

VILLAGE OF FREEVILLE

LOCAL LAW NO. 1 FOR THE YEAR 2022

FIREARMS AND EXPLOSIVES PROVISIONS LAW

REPEAL OF LOCAL LAW NO. 12 of 2010 FIREARMS AND EXPLOSIVES

Be it enacted by the Board of Trustees of the Village of Freeville 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. 20 of 2010 Firearms and Explosives in the Village of Freeville; (ii) thereupon adopt this new Proposed Local Law 2 of the Year 2021 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 in accordance with this new Local Law 2 of 2021 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 10 of 2010 AND ADOPTION OF NEW FIREARMS AND EXPLOSIVES LOCAL LAW PROVISIONS

As of the effective date of this Local Law, the current and existing Local Law No. 10 of 2010 will be repealed, and thereupon, by adoption of this local law, the following new and updated firearm control provisions and related provisions shall hereby be enacted, it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 or explosives 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 Freeville 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 Freeville 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.

- B. It is prohibited within in the Village of Freeville to fire or assist in firing firecrackers (this specifically includes, but is not limited to, firecrackers, bottle rockets, roman candles, spinners) or any explosive used in any way for the making of noise or otherwise, or set off fireworks of any kind or description, or as may be otherwise permitted herein.

Exceptions

- C. Notwithstanding the foregoing restrictions, the provisions in Section A above shall not apply to actions taken by the Village of Freeville in furtherance of and in connection with the intended goals and objectives of a Village's deer management program, provided that such deer management actions are taken in accordance with and subject to the following terms and provisions:

1. Such actions may be taken by a landowner, or the agents of a landowner, as the case may be, provided that such party or parties take actions in accordance with the following terms and provisions:
 - (i) The Village of Freeville or its agent is actively operating a deer management program.
 - (ii) Prior to taking such actions, the landowner or agent has completed all necessary paperwork to be in alignment with any Village of Freeville deer management regulations in place at the time.
 - (iii) Landowner or agent has received back written approval from the Village or its agent that permission has been granted for a specified date range and it is currently within that date range.
 - (iv) 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.
 - (v) Such actions are taken in accordance with any Village of Freeville deer management, rules and regulations, including, but not limited, current time of date and setback rules.

- (vi) Such actions are taken on the permitted landowner's property only.
- (vii) Such actions are taken only by compound bow or crossbow;

D. The provision in section B shall not apply in the following circumstances.

1. A situation that meet all the following criteria

- (i) The device is a ground-based fireworks that emit showers of sparks or handheld wood sparklers or party poppers or snappers and is currently legal to buy and use in New York and Tompkins county.
- (ii) The date is between June 20th and July 5th
- (iii) The time is between 9am and 10pm
- (iv) There is no current burn ban in the Village or specific prohibition of all fireworks is in place by the Freeville Fire Department Fire Chief

2. Firework displays where permission has been specifically granted by the Mayor or a resolution of the Board of Trustee and no current burn ban in the Village or specific prohibition of all fireworks is in place by the Freeville Fire Department Fire Chief,

SECTION IV SUPERSEDING EFFECT

All Local Laws, resolutions, rules, regulations, and other enactments of the Village of Freeville 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.