installed outside the building a manually controlled shut-off valve must be installed in pipe line near storage tank conveniently located and accessible outside of building.

5. On all installations of inside tanks a fusible shut-off safety valve must be installed in the pipe line, and a manually controlled shut-off valve shall be installed as close to the tank as possible.

6. When all pipe connections are made between tank and burner, a test of air at 5 lbs. should be applied in the presence of the Inspector. All equipment to make required tests shall be furnished by parties making the installations.

Section 14. Pumps

1. All auxiliary pumps used for pumping oil from the storage tank to auxiliary tank shall be approved type. They shall be rigidly mounted.

2. Automatic pumps not an integral part of the oil burner shall be of approved type, provided with automatic means for preventing a continuous discharge of oil in case of pipe breakage. They shall be rigidly mounted.

Section 15. Installation of Oil Burners — Oil Burner Controls

1. All oil burners shall be equipped with a device, mechanical or electrical, which will automatically prevent an abnormal flow of oil.

2. All oil burners subject to automatic ignition must be provided with permanent automatic device, so designed that oil, upon being turned into the combustion chamber, will immediately become substantially ignited or be shut off.

3. All oil burners used in connection with hot water, steam or warm air heating systems shall be equipped with an automatic device to reduce or extinguish the fire in the event of undue pressure in a steam boiler or overheating within a hot water boiler or warm air furnace.

4. Electrical installations used in connection with oil burning equipment shall be installed in accordance with the code adopted by the Electrical Inspection Department of the Board of Fire Underwriters.

5. No oil burner shall be installed in any boiler or heater unless said boiler or heater is connected with a chimney, the walls of which are at least eight inches thickness of brick or equal material between flue and outside of chimney or four inches thick and lined with fire clay or other refractory clay flue linings and having sufficient draft at all times to insure the safe operation of the burner.

6. All boiler or furnace rooms shall be provided with adequate ventilation to assure continuous complete combustion.

Section 16. It shall be the duty of the Inspector to interpret these rules in a manner that is consistent with safety and good practice, as determined by the Underwriters' Laboratories, National Fire Protection Association, or other nationally known inspection board or laboratory.

Section 17. A printed copy of the rules and instructions of the manufacturers shall be conspicuously posted near the oil burner, and the permit for the storage of oil fuels shall be likewise displayed.

Section 18. No oil burner shall be installed within the limits of the Village of Mamaroneck, unless it has been listed as standard by the Underwriter Laboratories or has been listed or approved by a nationally known inspection board or laboratory.

Section 19. Modifications.

When, for any reason, it may be impracticable to comply with the foregoing provisions of this ordinance, the Inspector shall have the power to modify the same so that the spirit and the substance thereof shall be complied with. Such modification shall be endorsed on the permit over the signature of the Inspector and the Village Manager.

CHAPTER 14
FAMILY SWIMMING POOLS

Sec. 1. Definition. A family pool is defined as a non-commercial swimming, bathing or wading pool to be used solely by the owner or lessee thereof, and for his family and by friends invited to use the pool without payment of any fee.

Sec.1A. Portable pools having a water capacity of 700 gallons or less, and a heighth of 18 inches or less, shall be exempt from the requirements of this ordinance.

Sec. 2. That a family swimming pool may be constructed and maintained only after a permit therefor has been obtained from the Building Inspector.

Sec. 3. That application for such permit shall be made to the Building Inspector of the Village of Mamaroneck, who shall furnish the necessary forms for such application, and that specifications and data for the construction of such swimming pool shall be submitted with such application including but not limited to

(a) A profile showing levels and depths of water at all points.

(b) Cross sections showing scum gutters and skimmers with all structural details.

(c) Pipe diagram showing size and location of all inlets, outlets, water lines, waste and discharge lines, circulation and other piping.

(d) Pool equipment showing detail of filters, pumps, chlorinators, strainers, hair and lint interceptors.

(e) Drains and drainage from the pool structure to a sanitary sewer.

(f) Pool to be filled with an over the lip spout above the overflow level of the pool, so that there is no chance of water from the pool siphoning back into the fill line.

Sec. 4. Upon receipt of application, together with all plans, data and other material required by him, the Building Inspector may grant the permit after determining

(a) The location of the pool is such that it will not adversely effect any neighboring premises, property or structures.

(b) That the lighting provided is installed in such a way that it will not create a nuisance or annoyance to adjoining property owners. Electrical work to be done by licensed electrician of the Village of Mamaroneck. Permit to be approved by New York State Board of Fire Underwriters. All plumbing work to be performed by a plumber licensed by the Village of Mamaroneck.

(c) That suitable screening and/or landscaping has been provided between the adjacent property or streets.

(d) Enclosure. Every outdoor private swimming pool now existing or hereafter built shall be completely enclosed by a fence of durable construction not less than four (4) feet in height, or other suitably effective enclosure. Any opening or mesh in the fence as finally constructed shall be of no greater than sixteen (16) square inches in area, except that in case of a picket fence, space

between pickets shall not exceed four (4) inches. Every gate of such fence shall be self closing and kept securely locked at all times, provided further that a dwelling house or accessory building may be used as a part of such enclosure. Location of fences or enclosures erected under this paragraph shall be fixed by the Village Engineer.

(c) Extension of Time. Upon the application of the property owner, the Board of Trustees may grant extensions of time for compliance with Sub. (d) of this Section, in individual cases, upon a showing of good cause. Such extensions of time shall not exceed 30 days at a time.

(f) That all equipment shall be so constructed that it may be used without causing any noise or disturbance to persons residing adjacent to or near the pool.

(g) That in all other respects the pool shall be free from any objection on the ground of safety or health and welfare of the community and the surrounding neighborhood, and it complies with the provisions of the Sanitary Code of the County of Westchester and the Sanitary Code established by the Public Health Council of the State of New York, so far as any of the provisions of such Code may be applicable.

Sec. 5. Such pool shall not be erected closer than four (4) feet from the rear and side property lines of the premises, or, in the case of a corner lot, closer than ten (10) feet from any property line along an abutting street.

Such pool shall not occupy more than 40 per cent of the area of the rear yard excluding all garages or other accessory structures located in such area.

Sec. 6. The permit issued by the Building Inspector for a family swimming pool shall be subject to revocation if the pool is maintained in such a way that it constitutes a nuisance, or that it is not in the best interests of the surrounding property on the basis of health, safety or welfare of the persons residing adjoining or near said pool. Before such revocation the Board of Trustees shall give notice to the owner or lessee that he may be heard in connection with such revocation at a meeting of said Board to be held at a time and place to be specified in said notice. Such notice shall be served on the owner or lessee personally at least 10 days prior to such meeting.

Sec. 7. The permit required under this Section for family swimming pools shall be in lieu of permit otherwise required by Section 9 of Local Law No. 2 for the year 1952, but shall be subject to the payment of the same fees required by Section 11 of Local Law No. 2 for the year 1952.

Sec. 8. Application for Permit. In addition to any other signatures appearing thereon, the application for permit shall be signed by the owner of premises.

Sec. 9. In case of hardship, or of a person owning a swimming pool, or making application for a permit to build a pool, considering himself aggrieved by an order or ruling of the Building Inspector, in connection with his pool or application for a permit, may appeal to the Board of Trustees within thirty (30) days of the making of said order or ruling.

CHAPTER 15
MINIMUM HOUSING STANDARDS
(Effective March 25th, 1960)

In the course of revision.

Original on file in Village Clerk's office.
Copy also in Building Inspector's office.

CHAPTER 16

COIN-OPERATED DRY CLEANING ESTABLISHMENTS

Section 1. As a legislative determination, it is deemed necessary to the safety, health and general welfare of the inhabitants of the Village of Mamaroneck that certain coin-operated dry cleaning machines and establishments within said Village be regulated and restricted, as hereinafter set forth, in order to prevent injury and damage to persons and property in the Village, and to eliminate conditions dangerous to the safety, health and general welfare of said inhabitants of the Village.

Section 2. DEFINITIONS. Unless otherwise expressly stated, when used in this ordinance, the following words and phrases shall have the meaning herein respectively ascribed to them:

(a) "Person" shall mean and include one or more persons, firms, partnerships or corporations and the employees, agents or officers thereof.

(b) The word "premises" shall mean any place, whether self-service or otherwise maintained for use of and by the general public for the purpose of dry cleaning of clothing, apparel or other fabrics or household articles by or in automatic or coin-operated machines.

(c) "Village Engineer" shall mean the Village Engineer of the Village of Mamaroneck or his duly authorized representative.

(d) "Village Clerk" shall mean the Village Clerk-Treasurer or his duly authorized representative.

