

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

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

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT 04 2001

~~County~~
~~City~~ of Sackets Harbor
~~Town~~
~~Village~~

Local Law No. 3 of the year 2001

MISCELLANEOUS
& STATE RECORDS

A local law relating to the discharge of firearms within
(Insert Title)
The Village limits

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Sackets Harbor as follows:
~~Town~~
~~Village~~

Section 1. **Legislative Intent.** The Board of Trustees of the Village of Sackets Harbor hereby determines that the discharge of firearms, BB guns, pellet guns and the use of explosives in populated areas is detrimental to the safety and welfare of persons residing within those areas, making it necessary that the use of firearms be regulated for the protection of the public health, safety and welfare and that the unauthorized discharge of firearms be prohibited.

Section 2. **Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

FIREARM -- Includes but is not limited to any gun, shotgun, rifle, handgun, pistol, crossbow, or any other device which impels a projectile through the use of explosive force or gunpowder.

PERSON - Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

Section 3. **Prohibited Acts.** Except as provided in this law, it shall be unlawful for any person to discharge or cause to

(If additional space is needed, attach pages the same size as this sheet, and number each.)

law, it shall be unlawful for any person to discharge or cause to be discharged any firearm that, by use of explosive force or gunpowder, emits bullets, BB's, pellets or projectiles of any kind, whether explosive or nonexplosive, within the geographical boundaries of the Village of Sackets Harbor.

Section 4. **Exceptions.** The provisions of this chapter shall not apply to:

A. A duly appointed law enforcement officer in the performance of official duties.

B. The lawful use of a firearm in defense of person or when necessary for the preservation of human life.

C. The use of firearms shall be allowed on target ranges, indoor or outdoor, under the supervision of the owner or occupant of that land or his or her duly appointed representative, provided that:

(1) All target ranges shall be constructed and operated in a safe and prudent manner with due regard for the safety of the surrounding community and in compliance with applicable standards, regulations or procedures for operation of same established or promulgated by the State of New York or any recognized body, such as the National Rifle Association or the American Trap Shooting Association, as same may be applicable to the particular use of the range.

(2) Such range is registered as such with the Village by the owner or occupant of the land on which the range is located, which registration shall specify the area or areas designated for target range purposes.

(3) Such range is not located within one thousand (1,000) feet of any dwelling which is not owned by the owner of the range.

D. By the members of any bona fide hunting club or fish and game association, on land belonging to such club or association.

E. Explosive devices that are lawfully used for excavation, demolition, construction, reconstruction or remodeling purposes.

F. A person discharging a firearm on any agriculturally worked land, or over the waters of Lake Ontario for the purpose of hunting, provided that such discharge in strict compliance with the provisions of the New York State Penal Law and Environmental Conservation Law, and provided further that any person hunting upon the land of another shall have the written permission of the landowner or lessee of the property and shall have the written permission upon his or her person. The written permission shall be signed by the owner or lessee, shall clearly and legibly state the name and address of the person or persons to whom the permission

has been granted, shall be dated, and shall be valid only for that period as appears on the face of the permittee's then-current state hunting license.

G. Explosive devices that are lawfully used for a properly permitted fireworks entertainment display or event by a duly licensed operator.

Section 5. **Enforcement.** This chapter shall be enforced by the State Police, Jefferson County Sheriff's Department or the Sackets Harbor Village Police Department, each of which is hereby authorized and empowered to issue an appearance ticket for any violation of any provision of this Law.

Section 6. **Penalties for Offenses.** Any person violating any of the provisions of this law, upon conviction thereof, shall be fined one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and three hundred dollars (\$300.00) for the third and each subsequent offense.

Section 7. **SEPARABILITY.** Each separate provision herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 8. **REPEALER.** This Local Law shall supersede all prior local laws, ordinances, rules, and regulations relative to the discharge of firearms within the Village of Sackets Harbor and they shall be, upon the effectiveness of this Local Law, null and void.

Section 9. **EFFECTIVE DATE.** This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2001 of the ~~(County)(City)(Town)~~ (Village) of Sackets Harbor was duly passed by the Board of Trustees on July 10, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Betsy Stoker
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: July 10, 2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF JEFFERSON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dennis G. Whelpley
Signature
Dennis G. Whelpley
Village Counsel
Title

~~County~~
~~City~~ of Sackets Harbor
~~Town~~
Village

Date: September 28, 2001