

**VILLAGE OF CENTRE ISLAND
PROPOSED LOCAL LAW D-2020
REPEAL OF CHAPTER 59, “Firearms”**

A local law to repeal Chapter 59, “*Firearms*,” and add new Chapter 59 entitled, “*Firearms and Weapons*,” to the Code of the Village of Centre Island. The Code was adopted by Local Law 2-1994 by the Board of Trustees on November 24, 1994 and last amended by Local Law 2-2020 adopted by the Board on July 8, 2020.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Centre Island as follows:

SECTION I. Repeal Chapter 59, “*Firearms*,” in its entirety.

SECTION II. Add new Chapter 59 entitled, “*Firearms and Weapons*” to the Code of the Village of Centre Island to read as follows:

§ 59-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Firearm

A shotgun, rifle, revolver, pistol or any other device which emits a projectile by the force of an explosion.

Weapon

A long bow, when used with a hunting arrow tip, crossbow, and blow gun, sling shot, CO2 gun, air gun, BB gun or any other device which emits a projectile with a force, other than an explosion, that can cause serious bodily harm. Weapon shall exclude the ceremonial firing of a cannon.

§ 59-2 Regulation.

A. No person shall carry any Firearm or Weapon in the open air within the corporate limits of the village, unless said Firearm or Weapon is contained in a case or sleeve designed for the protection of such Firearm or Weapon, while being carried or transported, or in the box or carton in which such Firearm or Weapon was purchased at retail, or in some other similar secure enclosure.

B. No person shall point, aim, discharge or otherwise use any Firearm or Weapon within the corporate limits of the Village which, including target and trapshooting, except as permitted in section 59-3 below.

C. No person shall cause a projectile or bullet, emitted from any Firearm or Weapon, to pass over property within the corporate limits of the village.

§ 59-3 Exceptions.

Subject to the restrictions of Federal and New York State law, the provisions of section § 59-2 shall not apply to:

A. A police or peace officer acting in the discharge of his or her duties; or

B. A person, when reasonably necessary for the protection of life and or property, acts in self-defense.

C. The owner or owners of land in the village, or their authorized agents, use of a long bow with a hunting arrow tip, or crossbow for hunting on their land, provided:

(1) The individual using the long bow with a hunting arrow tip and or crossbow holds the appropriate current and valid New York State Hunting license, and;

2) The land owner(s) is in possession of a current and valid New York State authorization for the hunting of Deer on his/her land in the Village, and;

(3) The authorized agent has obtained the prior written consent of the property owner and any neighboring owner's of land that he intends to enter or cross over pursuant to exercising his rights under this exception; and

(4) The land owner(s) and the authorized agent, if any, shall file with the Village Clerk all required permits, licenses and written consents from the property owner(s) and any neighboring landowner all of which are required for compliance with provisions of 59-3 (c)

§ 59-4 Surrender of Firearms and Weapons.

Any police officer having reasonable cause to believe that a person is or has been violating any provision of this chapter may demand the surrender by such person of any Firearm or Weapon in the physical possession of such person, and if such Firearm or Weapon is not voluntarily surrendered pursuant to such demand, it may be taken from such person by the use of such force as may be reasonably necessary. If such person is charged with a violation of this chapter, the Firearm or Weapon so surrendered or taken shall be retained in the custody of the police until such charges are disposed of. Upon a dismissal of the charges or verdict of not guilty, the Firearm or Weapon shall be returned to such person. Upon any other disposition of the charges, the Board of Trustees may take such action with regard to such Firearm or Weapon as such Board may deem appropriate to protect public safety and welfare.

§ 59-5 Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

SECTION III. This local law shall take effect upon the filing with the Department of State.