Section 3. LICENSE REQUIRED: It shall be unlawful for any person to establish, maintain or operate coin-operated dry cleaning establishment in any premises in the Village of Mamaroneck without a license therefor issued by the Clerk-Treasurer of the Village of Mamaroneck.

Section 4. APPLICATION — SPECIAL REQUIREMENTS.

(a) The application for a license or for any renewal thereof to conduct a coin-operated dry cleaning establishment shall be in writing upon a form to be furnished by the Clerk-Treasurer and shall state the specific location of such establishment and the number and type of all machines to be maintained therein. Before the issuance of any such license, the Village Engineer shall cause all necessary investigations to be made of the premises described in such application for the purpose of determining whether the provisions of all applicable state, county, health and local laws, ordinances and regulations are fully complied with and report the result of such investigation to the Clerk-Treasurer.

(b) If the Clerk-Treasurer shall be satisfied that such premises conform to the provisions of this ordinance and other laws relating thereto, he shall issue or cause to be issued a license authorizing such applicant to establish, maintain, conduct or operate a coin-operated dry cleaning establishment at the place, and with the number of machines, as specified and designated in such application, for and during the period of such license.

Section 5. FEE: BOND.

(a) Prior to the issuance of a coin-operated dry cleaning establishment license, each applicant therefor shall pay an annual license fee of Five Dollars ($5.00) for each machine installed therein for the license period May 1 to

April 30, and furnish a continuing bond in the amount of One Thousand Dollars ($1,000.00). Such bond shall be executed by a duly authorized surety company, and be approved as to form by the Corporation Counsel, shall be payable to the Village of Mamaroneck and shall be conditioned upon the licensee's compliance with the provisions of this ordinance and upon the further condition that the licensee will pay to said Village any fine, penalty, or other obligation within thirty (30) days of its final imposition.

(b) For licenses issued between the first day of November and the thirtieth day of April, inclusive, only one-half of the annual license fee shall be payable.

Section 6. LICENSE TERM: TRANSFERABILITY. Each such license shall expire on the thirtieth day of April following the date of its issuance unless sooner suspended or revoked by the Village Manager. Such license shall not be transferable from person to person or from the location for which it is originally issued.

Section 7. REVOCATION OF LICENSE. The Village Manager may at any time for violation of this ordinance, or of any applicable law, regulation or ordinance or such other cause as the Village Manager, upon investigation and after a hearing, deems sufficient, suspend or revoke any license granted under the provisions of this ordinance. Notice in writing of the proposed suspension or revocation and the reason or reasons therefor, and of the time and place of a hearing to be held thereon by the Village Manager shall be served upon the licensee either personally or by certified or registered mail to the business address given in the application at least ten (10) days prior to the hearing. Whenever any license shall be so revoked no refund of any unearned portion of the license fee shall be made. No license shall be granted to any person whose license has been revoked within a period of two (2) years from the date of such revocation, except in the discretion of the Village Manager upon the recommendation of the Village Engineer.

Section 8. ATTENDANT: SUPERVISION. All dry cleaning establishments shall have an attendant on the licensed premises at all times when the premises are open for business or public use. No coin-operated dry cleaning machine shall be used by the general public unless under the continuous, direct supervision of an employee or owner of the coin-operated dry cleaning establishment who has previously been examined and certified by the Fire Chief as competent to handle such machines.

Section 9. DEPARTMENTAL APPROVALS. All coin-operated dry cleaning machines and locations must be approved by the building department, prior to the installation of machinery. A floor plan showing the business premises and the location, type and manner of installation of all equipment shall be submitted with each license application.

Approval will not be granted for buildings occupied in part as a dwelling.

Section 10. OPERATING RESTRICTIONS.

(a) No coin-operated dry cleaning licensee shall permit or allow such machines to be used by any person who is less than sixteen (16) years of age.

A suitable sign indicating such age restriction must be prominently posted and maintained on the premises.

(b) All coin-operated dry cleaning machines shall be fitted with a device which will prevent the opening of the door of any such machine (1) while such machine is in operation and (2) until all solvent vapors have been removed from any textile, fabric, garment or other article, and from the drum in which the same shall be placed.

(c) In the event that Perchlorethylene or any chlorinated hydro-carbon is a component part of any solvent used in a coin-operated dry cleaning machine, then such machine shall not be used (1) if the odor of Perchlorethylene or any chlorinated hydro-carbon is masked or altered in any fashion, or (2) if the concentrations of solvent vapor of such Perchlorethylene or chlorinated hydro-carbon is greater than forty (40) parts of such vapor to 1,000,000 parts of air at any time and anywhere in such machines or appurtenant equipment.

(d) In any coin-operated dry cleaning establishment, solvent storage tanks, power boxes and other sources of danger shall be so situated as to be inaccessible to the general public and patrons of such establishment.

(e) Spotting operations utilizing flammable liquid shall not be permitted in this type of occupancy.

(f) Only the front or customer side of dry cleaning machines shall be exposed in the customer area. The working or maintenance portion of the equipment shall be separated from the front of such machines by a solid partition. Access doors to the enclosure back of the machines shall be kept closed and locked. The enclosure for the dry cleaning machines shall not be a part of or inter-connected with those areas that contain heating devices requiring air for combustion, such as dryers, water heaters and boilers.

(g) An exhaust system shall be povided for the removal of toxic vapors. This exhaust system shall consist of (1) an individual exhaust on each dry cleaning machine. (2) scavenger ducts strategically located. (3) exhaust fans for the enclosure behind such machines, and (4) the front grill of loading door air intakes on each machine. Capacities shall be not less than those recommended by the equipment manufacturer and shall be sufficient to maintain the concentration of vapors at safe levels in all parts of the establishment.

(h) The central exhaust ventilating system for dry cleaning machines as described above shall be operated continuously while the premises are open to the public. The vapor removal system shall be interlocked with the dry cleaning machines so that the latter cannot be operated without actuating the exhaust system. The manifolded exhaust system shall exhaust to the outside, not terminate within twenty-five feet of any building opening, not expose the passing public, and be located as remotely as possible from appliance air intakes. In addition to the individual exhaust for the vapor from each such machine a scavenger duct shall be provided for each two machines to pick up vapors surrounding the equipment near the floor. The suction of these scavenger ducts shall be located two (2) to four (4) inches above the floor. A general ventilation fan shall also be installed within the rear enclosure of such machines to be used in case of serious solvent spill. Each such machine shall be designed so that when the machine is not in operation air is drawn through the front door or grill of the machine at a face velocity of at least one hundred (100) feet per minute.

(i) Provisions must be made for make-up air to compensate for that which is exhausted to the outside.

(j) Such dry cleaning machines shall be provided with some satisfactory means to limit vapor accumulation and to salvage the solvent resulting from a spill due to an accident or failure of equipment, such as by diking the entire system with a four inch curb on the floor which will contain the solvent and drain it to an underground tank where it can be recovered. When an underground tank is not feasible the curbed area can be provided with a sump pump that will pump the solvent to an above-ground tank.

(k) All coin-operated dry cleaning establishments shall have two exits which shall be at least twenty-five (25) feet apart from each other and shall lead directly to the outside.

(l) Filter residue and oher residues containing solvent shall be disposed of so as not to create a health hazard or nuisance. A locked, covered metal container shall be used for temporary storage outside the building.

(m) All direct equipment exhausts or vents shall be provided with mesh lint arrestors which shall be kept clean unless lint traps are provided on the dry cleaning unit.

(n) Each self-service or coin-operated dry cleaning establishment shall be provided with a portable fire extinguisher of the carbon dioxide or dry chemical type. The number and location of such extinguishers shall be as directed by the Fire Council or the Building Inspector.

(o) Each day, or after the specified number of cycles recommended by the manufacturer, dry cleaning machines shall be serviced, including, but not limited to:

1. Adding "charged" solvent to restore the main supply.
2. Cleaning the button trap and the lint bag, trap or screen.
3. Cleaning the tank sump and removing the sludge.
4. Adding filter aids to dispersers.
5. Resetting the cycle counter, if one is provided.
6. Emptying the water from the separator.

Section 11. INSTRUCTION TO PUBLIC

(a) All coin-operated drying cleaning establishments shall prominently display lighted indoor signs warning the general public of the danger of excessive solvent vapor inhalation and skin irritation from unevaporated dry cleaning solvent.

(b) A step-by-step instruction list must be posted in a conspicuous location near each dry cleaning machine for customer use. A telephone number must be listed for emergency assistance.

