

PROPOSED LOCAL LAW D – 2023

A Proposed Local Law to amend the Code of the Village
of Mamaroneck regarding amending the Village Code

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

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

Section 1.

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

§ 1-6 **Copy of Code on file.**

~~A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Mamaroneck and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified to by the Village Clerk of the Village of Mamaroneck by impressing thereon the Seal of the Village of Mamaroneck, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while the said Code is in effect.~~ **The Village Clerk-Treasurer will make an electronic copy of this Code available on the Village's website.**

Section 2.

Sections 1-7 of the Code of the Village of Mamaroneck is repealed.

Section 3.

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

~~It shall be the duty of the~~ **The Village Clerk-Treasurer is required to cause** ~~keep up to date the certified~~ **electronic** ~~copy of the book containing the this Code that is available on~~ of the Village of Mamaroneck ~~required to be filed in the office of the Village Clerk for use by the public~~ **website to be kept up to date.** ~~All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws or resolutions until such changes or local laws or resolutions are printed as supplements to said Code book, at which time such~~

~~supplements shall be inserted therein.~~

Section 4.

Sections 1-9 of the Code of the Village of Mamaroneck is repealed.

Section 5.

Chapter 39 of the Code of the Village of Mamaroneck is repealed.

Section 6.

Article XIV of Chapter 342 of the Code of the Village of Mamaroneck is repealed.

Section 7.

Chapter 3 (Amendments and Publication) of the Code of the Village of Mamaroneck is adopted, as follows:

Chapter 3 Amendments and publication

§ 3-1 Amendments.

The Board of Trustees may amend this Code by local law in accordance with the procedure for adopting a local law established by the Municipal Home Rule Law of the State of New York.

§ 3-2 Zoning amendments.

A. The Board of Trustees may refer any proposed local law that would amend Chapter 342 of this Code to the Planning Board and the Board of Appeals for advisory reports before the public hearing on the local law.

- (1) When the Board of Trustees refers a proposed local law to the Planning Board, the Planning Board must inquire and report as to:
 - (a) whether the proposed amendment is consistent with the Comprehensive Plan of the Village;
 - (b) whether the proposed change is consistent with the aims and principles embodied in Chapter 342 as to the particular district or districts concerned;
 - (c) which areas and establishments of the Village will be directly affected by the proposed change and in what way they will be affected;
 - (d) whether the uses permitted by the proposed change would be appropriate in the area concerned;
 - (e) whether adequate public school or other facilities and services exist or can be created to serve the needs of any additional development likely to be constructed as a result of the proposed change;
 - (f) whether the proposed change will affect other laws or regulations.
- (2) When the Board of Trustees refers a proposed local law to the Board of Appeals, the Board of Appeals must report its view as to the desirability and practicability

of the proposed change.

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

- (1) the proponent of the amendment must pay the fees and costs required by Chapter 23 of this Code; and
- (2) the Village Clerk-Treasurer must provide written notice of the public hearing by certified mail to the owner of record of each property within 400 feet of the property which is the subject of the public hearing to the property owner's address as set forth in the records of the assessor of the Town of Mamaroneck, but the failure of one or more property owners to receive the notice in conformance with this requirement does not invalidate any action taken by the Board of Trustees in connection the proposed amendment.

§ 3-3 Codification.

Every local law adopted by the Board of Trustees when enacted or adopted in a form that reflects the intent of the Board of Trustees that its provisions be a part of this Code is incorporated into this Code so that reference to the Code includes the additions, deletions, amendments and supplements made by the local law.

§ 3-4 Publication of amendments.

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

Section 8.

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

Section 9.

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

Section 10.

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