

# Village of Cayuga Heights

## Proposed Local Law A of the Year 2014

### A LOCAL LAW AMENDING ARTICLE I, FIREARMS AND OTHER DANGEROUS WEAPONS, OF THE VILLAGE OF CAYUGA HEIGHTS ARTICLES, AS PREVIOUSLY AMENDED BY LOCAL LAW 1 OF 2012

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

#### **SECTION I**            **PURPOSE AND INTENT**

The purpose of this local law is to amend Article I, Firearms and Other Dangerous Weapons, of the Village of Cayuga Heights Articles, as previously amended by Local Law 1 of 2012. The intention of this Local Law is to provide additional detail and terms to the exception to Article I, Section 2 for actions taken in furtherance of the Village's deer management program, and to include actions taken by landowners in connection with management of deer on their property.

#### **SECTION II**            **AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided for in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

#### **SECTION III**            **AMENDMENT OF ARTICLE I, FIREARMS AND OTHER DANGEROUS WEAPONS**

As of the effective date of this Local Law, Article I, Firearms and Other Dangerous Weapons, of the Village's Articles, as previously amended by Local Law 1 of 2012, shall be amended by deleting Section 2 in its entirety and replacing it with the following language:

#### *SECTION 2*

It is prohibited within in the Village of Cayuga Heights for any person to carry a firearm, shotgun, rifle, air gun, any bow or other instrument that can discharge a projectile, when loaded, except in the course of official duty. It is prohibited within the Village of Cayuga Heights for any person to discharge, or cause to discharge, a firearm, shotgun, rifle, air gun, any bow or other instrument that can discharge a projectile, except in the course of official duty or self-defense.

**EXCEPTIONS:** The provisions of this Article I, Section 2 shall not apply to actions taken in furtherance of, in connection with or to achieve the goals of the Village's deer management program, provided that such actions are taken in accordance with the following terms:

- A. Such actions may be taken by any agent or contractor of the Village of Cayuga Heights, provided that the agent or contractor takes such actions in accordance with:
- i. a currently valid contract executed by the Village and such agent or contractor; and
  - ii. a currently valid New York State Department of Environmental Conservation permit for such actions; and
  - iii. all applicable New York State laws and regulations, including the requirements of New York State Environmental Conservation Law Section 11-0931, including as such Section may be amended hereafter.
- B. Such actions may be taken by a landowner or group of landowners, or the agents, contractors or employees of a landowner or group of landowners, provided that the such person or persons take such actions in accordance with the following terms:
- i. Such actions are taken on the landowner's property or the group of landowners' properties.
  - ii. Prior to taking such actions, the landowner has, or group of landowners have, delivered to the Village of Cayuga Heights Police Department a copy of each of the following items:
    - a. a currently valid New York State Department of Environmental Conservation (NYSDEC) Permit to Take or Harass Nuisance or Destructive Wildlife (sometimes referred to as a Deer Damage Permit, the Permit) for taking the intended actions, or such equivalent permit as NYSDEC may issue in the future for such purposes;
    - b. written confirmation, in form satisfactory to the Village, of the agreement of any landowner necessary to comply with the discharge requirements of New York State Environmental Conservation Law Section 11-0931;
    - c. a map of the property at which such actions are to be taken, indicating the location(s) at which such actions are to be taken, and showing the location of any structure referenced in said New York State Environmental Conservation Law Section 11-0931, subsection 4(a)(2); and
    - d. a written statement containing the names, residence addresses and telephone numbers of each individual who will take any action permitted under the Permit, a copy of each such individual's New York State bow hunter's license or written evidence that each such individual has successfully completed the New York State bow hunter safety course, and a statement of the dates and times at which such action is to be taken.
  - iii. Such actions are taken in accordance with the NYSDEC Permit and all applicable New York State laws and regulations, including the requirements of New York State Environmental Conservation Law Section 11-0931, including as such Section may be amended hereafter.
  - iv. The person(s) authorized by the Permit to take such actions shall use only compound bow or crossbow equipment, shall discharge such bow only in a downward direction from a deer stand, platform or other structure the floor of which is not less than twelve (12) feet above the grade below such floor, and such person shall retrieve any arrow discharged.
  - v. In the event that such discharge results in the wounding of a deer, and that deer

moves off of the Permit holder's property, the person(s) authorized to take such actions shall

- a. prior to entering such other property obtain permission from the other property owner to do so. If unable to obtain such permission, the person(s) authorized to take such actions must notify the Cayuga Heights Police Department; and
- b. relocate the carcass of the deer onto the Permit holder's property, unless such person has received permission from the other property owner to process the deer carcass on the other property owner's property.

The terms of these exceptions shall not amend, modify, alter or change any term or provision of this Local Law other than as expressly set forth in these exceptions.

#### **SECTION IV            SUPERSEDING EFFECT**

All Local Laws, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

#### **SECTION V            VALIDITY**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

#### **SECTION VI            EFFECTIVE DATE**

This Local Law shall be effective as of the date of filing with the New York Secretary of State, except that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.