(c) All machines shall be checked daily and kept in good repair by the licensee. All maintenance personnel shall be familiar with all necessary machinery repairs and instructed as to the solvent hazards.

(d) Only the solvent specified by the equipment manufacturer shall be used.

(e) Coin-operated dry cleaning plants shall utilize only solvents classified as non-flammable or as non-flammable at ordinary temperatures and uses.

Section 12. PENALTY. Any person maintaining or carrying on or operating a coin-operated dry cleaning establishment, who shall violate any of the provisions of this ordinance shall be liable to a penalty not exceeding One Hundred ($100.00) Dollars for each offense and such violation shall constitute

disorderly conduct and such person shall be a disorderly person. Each day or fraction of a day on which each such violation shall continue shall be construed as a separate and distinct offense.

Section 13. This ordinance shall take effect immediately upon its adoption and due posting, provided, however, that the provisions of this ordinance excluding or prohibiting installations in a building or structure containing living quarters shall not apply to presently operating installations.

LOCAL LAWS OF THE VILLAGE OF MAMARONECK

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No. 1 — 1943
A local law in relation to public hearings to be held by the Board of Trustees on local laws, pursuant to Section Thirteen of Article 11 of the Village Home Rule Law. PAGE 201

No. 1 — 1945
A local law relating to time of taking effect of resolutions and ordinances; publication of ordinances. PAGE 202

No. 1 — 1950
A local law to impose a tax on the gross operating incomes of corporations and persons furnishing utility services in the Village of Mamaroneck, as authorized by Section 138-d of the Village Law of the State of New York. PAGE 203

No. 2 — 1950
A local law increasing the membership of the Village of Mamaroneck Park Commission from three members to five members. PAGE 208

No. 1 — 1952
A local law to amend Section 4 of Local Law No. 1 for the year 1950, which imposes a utility tax as authorized by Section 138-d of the Village Law of the State of New York. PAGE 209

No. 2 — 1952
A local law establishing a Building Department in the Village of Mamaroneck. PAGE 210

No. 1 — 1956
A local law dealing with liability of Village in certain actions. PAGE 218

No. 1 — 1958
A local law increasing the membership of the Municipal Body appointed pursuant to Sections 86 and 90 of the Vehicle and Traffic Law of the State of New York from three members to five members. PAGE 219

No. 1 — 1960
A local law dealing with take-home pay of members of Local Pension system of Village of Mamaroneck. PAGE 220

No. 1 — 1961
A local law amending Local Law No. 2 — 1952 (Creation of Building Department.) PAGE 221

No. 1 — 1963
A local law amending Local Law No. 2 — 1952, Establishing a Building Department in the Village of Mamaroneck. PAGE 222

No. 1 — 1964
A local law relating to the imposition and collection of sewer rents. PAGE 224

No. 1 — 1965
A local law relating to the creation of a Board of Architectural Review. PAGE 225

PUBLIC HEARINGS ON LOCAL LAWS
LOCAL LAW No. 1 — 1943

A local law in relation to public hearings to be held by the board of trustees on local laws, pursuant to section thirteen of article II of the Village Home Rule Law.

Became a law December 27, 1943.

Passed by the local legislative body of the Village of Mamaroneck, in accordance with the provisions of the Village Home Rule Law.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. Before voting upon the proposed enactment of a local law, the board of trustees shall fix a day, within thirty days after the presentation of a local law to it, for a public hearing thereon, and, presented to it, shall cause a notice of the time and place of such hearing to be given. Such public notice shall be given by the village clerk by causing the same to be published once in the official newspaper at least three days prior to the day fixed for such hearing. In case there is, at any time, no official newspaper, the board of trustees shall designate the manner of giving such public notice. Such notice shall also contain the title of the proposed local law and a brief explanatory statement thereof prepared by the clerk and approved by the village attorney.

Section 2. The board of trustees shall attend at the time and place appointed for such hearing, which shall be within the village and reasonable of access and at a reasonable hour, and shall afford an opportunity for a public hearing concerning such proposed local law.

Section 3. Proof of publication of such notice of public hearing shall be filed in the office of the village clerk.

Section 4. This local law shall take effect immediately.

PUBLICATION OF ORDINANCES
LOCAL LAW No. 1 — 1945

A local law relating to time of taking effect of resolutions and ordinances; publication of ordinances.

Became a law November 26, 1945.

Passed by the local legislative body of the Village of Mamaroneck, in accordance with the provisions of the Village Home Rule Law.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. TIME OF TAKING EFFECT OF RESOLUTIONS AND ORDINANCES: PUBLICATION OF ORDINANCES. Any resolution or ordinance enacted by the board of trustees may specify the time when it shall take effect, but no ordinance shall take effect until after the title or a brief description of the contents of such ordinance, together with a statement that said ordinance is on record with the village clerk, shall have been published at least once in the official newspaper of the village. If no time be specified in any ordinance so enacted for its taking effect, or if it specify that it shall take effect immediately, it shall take effect upon the publication of the notice or statement hereinbefore required.

Section 2. A copy of such resolution or ordinance shall be entered in the minutes of the village.

Section 3. This local law shall supersede section ninety-five of chapter sixty-four of the laws of nineteen hundred nine known as the Village Law as amended, which provides for the time when ordinances shall take effect.

TAX ON UTILITIES
LOCAL LAW No. 1 — 1950

A local law to impose a tax on the gross operating incomes of corporations and persons furnishing utility services in the Village of Mamaroneck, as authorized by Section 138-d of the Village Law of the State of New York.

Became a law June 30, 1950, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. TAX ON UTILITIES. Pursuant to the authority granted by Section 138-d of the Village Law of the State of New York, a tax equal to one per centum of its gross income from June 1st, 1950, is hereby imposed upon every utility doing business in the Village of Mamaroneck which is subject to the supervision of the State Department of Public Service, which has a gross income for twelve months ending May 31st in excess of Five Hundred Dollars, except motor carriers, or brokers subject to such supervision under Article Three-b of the Public Service Law, and a tax equal to one per centum of its gross operating income is hereby imposed from June 1st, 1950 upon every other utility doing business in the Village of Mamaroneck, which has a gross operating income for twelve months ending May 31st, in excess of Five Hundred Dollars, which taxes shall have application only within the territorial limits of the Village of Mamaroneck, and shall be in addition to any and all other taxes and fees imposed by any other provision of law for the same period. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of Mamaroneck, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

2. As used in this section, (a) the word "utility" includes every person subject to the supervision of either division of the state department of public service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy, delivered through mains, pipes or wires, or furnishes gas, electric, steam, water, refrigerator, telephone or telegraph service, by means of mains, pipes or wires; regardless of whether such activities are the main business of such person or are only incidental thereto, or of whether use is made of the public streets; (b) the word "person" means persons, corporations, companies, associations, joint-stock associations, co-partnerships, estates, assignee of rents, any person acting in a fiduciary capacity, or any other entity, and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever, or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality, and public districts; (c) the words "gross income" mean and include receipts received in or by reason of any sale, conditional or otherwise, (except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income) made or service rendered for ultimate consumption or use by the purchaser in the Village of Mamaroneck, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit), without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount paid, or any other expense whatsoever; also profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal prop-

erty (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made); also receipts from interest, dividends, and royalties, derived from sources within the Village of Mamaroneck other than such as are received from a corporation a majority of whose voting stock is owned by the taxpaying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof, and also profits from any transaction (except sales for resale and rentals) within the Village of Mamaroneck whatsoever; Notwithstanding any other provision of this section or of section one hundred eighty-six-a of the Tax Law, the words "gross income" shall include: (a) In the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the village, and (b) In the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the village; and (d) the words "gross operating income" mean and include receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephony or telegraphy, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigerator, telephone or telegraph service in the Village of Mamaroneck including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other expenses whatsoever.

3. Every utility subject to tax under this section shall keep such records of its business and in such form as the Treasurer-Clerk may require, and such records shall be preserved for a period of three years, except that the Treasurer-Clerk may consent to their destruction within that period or may require that they be kept longer.

4. Every utility subject to tax hereunder shall file on or before September twenty-fifth, December twenty-fifth, March twenty-fifth, and June twenty-fifth, a return for the three calendar months preceding each such return date, including any period for which the tax imposed hereby or, by any amendment hereof is effective, each of which returns shall state the gross income or gross operating income for the period covered by each such return. Returns shall be filed with the Treasurer-Clerk of the Village, on a form to be furnished by him for such purpose, and shall contain such other data, information, or matter as the Treasurer-Clerk may require to be included therein. Notwithstanding the foregoing provisions of this section, any utility whose average gross income, or average operating income, as the case may be, for the aforesaid three months' period is less than fifteen hundred dollars, may file its returns for such periods on June 25th, 1951. The Treasurer-Clerk in order to insure payment of the tax imposed, may require at any time a further or supplemental return, which shall contain any data that may be specified by the Treasurer-Clerk. Every return shall have annexed thereto an affidavit of the head of the utility making the same, or of the owner or of the co-partner thereof, or of the principal officer of the corporation, to the effect that the statements contained therein are true.

