

VILLAGE OF CAYUGA HEIGHTS

PROPOSED LOCAL LAW J OF THE YEAR 2013

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.

EXCEPTION: The provisions of this Article I, Section 2 shall not apply to actions

taken in furtherance of or in connection with 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 delivered to the Village of Cayuga Heights Police Department a copy of a currently valid New York State Department of Environmental Conservation Permit to Take or Harass Nuisance or Destructive Wildlife (sometimes referred to as a "Deer Damage Permit"), or such equivalent permit as the Department of Environmental Conservation may issue in the future for such purposes, for taking the intended actions, and such actions are taken in accordance with such permit.
 - (iii) Such actions are taken in accordance with 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) Only hand powered long bow and/or crossbow equipment is used.
 - (v) In the event that such long bow or crossbow discharge results in the wounding of a deer and that deer's movement off of the permit holder's property, the person responsible for such wounding (i) shall, prior to entering such other property, make a good faith effort to seek and obtain permission from the other property owner, and (ii) 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.