

LOCAL LAW 5 - 2026

A Local Law to Add Section 342-42.2 to the Code of the Village of Mamaroneck Re: Tobacco retail establishments and to Amend Section 342-3 (B) of the Code of the Village of Mamaroneck Re: Terms defined.

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

Section 1.

Section 342-42.2 of the Code of the Village of Mamaroneck is hereby enacted, and reads as follows:

“§ 342-42.2 Tobacco retail establishments.

A. Requirements for tobacco retail establishments. A permitted tobacco retail establishment located within the Village shall adhere to all the requirements set forth under Article XVI of this Code as well as the following requirements:

(1) No tobacco retail establishment shall be established until the issuance of a special use permit by the Board of Appeals (See Article X.) and in strict adherence to Article XI, Site Development Plan Approval, of this Code. Said permit shall be required to be renewed every year. No tobacco retail establishment shall be permitted in any Residential District listed in Article V of this Chapter, nor shall any tobacco retail establishment be permitted within one thousand (1,000) feet of another tobacco retail establishment and/or within one thousand (1,000) feet of any Residential District listed in Article V of this Chapter, and/or within one thousand (1,000) feet of any school, public park, or public library, for tobacco retail establishments that have not possessed a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance 180 days prior to the effective date of this Section. A tobacco retail establishment special use permit is not required for a wholesale dealer who sells tobacco products or tobacco-related products to retail dealers for the purpose of resale only and does not sell any tobacco products or tobacco-related products directly to consumers.

(2) Each applicant must furnish a copy of a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance at the location for which an application is processed.

(3) No permit shall be issued to an applicant for the operation of a tobacco retail establishment until an applicant has provided a register of contact phone numbers, home addresses and social security numbers of the owner and all employees to the Village Police Department. It is the responsibility of the owner of a tobacco retail establishment to keep these records current and notify the Village Police Department of any changes and updates to these records. A copy of the register shall be maintained by the Village Clerk and shall be made available at the tobacco retail establishment to representatives of the Village during regular business hours.

(4) All tobacco retail establishments shall have visible signage, indicating the existence of a commercial business, and said signage shall be in strict adherence to Chapter 286 of this Code.

(5) All tobacco retail establishments shall display in a prominent place, readily visible to customers, the special use permit issued under this chapter.

(6) All advertising by tobacco retail establishments shall include, in the very least, a valid phone number as well as a bona fide street address.

(7) All tobacco retail establishments shall permit representatives of the Village Police Department, Fire Department, Code Enforcement Officer or other Village departments or agencies to inspect its premises for the purpose of ensuring compliance with the law at any time it is occupied or open for business. No tobacco retail establishment shall be issued a renewed special use permit by the Board of Appeals without a Village Police Department inspection taking place prior to the currently held special use permit's expiration.

(8) Each applicant who wishes to establish a tobacco retail establishment shall submit two sets of fingerprints to the Village Police Department. Said fingerprints shall be taken by the Village Police Department, and the applicant shall pay a fee as set forth by the Police Department. If the applicant is a company or corporation, then two full sets of fingerprints of the principal officer of said company or corporation shall be provided in accordance with this subsection. The Police Department shall forward the applicant's fingerprints to the New York State Division of Criminal Justice Services (DCJS) and shall be responsible for reviewing the criminal history record information disseminated by the DCJS. A certified check or money order, in the amount specified by and made payable to the DCJS to cover the cost of processing fingerprints, shall also be provided by the applicant.

(9) Each applicant who wishes to establish a tobacco retail establishment shall also submit a complete statement of all convictions of the applicant and all its employees for any felony or misdemeanor or violation, except summary traffic violations.

(10) The holder of a tobacco retail establishment special use permit shall notify the Code Enforcement Officer of each change in any of the data required to be furnished by this chapter within 10 days after such change occurs.

(11) In the first year of the effective date of this Section, a tobacco retail establishment special use permit shall only be issued to an applicant for the same location at which the applicant possessed a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance 180 days prior to the effective date of this Section. Except for the first year subsequent to the effective date of this Section, the total number of new and renewed tobacco retail establishment special use permits issued by the Board of Appeals in a given year shall not exceed the number of tobacco retail establishment special use permits that were issued in the previous year. After the first year subsequent to the effective date of this Section, the Board of Appeals shall issue

only one new tobacco retail establishment special use permit for every two tobacco retail establishment special use permits that were revoked during the previous year or for which no renewal application was submitted.

(12) Any person who knowingly owns, manages or maintains a tobacco retail establishment in any way which is contrary to the provisions and regulations of this chapter and Code shall be subject to prosecution under this Code or by civil injunction by the Village Attorney or his designee in any court of competent jurisdiction.

(13) The continuation of a violation of the provisions of this chapter shall constitute, for each day the violation is continued, a separate and distinct offense hereunder.

(14) Each violation of the provisions of this chapter shall subject the owner and/or operator to a fine in the amount of \$500 for each such violation in addition to any other penalties otherwise imposed hereunder.

B. Issuance of special use permit for tobacco retail establishment. The Board of Appeals shall issue a special use permit for a tobacco retail establishment if all the requirements for a tobacco retail establishment special use permit under this section are met, unless they find that:

(1) The correct special use permit fee has not been tendered to the Village.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable federal, state and local laws, ordinances or regulations.

(3) The applicant fails to provide the required New York State licenses and current New York State registration certificates for itself and its employees.

(4) Conviction of offenses.

(a) An applicant or any current employee has been convicted of an offense involving:

[1] The use of force and violence upon a person that amounts to a felony;

[2] Sexual misconduct; or

[3] Narcotics, drugs or dangerous weapons.

(b) A special use permit may be issued to any applicant convicted (or an employee convicted) of any of the crimes described above if the Village finds that such conviction occurred at least five years prior to the date of the application.

(5) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the special use permit application or in any document required by the Village in conjunction therewith.

(6) The applicant has had a tobacco retail business, or other special use permit, denied, revoked, or suspended by the Village or any other state or local agency within five years prior to the date of the application.

(7) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the tobacco retail establishment is not over the age of 18 years.

C. Revocation or suspension of special use permit for tobacco retail establishment. A tobacco retail establishment's special use permit may be revoked or suspended by the Code Enforcement Officer where it appears that the owner, applicant or an employee has been convicted of any offense which would be cause for denial for a special use permit upon an original application, has made a false statement on an application for a special use permit, or has committed an act in violation of this article.”

Section 2.

Section 342-3 (B) of the Code of the Village of Mamaroneck is hereby amended by adding the following definitions, with said definitions reading as follows:

“TOBACCO PRODUCT or TOBACCO-RELATED PRODUCT

Any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powdered and/or dissolvable tobacco products, liquid nicotine and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products. However, "tobacco product" or "tobacco-related product" does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

TOBACCO RETAIL ESTABLISHMENT

Any person and/or establishment that sells or offers for sale any tobacco product or tobacco-related product or any employee of such a person.”

Section 3.

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 4.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

Section 5.

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.