5. At the time of filing a return as required by this section, each utility shall pay to the Treasurer-Clerk the tax imposed by this section for the period covered by such return. Such tax shall be due and payable at the time of filing the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

6. In case any return filed pursuant to this section shall be insufficient or unsatisfactory to the Treasurer-Clerk, and if a corrected or sufficient return is

not filed within twenty days after the same is required by notice from the Treasurer-Clerk, or if no return is made for any period, the Treasurer-Clerk shall determine the amount of tax due from such information as he is able to obtain, and, if necessary, may estimate the tax on the basis of external indices or otherwise. The Treasurer-Clerk shall give notice of such determination to the person liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply to the Treasurer-Clerk for a hearing, or unless the Treasurer-Clerk, of his own motion shall reduce the same. After such hearing, the Treasurer-Clerk shall give notice of his decision to the person liable for the tax. The decision of the Treasurer-Clerk may be reviewed by certiorari, if application therefor is made within thirty days after the giving of notice of such decision. An order of certiorari shall not be granted unless the amount of any tax sought to be reviewed, with penalties thereon, if any, shall be first deposited with the Treasurer-Clerk and an undertaking filed with him, in such amount and with such sureties as a justice of the supreme court shall approve, to the effect that, if such order be dismissed or the tax confirmed, the applicant for the order will pay all costs and charges which may accrue in the prosecution of the certiorari proceeding, or at the option of the applicant, such undertaking may be in a sum sufficient to cover the tax, penalties, costs and charges aforesaid, in which event the applicant shall not be required to pay such tax and penalties as a condition precedent to the granting of such order.

7. Any notice authorized or required under the provisions of this section may be given by mailing the same to the person for whom it is intended, in a postpaid envelope, addressed to such person at the address given by him in the last return filed by him under this section, or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time, which is determined according to the provisions of this section by the giving of notice, shall commence to run from the date of mailing of such notice.

8. Any person failing to file a return or corrected return, or to pay any tax or any portion thereof, within the time required by this section shall be subject to a penalty of five per centum of the amount of tax due, plus one per centum of such tax for each month of delay or fraction thereof, excepting the first month, after such return was required to be filed or such tax became due; but the Treasurer-Clerk, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

9. If, within one year from the payment of any tax or penalty, the payer thereof shall make application for a refund thereof and the Treasurer-Clerk or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Treasurer-Clerk shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Treasurer-Clerk. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Treasurer-Clerk as hereinbefore provided unless the Treasurer-Clerk, after a hearing as hereinbefore provided, or of his own motion, shall have reduced the tax or penalty or it shall have been established in a certiorari proceeding that such determination was erroneous or illegal. All refunds shall be made out of moneys collected under this section. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of and the Treasurer-Clerk may receive additional evidence with respect thereto. After making his determination, the Treasurer-Clerk shall give notice thereof

to the person interested, and he shall be entitled to a certiorari order to review such determination, subject to the provisions hereinbefore contained relating to the granting of such an order.

10. The tax imposed by this section shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

11. Whenever any person shall fail to pay any tax or penalty imposed by this section, the Corporation Counsel shall, upon the request of the Treasurer-Clerk, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Treasurer-Clerk. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by section one hundred eighty-six-a of the Tax Law is made a lien.

12. In the administration of this section the Treasurer-Clerk shall have power to make such reasonable rules and regulations, not inconsistent with law, as may be necessary for the exercise of his powers and the performance of his duties, and to prescribe the form of blanks, reports and other records relating to the administration and enforcement of the tax, to take testimony and proofs, under oath, with reference to any matter within the line of his official duty under this section, and to subpoena and require the attendance of witnesses and the production of books, papers and documents.

13. Except in accordance with the proper judicial order or as otherwise provided by law, it shall be unlawful for the Treasurer-Clerk, or any agent, clerk or employee of the Village of Mamaroneck to divulge or make known in any manner the amount of gross income or gross operating income, or any particulars set forth or disclosed in any return under this section. The officer 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 of Mamaroneck in an action or proceeding under the provisions of this section, or on behalf of the state tax commission in an action or proceeding under the provisions of the Tax Law of the State of New York, or on behalf of any party to any action or proceeding under the provisions of this section 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 person, or his duly authorized representative, of a copy of any return filed by him, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the publication of delinquent lists showing the names of persons who have failed to pay their taxes at the time and in the manner provided for by this section, together with any relevant information which in the opinion of the Treasurer-Clerk may assist in the collection of such delinquent taxes; or the inspection by the Corporation Counsel or other legal representatives of the Village of Mamaroneck of the return of any person who shall bring action to set aside or review the tax based thereon, or against whom an action has been instituted in accordance with the provisions of this section.

Any offense against the foregoing secrecy provisions shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months, or both, and if the offender be an officer, agent, clerk or employee of the Village of Mamaroneck he shall be dismissed from office, and shall be incapable

of holding any office or employment in the Village of Mamaroneck for a period of five years thereafter.

Notwithstanding any provisions of this section the Treasurer-Clerk may exchange with the chief fiscal officer of any other city or first class Village in the State of New York information contained in returns filed under this section, provided such other city or village grants similar privileges to the Village of Mamaroneck, and provided such information is to be used for tax purposes only, and the Treasurer-Clerk shall, upon request, furnish the state tax commission with any information contained in such returns.

14. All taxes and penalties received by the Treasurer-Clerk for taxes heretofore or hereafter imposed under this section shall be credited and deposited by him in the general fund of the village.

Section 2. This local law shall take effect immediately.

PARK COMMISSION

LOCAL LAW No. 2 — 1950

A local law increasing the membership of the Village of Mamaroneck Park Commission from three members to five members.

Became a law October 26, 1950, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. PARK COMMISSION. The number of members to comprise the Village of Mamaroneck Park Commission is hereby increased from three members to five members.

Section 2. This law shall supersede Section 63 of the Village Law of the State of New York only to the extent provided for herein.

Section 3. This local law shall take effect immediately.

TAX ON UTILITIES — Amendment

LOCAL LAW No. 1 — 1952

A Local Law to amend Section 4 of Local Law No. 1 for the year 1950, which imposes a utility tax as authorized by Section 138-d of the Village Law of the State of New York.

Became a law March 3, 1952, no petition protesting.
Passed by the local legislative body of the Village of Mamaroneck.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. Section 4 of Local Law No. 1 for the year 1950 be and the same is hereby amended to read as follows:

4. Every utility subject to tax hereunder shall file annually, on or before the twenty-fifth day of February, a return for the twelve calendar months ending December 31st preceding such return date or any portion thereof for which the tax imposed hereby is effective; provided, however, that in lieu of the annual return required by the foregoing provisions, any utility may file quarterly, on or before September 25th, December 25th, March 25th, and June 25th, a return for the three calendar months preceding each such return date, including any period for which the tax imposed hereby or, by any amendment hereof is effective, each of which returns shall state the gross income or gross operating income for the period covered by each such return. Returns shall be filed with the Treasurer-Clerk of the Village, on a form to be furnished by him for such purpose, and shall contain such other data, information, or matter as the Treasurer-Clerk may require to be included therein. Notwithstanding the foregoing provisions of this section, any utility whose average gross income, or average operating income, as the case may be, for the aforesaid three months' periods is less than fifteen hundred dollars, may file its returns for such periods on June 25th, 1951. The Treasurer-Clerk in order to insure payment of the tax imposed, may require at any time a further or supplemental return, which shall contain any data that may be specified by the Treasurer-Clerk. Every return shall have annexed thereto an affidavit of the head of the utility making the same, or of the owner or of the co-partner thereof, or of the principal officer of the corporation, to the effect that the statements contained therein are true.

Section 2. This local law shall take effect immediately.

CREATION OF BUILDING DEPARTMENT

LOCAL LAW No. 2 — 1952

A local law establishing a Building Department in the Village of Mamaroneck.

Became a law June 2, 1952, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. Establishment of Building Department

(a) There is hereby established in the Village of Mamaroneck a department to be designated as the Building Department for the administration and enforcement of the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Village of Mamaroneck.

