

VILLAGE OF TRUMANSBURG

PROPOSED LOCAL LAW ____ OF THE YEAR 2014

**REPEAL OF LOCAL LAW NO. 2 – 1977, CONTROL OF
FIREARMS AND NEW FIREARMS LOCAL LAW
PROVISIONS**

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

SECTION I PURPOSE AND INTENT

It is the purpose and intent of this Proposed Local Law to (i) repeal in its entirety Local Law No. 2 – 1977, Control of Firearms, of the Village of Trumansburg; (ii) thereupon adopt this new Proposed Local Law ____ of the Year 2014 so as to clarify, revise and elaborate the Village’s current firearm restrictions and controls; and (iii) further provide new, additional and supplemental provisions to the current firearm restrictions and controls, including, but not limited to, specific and limited exceptions to be applied to the newly applicable firearm restrictions; whereupon, deer management and related activities can be undertaken by landowners and other individuals permitted on their property in accordance with this new Local Law ____ of 2014 and New York State law, rules and regulations.

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 REPEAL OF LOCAL LAW 2- 1977 AND ADOPTION OF NEW
FIREARMS LOCAL LAW PROVISIONS**

As of the effective date of this Local Law, the current and existing Local Law No. 2 – 1977 will be repealed, and thereupon, by adoption of this local law, the following new and updated firearm control provisions and related provisions shall hereby be enacted, it being intended thereby to (i) promote the health, comfort, safety and welfare of all persons in the Village by restricting the discharge of firearms and related equipment in all areas of the Village where such discharge would be hazardous to the residents of the Village and to the general public, and (ii) to also enable the Village to undertake deer management efforts as deemed necessary and appropriate within certain designated areas of the Village so as to further address health and related issues:

New Firearm and Related Local Law Provisions:

A. It is prohibited within in the Village of Trumansburg 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 or as otherwise permitted under the applicable Federal and State provisions, including, but not limited to, New York State Penal Law. It is prohibited within the Village of Trumansburg 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, or (i) as may be otherwise permitted herein or (ii) as otherwise permitted under the applicable Federal and State provisions, including, but not limited to, New York State Penal Law.

Exceptions

- B. Notwithstanding the foregoing restrictions, the provisions in Section A above shall not apply to actions taken by the Village of Trumansburg in furtherance of and in connection with the intended goals and objectives of a Village's deer management program(s), provided that such deer management actions are taken in accordance with and subject to the following terms and provisions:
1. Such deer management actions may be taken by the Village of Trumansburg and/or any agent or contractor of the Village, provided that the Village, agent or contractor, as the case may be, takes such actions in accordance with:
 - (i) a currently valid contract executed by the Village and such agent or contractor if such an agreement between the Village and such agent or contractor is deemed necessary and/or required; and
 - (ii) a currently valid New York State Department of Environmental Conservation permit for such actions; and
 - (iii) all then applicable New York State laws, rules and regulations, including the requirements of New York State Environmental Conservation Law Section 11-0931.
 2. 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, as the case may be, provided that such party or parties take such actions in accordance with the following terms and provisions:
 - (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 Trumansburg Deer Management Oversight Committee 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” or “Deer Nuisance 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 specific 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 party 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, rules and regulations, including the requirements of New York State Environmental Conservation Law Section 11-0931, including as such Section may from time to time be amended hereafter;
- (iv) Such actions are taken only by compound bow or crossbow, only in a downward direction from a tree stand, platform or other structure the floor of which is not less than twelve (12) feet above the grade below such floor, and with retrieval of 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 Village of Trumansburg Village Deer Management Oversight Committee; 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 the foregoing 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 Trumansburg 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.