(b) For the purposes of this ordinance the area of the Village of Mamaroneck shall include all upland within the limits of the municipality and where the upland abuts the waters of Mamaroneck Harbor such controls shall extend to the Pier and Bulkhead lines as now established or in future established or amended by the authority of the Federal Department authorized to so do. Where such uplands abut the waters of Long Island Sound or Mamaroneck Harbor where no Pier and Bulkhead lines have been established these provisions shall govern to that line under water to which the State of New York will make a land grant or lease for the purpose of development.

(c) The Building Department shall be headed by a Village official designated as the Building Inspector.

Section 2. Qualifications and Appointment of Building Inspector

(a) To be eligible to appointment, the Building Inspector shall have had at least five years experience as an architect, civil engineer or superintendent of construction. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.

(b) The Building Inspector shall be appointed in the manner provided by law.

Section 3. Acting Building Inspector

In the absence of the Building Inspector, or in the case of his inability to act for any reason, the Village Manager shall have the power to designate a person to act in his behalf and to exercise all of the powers conferred upon him by this ordinance.

Section 4. Relief from Personal Responsibility

No official or employee of the Building Department shall, while acting pursuant to the provisions of this ordinance be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, providing that such acts are performed in good faith and without gross negligence.

Section 5. Duties and Powers of Building Inspector

(a) Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings

and structures, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.

(b) He shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

(c) He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. He shall make or have made all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports from duly appointed deputies or generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.

(d) Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.

Section 6. Department Records and Reports

(a) The Building Inspector shall keep permanent official records of all transactions and activities of the Building Department including all applications received, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records open to public inspection during business hours.

(b) The Building Inspector shall, annually, and as required by the Village Manager or Board of Trustees, submit to the Village Board a written report and summary of all business conducted by the Building Department, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

Section 7. Cooperation of Other Departments

The Building Inspector may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Police, Fire and Health Departments, the Village Attorney and all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

Section 8. Application for Building Permit

(a) No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Building Department for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

(b) Ordinary repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any means of egress, or the rearrangement of parts of a structure affecting exit requirement, nor shall ordinary repairs include addition to, alteration, relocation or removal of any standpipe water supply,

sewer, drainage, soil, waste, vent or similar piping, any electrical wiring, controls or equipment and any other equipment or controls for which certificates are required by the provisions of any ordinance.

(c) Application for a building permit shall be made to the Building Inspector on forms provided by the Building Department and shall contain the following information:

(1) A description of the land on which the proposed work is to be done;

(2) A statement of the use or occupancy of all parts of the land and of the building or structure;

(3) The valuation of the proposed work;

(4) The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations;

(5) A brief description of the nature of the proposed work;

(6) A duplicate set of plans and specifications as set forth in subdivision (c) of this section; and

(7) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

(d) Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data.

Plans and specifications shall bear the signature of the person responsible for the design and drawings.

The Building Inspector may waive the requirement for filing plans in case the cost of construction is less than $500.00.

(e) Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

Section 9. Issuance of Building Permit

(a) The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within a reasonable time.

Upon approval of the application and upon receipt of the legal fees therefor, he shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.

Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and

specifications shall be retained in the files of the Building Department and the other set shall be returned to the applicant together with the building permit and shall be kept at the building site open to inspection by the Building Inspector or his authorized representative at all reasonable times.

If the application together with plans, specifications and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building and zoning regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

Section 10. Performance of Work Under Building Permit

(a) A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six months after the date of its issuance. For good cause, the Building Inspector may allow a maximum of two extensions for periods not exceeding three months each.

(b) The issuance of a buiding permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations. All work shall conform to the approved application, plans and specifications, except that no building permit shall be valid insofar as it authorizes the performance of work or the use of materials which are not in accordance with the requirements of the applicable building regulations or zoning ordinance.

Section 11. Building Permit Fees (Note — Section 11 repealed and new Section 11 enacted by Local Law No. 2 — 1952)

Upon the filing of an application for a building permit, the following fees shall be payable:

(a) *Amount of Fees*—The amount of said fees shall be as follows: $3.00 if the estimated cost does not exceed $50.00. $4.00 if the estimated cost exceeds $50.00 but does not exceed $500.00. $5.00 if the estimated cost exceeds $500.00 but does not exceed $1,000.00. If the estimated cost exceeds $1,000.00 the fee shall be $5.00 for the first $1,000.00 of the estimated cost plus $2.00 per $1,000.00 additional up to $10,000.00 plus $1.00 per $1,000.00 of the estimated cost in excess of $10,000.00.

(b) *Fee for Certificate of Occupancy*—The fees scheduled in Sec. (a) shall include the cost of one certificate of occupancy when issued at the completion of the job. The fee for a certificate of occupancy issued independent of a building permit shall be $3.00.

(c) *Fee for Demolition*—For a permit for the demolition of a building or structure, the fee shall be $1.00.

(d) *Fee for Moving Building*—For a permit for moving a building, the fee shall be $10.00 regardless of the value of the building or the estimated cost of improvements necessary to put the building in usable condition in its new location, and if the building is moved over a public highway, an additional $10.00 fee shall be paid.

(e) *Deposit for Moving Building Permit*—A permit for the moving of a building shall not be issued until a cash deposit in the amount of five hundred ($500.00) dollars, or a security company bond, said security company to be doing business under the laws of the State of New York, shall have been de-

posited with the Village Treasurer to cover any damage suffered or expenses incurred by the Village arising from the moving of the building, or in the case of a bond, indemnifying against said damage. The making of such cash deposit shall not prevent the Village from collection of further damages in excess of the amount deposited in the event further damages are sustained. Such cash deposit shall not be required when building is to be moved across private property only.

In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

Note — (Sub. (f) added by Local Law No. 1 — 1961)

Section 12. Revocation of Building Permit

The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

(a) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

(b) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;

(c) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or

(d) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

Section 13. Stop Orders

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans, or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

Section 14. Right of Entry

Any employee of the Building Department, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

Section 15. Certificate of Occupancy

(a) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.

(b) No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.

(c) No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy shall have been issued by the Building Inspector.

(d) The use of a building or premises shall not be deemed to have changed because of a vacancy of less than one year or a change of ownership or tenancy. The reestablishment in a building, after a vacancy of one year or more or a change in occupancy has occurred, if a prior use that would not have been permitted in a new building of the same type of construction, is prohibited. The change from a prohibited use to another prohibited use shall not be made.

Section 16. Inspection Prior to Issuance of Certificate

Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy; and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued.

There shall be maintained in the Building Department a record of all such examinations and inspections together with a record of findings of violations of the law.

Section 17. Issuance of Certificate of Occupancy

(a) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building and zoning laws, ordinances and regulations; and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

(b) The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

Section 18. Temporary Certificate of Occupancy

Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

Section 19. Tests

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

Section 20. Unsafe Buildings

(a) All buildings or structures which are structurally unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are, severally, for the purpose of this section, unsafe buildings. All such unsafe building are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.

(b) The Building Inspector shall examine or cause to be examined every building reported as unsafe or damaged, and shall make a written record of such examination.

(c) Whenever the Building Inspector shall find any building, or structure, or portion thereof to be an unsafe building as defined in this section, he shall, in the same manner as provided for the service of stop orders in section 13 of this Ordinance, give to the owner, agent, or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, or structure, or portion thereof.

(d) If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected, and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such building a notice: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING DEPARTMENT." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, or corporation, or their agents or other servants to remove such notice without written permission of the Building Inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

(e) In case the owner, agent, or person in control cannot be found within the stated limit, or if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building, or structure, or portion thereof, the Village counsel shall be advised of all the facts in the case, and shall institute an appropriate action in the courts to compel compliance.

(f) In cases of emergency which, in the opinion of the Building Inspector, involve imminent danger to human life or health, he shall promptly cause such building, structure, or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands, or abutting land or structure with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.

(g) Costs incurred under paragraphs (e) and (f) of this section shall be paid out of the Village treasury on certificate of the Village Manager and approval by the Village Board. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

Section 21. Penalties for Violation

(a) It shall be unlawful for any person, firm, or corporation to construct alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this ordinance or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

(b) Any person who shall fail to comply with a written order of the Building Department within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this Ordinance, or any lawful order, notice, directive, permit or certificate of the Building Department made thereunder shall incur a penalty of not more than one hundred dollars and in addition to said penalty, the violation of this ordinance shall constitute disorderly conduct and the person violating same shall be a disorderly person. Each day that a violation continues shall be deemed a separate offense.

(c) This section shall not apply to violations of the provisions of the State Building Construction Code punishable under Section 385 of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law punishable under Section 304 of the Multiple Residence Law of the State of New York.

Section 22. Abatement of Violation

Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises; and these remedies shall be in addition to the penalties prescribed in the preceding section.

Section 23. Appeals

Except as otherwise specifically set forth in any law, ordinance, rule or regulation administered by the Building Inspector under this ordinance an appeal from his decision may be taken to the Board of Trustees of the Village of Mamaroneck.

Upon such an appeal being taken the Building Inspector shall report to the Board of Trustees, setting forth any facts pertinent to the case and any variation which he recommends or reasons for recommending against any change. The Board of Trustees after receiving such report and holding a public hearing if required by law, shall determine what, if any, variation shall be permitted and any condition which shall be imposed, and the building permit issued by the Building Inspector shall be in accordance therewith.

Section 24.

Any provisions of the Building Code of the Village of Mamaroneck effective June 20, 1925, as amended or superseded in conflict with the foregoing, is hereby repealed and superseded.

Section 25.

This Local Law shall take effect immediately.

LIABILITY OF VILLAGE IN CERTAIN ACTIONS
LOCAL LAW No. 1 — 1956

A local law dealing with liability of village in certain actions.

Became a law June 4, 1956, no petition protesting.

Passed by the local legislative body of the Village of Mamaroneck.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. Section three hundred and forty-one-a of the Village Law as added thereto by Chapter six hundred and fifty of the Laws of nineteen hundred and twenty-seven, as it applies to the Incorporated Village of Mamaroneck, is hereby amended to read as follows:

Section 341-*a* (*Liability of Village in Certain Actions*)

No civil action shall be brought or maintained against the Incorporated Village of Mamaroneck for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or in consequence of the existence or accumulation of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk unless written notice of the existence of such condition, relating to the particular place had, prior to the happening of the event causing the damages or injuries to persons or property, actually been given to the Board of Trustees of the Incorporated Village of Mamaroneck and there had been a failure or neglect on the part of said Village to cause such condition to be corrected or such snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice.

Section 2. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations nor to waive any existing limitation now applicable to any claim or cause of action against the Incorporated Village of Mamaroneck.

Section 3. This local law shall take effect immediately.

TRAFFIC COMMISSION — INCREASING MEMBERSHIP

LOCAL LAW No. 1 — 1958

A local law increasing the membership of the municipal body appointed pursuant to Sections 86 and 90 of the Vehicle and Traffic Law of the State of New York from three members to five members.

Became a law August 18, 1958, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. TRAFFIC COMMITTEE. The number of members to comprise the municipal body authorized by Sections 86 and 90 of the Vehicle and Traffic Law of the State of New York is hereby increased from three to five members, and such body shall be known as the "Traffic Committee".

Section 2. This law shall repeal Chapter 5, Section 1 of the Unified Code of Ordinances of the Village of Mamaroneck only to the extent of increasing the membership of said municipal body from three members to five members, and shall supersede Section 63 of the Village Law of the State of New York only to the extent provided for herein.

Section 3. This local law shall take effect immediately.

TAKE-HOME PAY OF MEMBERS OF LOCAL PENSION SYSTEM OF VILLAGE OF MAMARONECK

Local Law No. 1 — 1960

A local law dealing with take-home pay of members of Local Pension System of Village of Mamaroneck.

Became a law May 17th, 1960, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. The Board of Trustees of the Village of Mamaroneck which maintains a Local Pension System, pursuant to the provisions of Chapter 746 of the Laws of 1960, hereby makes applicable to the members of its Local Pension System the provisions of Chapters 336, 339 and 746 of the Laws of 1960, and fixes the payroll period beginning May 1st, 1960 as the date upon which the increased take-home pay provided for in such Laws shall commence.

Section 2. This local law shall take effect immediately.

AMENDING LOCAL LAW No. 2 — 1952
(Creation of Building Department)

Local Law No. 1 — 1961

A local law amending Local Law No. 2 — 1952 (Creation of Building Department).

Became a law November 20th, 1961, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. By adding a new Subdivision (f) entitled Waiver of Building Permit Fee to Section 11 of such Local Law to read as follows:

(f) by reason of the great emergency now existing from nuclear fallout, the Building Inspector is hereby authorized to waive a building permit fee for the construction of fallout shelters.

Section 2. This local law shall take effect immediately.

AMENDING LOCAL LAW No. 2 — 1952, Establishing a Building Department in the Village of Mamaroneck.

Local Law No. 1 — 1963

A local law amending Local Law No. 2 — 1952, Establishing a Building Department in the Village of Mamaroneck.

Became a law June 11th, 1963, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

FIRST: By repealing Section 11 of Local Law No. 2—1952, and as amended by Local Law No. 1 — 1961.

SECOND: By adopting a Local Law No. 1—1963 creating a new Section 11 of Local Law No. 2—1952, which shall read as follows:

Section. 11. Building Permit Fees.

Upon the approval of an application for a building permit the following fees shall be payable:

(a) Amount of Fees:

(1) $5.00 for any building volume up to and including 1,000 cubic feet.

(2) $2.00 additional for each 1,000 cubic feet or any part thereof above the first 1,000 cubic feet up to and including 100,000 cubic feet.

(3) $1.50 additional for each 1,000 cubic feet or any part thereof above 100,000 cubic feet.

The value determined from the above basic schedule shall be multiplied by one of the following factors to establish the total fee due. The factor to be applied shall be determined by the type of construction of the proposed structure as designated in Table C 202.2 of the New York State Building Code, as follows:

For Type 1 (fire resistive) construction the value of the basic fee shall be multiplied by a factor of 1.30.

For Type 2 (non-combustible) construction the value of the basic fee shall be multiplied by a factor of 1.20.

For Type 3 and 4 (heavy timber and ordinary) construction the value of the basic fee shall be multiplied by a factor of 1.10.

For Type 5 (wood frame) construction the value of the basic fee shall be multiplied by a factor of 1.00.

(light metal) construction the value of the basic fee shall be multiplied by a factor of 0.90.

(b) The prescribed fees for alterations and new structures without enclosing walls and roofs, based on the estimated costs stated on the application for said permits, shall be:

(1) $5.00 for up to and including $1,000 of estimated cost.

(2) $2.00 additional for each $1,000 of estimated cost or any part thereof up to and including $100,000.

(3) $1.50 additional for each $1,000, or any part thereof above $100,000.

(c) For demolition of an existing structure $5.00.

(d) The prescribed fees for permits for moving buildings from one location to another shall be $5.00 plus $2.00 per thousand or any portion thereof of estimated cost.

A permit for the moving of a building shall not be issued until a property damage in the amount of $25,000.-$50,000. and a personal liability of $100,000.-$300,000. insurance policy insuring the Village of Mamaroneck, New York, against any damage suffered or expenses incurred by the Village arising from the moving of the building has been obtained by the applicant and certified to the Village. The issuing of such a policy shall not prevent the Village from collection of further damages in excess of the amount of the policy in the event further damages are sustained. Such insurance policy shall not be required when the building is moved across private property only.

(e) For any temporary construction, such as reviewing stands, gospel tents, etc., $25.00.

(f) Fee for Certificate of Occupancy—the building permit fee shall include the cost of one certificate of occupancy when issued at the completion of the job. The fee for a certificate of occupancy issued independent of a building permit shall be $5.00.

(g) Waiver of Building Permit Fee. By reason of the great emergency now existing from nuclear fallout, the Building Inspector is hereby authorized to waive a building permit fee for the construction of fallout shelters.

IMPOSITION AND COLLECTION OF SEWER RENTS

Local Law No. 1 — 1964

A local law relating to the imposition and collection of sewer rents.

Became a law June 29th, 1964, no petition protesting. Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section 1. Imposition of sewer rent. In addition to any charges provided by law, the owner of any real property within the Village of Mamaroneck served by a sewer system maintained by a municipality other than the Village of Mamaroneck, shall pay to the Village of Mamaroneck a sewer rent for the use of such sewer system. Such sewer rent shall be at the rate of $60.00 per annum for each connection to such sewer system, or to any lateral sewer connecting therewith, or such pro rata amount allocable to such property as the Village of Mamaroneck shall be required to pay for the use of such sewer system.

Section 2. Collection of sewer rent and lien therefor. All sewer rents imposed hereunder shall be due and payable on June 1st of each year. If not paid by August 1st following, interest shall accrue thereon at the rate of ½ of 1% a month or fraction thereof until date of payment or certification. If such sewer rents are not paid by March 1st of the following year the Clerk-Treasurer shall certify the amount due and payable to the Board of Trustees, who shall levy the same as taxes, and add such sewer rentals and interest to the succeeding tax roll. Such taxes shall be collected and enforced in the same manner and at the same time as provided for the collection and enforcement of village taxes, and it shall be the duty of the Clerk-Treasurer to charge and collect interest thereon at the same rates specified for the collection of village taxes. Such sewer rents shall constitute a lien upon the real property served by such sewer system, and such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge.

Section 3. Sewer fund. Revenues derived from sewer rents, including interest, shall be credited to a special fund to be known as the "Sewer Fund." Moneys in such funds shall be used for the payment of the charges the Village of Mamaroneck shall be required to pay for the use of such sewer system.

Section 4. Rules and Regulations. The owner and occupant of real property served by such sewer system shall be subject to the rules and regulations of the Village of Mamaroneck and the municipality maintaining such sewer system relating to the use of such sewer system insofar as applicable.

Section 5. Effective date. This Local Law shall take effect immediately.

CREATION OF BOARD OF ARCHITECTURAL REVIEW

LOCAL LAW No. 1 — 1965

A local law to provide for architectural control in the exterior design and appearance of all buildings, structures and signs proposed for construction or alteration within the Village of Mamaroneck, and to create and define the powers and duties of a Board of Architectural Review with the right of appeal from the action of said Board to the Zoning Board of Appeals.

Became a law January 27th, 1965, no petition protesting.

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

Section 1. Findings of Fact. The Board of Trustees of the Village of Mamaroneck finds that certain undesirable effects may arise from an extreme design of buildings, structures or signs. Excessive uniformity of nearby structures and excessive incongruity of a building, structure or sign in proximity with more typical buildings, structures or signs may adversely affect the desirability of a neighborhood by reason of comfort, general welfare of the inhabitants, stability of assessed valuation; and further, it may so depreciate the immediate vicinity that a disproportion exists between the taxes and the costs of municipal services.

Section 2. Purpose. The purpose of this Ordinance is to promote and protect the health, safety, comfort and general welfare of the community by preventing excessive uniformity and excessive incongruity of design of buildings, structures or signs in proximity with more typical buildings, structures or signs, to encourage the most appropriate use of the land, to promote the public prosperity and conserve the value of buildings, structures or signs and property.

Section 3. There is hereby created a Board of Architectural Review which shall consist of five (5) members who shall serve without compensation. All members of the Board shall be residents of the Village and shall be specially qualified by reason of training or experience in architecture, land development, city planning, real estate, landscape architecture or other relevant business or profession or by reason of civic interest and sound judgment to judge of the effects of a proposed building, structure or sign upon the desirability, property values and development of surrounding areas; and at least one member of the Board shall be a registered architect in the State of New York. The members of the Board shall be appointed and the Chairman thereof shall be designated by the Board of Trustees. The term of office of each member shall be three (3) years, except that the initial appointments of two members shall be for one year, of two members for two years and of one member for three years. The Board of Trustees shall have the power to remove any member for cause after public hearing. Vacancies shall be filled for the unexpired term of any member whose place has become vacant. The Board of Architectural Review shall appoint its Acting Chairman and Secretary.

Section 4. Meetings of the Board of Architectural Review shall be held at the call of the Chairman and at such other times as the Board may determine, but shall be held within eighteen (18) days of the date of any application for building permit referred to the Board as required in Section 5 of this Local Law. The Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. A majority of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall also keep records of its

examinations and other official actions. The Board shall have power from time to time to adopt, amend and repeal rules and regulations not inconsistent with law or the provisions of this Local Law, governing its procedure and the transaction of its business, and for the purpose of carrying into effect the standards outlined in Section 6 hereof. Such rules, regulations and amendments thereto shall be approved by the Board of Trustees, and a copy thereof shall be filed in the Clerk-Treasurer's office.

Section 5. Every application for a permit for the construction, reconstruction or alteration of any building, structure or sign within the Village of Mamaroneck shall be referred by the Building Inspector to the Board of Architectural Review within five (5) days of the date of the application provided it conforms in all respects to all other applicable laws and ordinances. However any application for a permit made in conformity with a variance granted by any Appeal Board having jurisdiction shall not be subject to the provisions of this Section.

Section 6. The Board of Architectural Review may disapprove any application for a permit referred to it provided that such disapproval shall be by the majority vote of Board members, and provided that the Board finds that the building, structure or sign for which the permit was applied would, if erected, be so detrimental to the desirability, property values or development of the surrounding area as to provoke one or more of the harmful effects set forth in Section 1, by reason of:

(a) excessive similarity to any other building, structure or sign existing or for which a permit has been issued or to any other building, structure or sign included in the same permit application, facing upon the same street and within 250 feet of the proposed site, in respect to one or more of the following features of exterior design and appearance:

(1) apparently identical facade;

(2) substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the facade facing the street, including reverse arrangement; or

(3) other significant identical features, such as but not limited to, material, roof line and height or other design elements, provided that a finding of excessive similarity shall state not only that such similarity exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt one or more of the harmful effects set forth in Section 1.

(b) excessive dissimilarity or inappropriateness in relation to any other building, structure or sign existing or for which a permit has been issued, or to any other building, structure or sign included in the same permit application facing upon the same street and within 250 feet of the proposed site in respect to one or more of the following features:

(1) cubical contents;

(2) gross floor area;

(3) height of building or height of roof;

(4) other significant design features such as material or quality of architectural design;

provided that a finding of excessive dissimilarity or inappropriateness shall state not only that such dissimilarity or inappropriateness exists but further that it is of such a nature as to be expected to provoke beyond reasonable doubt one or more of the harmful effects set forth in Section 1, and that the finding is not based on personal preference as to taste or choice or architectural style.

Section 7. The Building Inspector shall refuse any permit application disapproved as provided in Section 6. If the Board of Architectural Review shall approve or fail to act on any permit application referred to it under Section 5 within thirty (30) days of the date of such application, the Building Inspector shall forthwith issue the permit as applied for.

Section 8. Any person aggrieved by the action of the Board of Architectural Review in disapproving a permit application and of the Building Inspector in denying such permit because of such disapproval may take an appeal therefrom to the duly constituted Zoning Board of Appeals of the Village of Mamaroneck, in the same manner as is provided for zoning appeals, and such Zoning Board of Appeals after proceeding in the same manner as is provided for zoning appeals, and with the same power and authority therein vested in passing upon appeals before it under the provisions of law and the Zoning Ordinance of the Village of Mamaroneck, and in the exercise thereof may reverse or affirm the action of the Board of Architectural Review and of the Building Inspector.

Section 9. This Local Law shall supercede such provisions of the Building Code and Local Law No. 2 — 1952. (Creation of Building Department) of the Village of Mamaroneck as amended, and applicable provisions of the Laws of the State of New York, to the extent that they conflict with or are contrary to the provisions of this Local Law.

Section 10. This Local Law shall take effect immediately.

INDEX OF CODE OF ORDINANCES

	Chp.	Sec.	Page
Aircraft	4	8	14
Alarms—Fire, False—Prohibited	4	3	13
Amusements	7	1	47
Anchorage—Boats, Inner-Outer Harbor	9	12	79
Animals	2	2	4
Antennae	11	4	94
Arteries—Main	5	5	22
Ashes	3	3	7
Atmosphere—Pollution of	3	5	8
Auctioneers	7	7	58
Auctions	7	7	58
Automobile Trailer Camps	3-A		9
Awnings, Etc.—Height of	8	3	68
Barricades	8	5	70
Bathing	4	1	12
Bathing Costumes	4	1	12
Bean Shooters	4	2A	12
Bingo	7	10	60
Blasting	7	8	59
Blasting Bond	7	8	59
Boats—Anchorage, Inner-Outer Harbor	9	12	79
Boats—Inspection of	9	8	79
Boats—Living on Board—Prohibited	9	16	81
Boats—Moorings—Permits for	9	14	80
Boats—Noise—Muffling of	9	10	79
Boats—Reckless Operation—Prohibited	9	11	79
Boats—Sail	9	13	80
Boats—Speed—Regulation	9	9	79
Boats—Toilets to be locked or Rendered Inoperative	9	5	79
Boats—Toilets Unlocked—Presumptive Evidence	9	6	79
Boats—Yards to provide Toilet Accommodations	9	7	79
Building and Structural Appurtenances	11		79
Building Materials—Storage of	8	5	70
Buildings—Numbering of	11	3	94
Buildings—Unsafe	11	1	87
Cabarets	4	10	16
Camps—Automobile Trailer	3-A		9
Charges—Parks	10	5	86
Chickens	2	2	4
Children—Willful Destruction of Village Property	4	12	19
Coin-Operated Dry Cleaning Establishments	16		108
Corners, No Parking	5	10A	28
Curbs	8	12	75
Dance Halls	4	10	16
Definitions	1		3
Ditch—Digging of	8	13	75
Docks	3	2	5
Dogs—At Large	2	3	4
Dogs—Enclosures	2	4	4
Dogs—Licensing	2	5	4
Dredging—Regulation of	9	15	81
Driveways—Construction of	8	8	72
Dry Cleaning Establishments Coin-operated	16		108
Dumping Grounds	3	2	5
Excavations—Removal of Soil	4	9	15
Exhibitions	7	1	47
Family Swimming Pools	14		105
Fences—Barbed-wire—Prohibited	8	6	72
Fire Alarms—False—Prohibited	4	3	13
Fire Alarms—Interference	4	4	13
Firearms	4	2	12
Fire Control and Prevention	6		41
Fire—Immunity—Outside Assistance	6	3	42
Fire—Outside Assistance to Other Companies	6	2	42
Fire Prevention	6	5	43
Fireworks	4	2	12
Fuel Oil	13		99
Full Stop Streets	5	5A	22
Garbage	3	3	7
Garbage—Discharging into Harbor Prohibited	9	4	79
Gasoline Service Stations—Surfacing of	9	9	73
Good Order	4		12
Hand Bills—Distribution of	4	7	14
Harbor	9		78
Hawkers	7	2	48
Health	3		5
Heaters—Space—Using Oil or like Fuel	6	4A	43
Horns	4	8	14
Housing—Minimum Standards	15		107
Ice Removal	8	1-2	68
Industrial Waste—Liquid	3	4-1	7
Solids	3	4-2	8
Permits	3	2-4	8
Industries within Certain Hours	4	8	14
Inflammable Volatiles — Regulations—Storage and Sale of	6	1	41

	Chp.	Sec.	Page
Junk Dealers	7	5	56
Junk Yard Enclosures	7	6	58

	Chp.	Sec.	Sub.	Page
Leaves—Burning of	6	4		42
Licenses:				
Amusements	7	1		47
Auctions—				
Auctioneers	7	7		58
Automobile Trailer	3A	3		9
Bingo	7	10	3	61
Blasting	7	8		59
Building Materials	8	5	3	71
Cabaret	4	10	2	17
Coin-operated Dry Cleaning Establishments	16	3		108
Dance Halls	4	10	2	17
Hawkers and Peddlers	7	2	3	48
Junk Dealers	7	5		56
Oil Burners	13	6		100
Parking, Off-Street Areas	5-A	3		36
Plumbers	12	1		95
Poolroom—Billiard Tables, etc.	7	1	1(b)	47
Poultry	2	6		4
Signs	11	2	4	89
Taxicabs	7	3		51
Taxi Drivers	7	4	1A	52
Theatre	7	1	1(a)	47
Littering Prohibited	3	2A		5
Loud Speakers	4	8		14
Main Arteries	5	5		22
Merchandise— on Sidewalks	8	4		68
Meter Zones - Parking	5B			39
Minimum Housing Standards	15			107
Missiles	4	2A.		12
Moorings—Boats	7	11-9		67
Moorings—Buoys	9	14		80
Motors and Engines— Noises from	4	8		14
Municipal Body— Created	5	1		20
Night Parking	5	3		20
Noises—Unnecessary	4	8		14
No Parking Corners	5	10A		28
No Parking Streets	5	10		27
Numbering of Buildings	11	3		94

	Chp.	Sec.	Page
Off Street Parking	5A		31
Oil Burner	13		99
One Side Parking Streets	5	9	26
Parades—Permit Required for	8	10	73
Parking Areas— Construction of	8	8	72
Parking—Definition	5	7	23
Parking—Hours of	5	8	23
Parking — Night	5	3	20
Parking Meter Zones	5B		39
Parking—Off Street	5A		31
Parking—One Side	5	9	26
Parking—Streets Prohibited on	5	10	27
Parking—Trucks	5	12	29
Parks	10		82
Parks—Acts Prohibited	10	1	82
Parks—Aircraft—Land—Low and Stunt Flying over Prohibited	10	4	85
Parks—Charges Subject to Change	10	6	86
Parks—Disorderly Conduct— What Constitutes	10	2	83
Parks—Schedule of Charges	10	5	86
Pavement Markings	5	6	22
Pavements—Rates for Repair of	8	16	76
Peace and Good Order	4		12
Peddlers	9	2	48
Penalties:			
General	Article III — Page 2		
For all violations listed below — as follows:			
Bingo — Violation punishable as misdemeanor	7	10	19 65
Coin-operated Dry Cleaning Establishments	16	12	111
Destruction of Village Property	4	12	19
Dogs — Running at large	2	3(d)	4
Fire Prevention Ordinance	6	5	12 46
Harbor Ordinance	9	17	81
Inflammable Volatiles	6	1	6 42
Junk Dealers	7	5	14 58
Junk Yards	7	6	58
Liquid Waste — Industrial, additional penalty	3	4	7
Moorings	7	11	13 67b
Off-Street Parking	5-A	12	38
Soil—Removal of	4	9	5 16
Speed Limit — Violations	5	4-A	21
Taxis—Unlicensed	7	4	10 55
Taxi Drivers — Unlicensed	7	4	10 55
Trailer—Revocation of License	3-A	14	11
Trees — Cutting or Trimming	8	11	13 74

	Chp.	Sec.	Sub.	Page
Permits:				
Animals — Keeping of	2	2		4
Blasting	7	8		59
Builders	8	5		70
Building Materials	8	5	3	71
Curbs — Removal — Construction	8	12		75
Dumping Grounds — Use of	3	2		5
	3	3	9	7
Excavating Streets	8	13		75
Firearms	4	2		12
Fireworks	4	2		12
Industrial Waste	3	4	1-3	8
Inflammable Volatiles	6	1	4	41
Meetings in Parks	10	2	3	84
Moorings Boats	7	11	9	67
Moorings - Buoys	9	14		80
Parades	8	10		73
Poles and Wires	8	7		72
Pools	14	3	9	105
Family, Portable	14	3	9	106
Poultry	2	2		4
Power Shovel — Use in Streets	8	14		75
Public Dance	4	10	9	18
Roof Antennae	11	4		94
Signs	11	2	(2)	88
Top Soil — Removal of	4	9	1	15
Trapshooting	4	6		13
Trees — In Street or Public Places	8	11	4-7	73

	Chp.	Sec.	Page
Personal Property Left on Streets	8	4A	69
Plumbing Code	12		95
Pollution of Atmosphere	3	5	8
Pools, Family and Portable	14	1-2	105
Poultry—Live—Sale of	2	6	4
Power Shovel—Use of—Permit	8	14	75
Public Service Corp.—Board may waive Deposit—Streets and Sidewalks	8	15	76
Refrigerators—Discarded	4	11	18
Roof Structures	11	4	94
Safety Zones, etc.	5	2	20
Sail Boats	9	13	80
Sanitary Code	12		95
Sanitation	3		5
Sewers—Premises to be connected	3	1	5
Sidewalks	8		68
Sidewalk Permits—Poles—Wires	8	7	72
Sidewalk—Repair of	8	17	76
Sidewalks and Streets	8		70
Sidewalk Sheds	8	5	70
Sidewalks—Obstruction of—Building Permits	8	5	70
Sidewalks—Wares and Merchandise on	8	4	68
Signal Boxes—Keys to	4	5	13
Signs	11	2	88
Sling Shots	4	2A	12
Snow Removal	8	1-2	68
Soil—Removal of	4	9	15
Sound Trucks	4	8	14
Speed	5	4	20
Storage of Building Materials	8	5	70
Street Openings	8	15	76
Streets and Sidewalks	8		68
Streets—One Way	5	11	28
Streets—Parking Prohibited on	5	10	27
Streets—Personal Property left on	8	4A	69
Swimming Pools	14		105
Swine—Keeping of	2	1	4
Taxicabs—Number of	7	3A	52
Taxi Driver's License	7	4	52
Taxis	7	3	51
Trailer Camps	3A		9
Traffic Violations Bureau	5	4B	21
Trapshooting	4	6	13
Trees—Regulations Covering	8	11	73
Trench—Digging of	8	13	75
Trucks—Parking of	5	12	29
Unsafe Buildings	11	1	87
Vehicles—Regulation	5		20
Vehicles—Regulation of in Parks	10	3	85
Vehicles—Speed	5	4	20
Vehicles—Speed Violation—Penalty	5	4A	21
Waste—Industrial—Liquid—Solid—Permits	3	4	7
Waterways	9		78
Willful Destruction of Village Property by Children	4	12	19