

# FIREARM AND BOW SAFETY

## Chapter 67

### FIREARM AND BOW SAFETY

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**[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 9-18-1990 as L.L. No. 9-1990. Amendments noted where applicable.]**

§ 67-1. Title.

This chapter shall be known as the "Village of Lansing Firearm and Bow Safety Law."

§ 67-2. Purpose and intent.

This chapter is intended to promote the health, comfort, safety and welfare of all persons in the Village by restricting the discharge of firearms and the discharge of bows in certain densely populated areas of the Village where such discharge would be hazardous to the residents of the Village and to the general public.

§ 67-3. Discharge of firearms or bows. **[Amended 9-17-1991 by L.L. No. 14-1991, Amended 10-15-07 by L.L. No. 7-2007]**

- A. Except as expressly provided to the contrary hereinafter, the discharge of a firearm, shotgun, rifle, air gun, compound bow or crossbow within the Village of Lansing is prohibited.
- B. Conditions. **[Added 4-19-1993 by L.L. No. 6-1993, Amended 10-15-07 by L.L. No. 7-2007]**
  - (1) Notwithstanding the terms of Subsection A of this section, the discharge of a firearm, shotgun, rifle, air gun, compound bow or crossbow within the Village of Lansing, shall be permitted only in cases that each of the following conditions are satisfied:
    - (a) If the person discharging the firearm, shotgun, rifle, air gun, compound bow or crossbow is a person who holds a currently valid license from the New York State Department of Environmental Conservation and is visibly identified as a Wildlife Control Officer, such visible identification at a minimum to include such person's wearing the official uniform of a Wildlife Control Officer.
    - (b) The discharge is in the course of said licensed Wildlife Control Officer's performance of official duties.

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- (c) Said licensed Wildlife Control Officer has received express permission to do so, whether oral or written, from the owner of the property upon which said discharge occurs.
  - (d) Said licensed Wildlife Control Officer has in effect at the time of said discharge a liability insurance policy issued by an insurance company licensed to do business in the State of New York which includes not less than one million dollars (\$1,000,000.) in general liability insurance coverage.
  - (e) Said licensed Wildlife Control Officer shall report any such discharge, either in writing, in person or via telephone conversation, to the Village Clerk or to the Clerk Part Time by the end of the next business day following any such discharge.<sup>1</sup>
  - (f) Such discharge occurs in a location that would not jeopardize the safety of any person or property within the Village.
  - (g) Such actions are taken by said Wildlife Control Officer in accordance with all applicable provisions of New York State Law.
- (2) In each case that said discharge results in the destruction of an animal, said licensed Wildlife Control Officer shall immediately remove the carcass of said animal and transport and dispose of the carcass, all in such manner as shall provide adequate and appropriate protection to the Wildlife Control Officer, the property owner and the residents of the Village against the spread of the rabies disease, and in accordance with all applicable laws, rules and regulations.

### **§ 67-4. Applicability of statutory definitions.**

The words and phrases used in this chapter shall, for the purpose of this chapter, have the meanings ascribed to them by § 265.00 of the Penal Law of the State of New York.

### **§ 67-5. Penalties for offenses.**

Unless statutory provisions prevail, a violation of any provision of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. Each day that such violation continues shall constitute a separate violation.

### **§ 67-6. Exceptions. [Added 9-20-1993 by L.L. No. 13-1993, Amended 10-15-07 by L.L. No. 7-2007]**

- A. Notwithstanding any term or provision of this chapter to the contrary, if an owner of property within the Village meets all of the requirements and criteria described in a Deer Management Program approved by the New York State Department of Conservation (“DEC”) and authorized and adopted by the Village (a “DEC Deer Management Program”), or otherwise establishes to the satisfaction of the Village Board of Trustees that relief from certain prohibitions, restrictions and/or requirements of this chapter shall be beneficial to the Village’s and/or such

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<sup>1</sup>Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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property owner's efforts to manage or control the population of deer in the Village and/or on said property owner's property, then the Board of Trustees may, by resolution, grant such property owner relief from certain of the prohibitions, restrictions and/or requirements of this chapter in accordance with the following conditions. The Board of Trustees, in such circumstances, may authorize the discharge of a compound bow on such property owner's property, provided that:

- (1) The compound bow is hand-powered.
- (2) No more than a total number of persons based upon one (1) person per ten (10) acres of the property in question is permitted to engage in such discharge of compound bows at any given time; provided, however, that up to two (2) persons shall be permitted to engage in such discharge on properties of less than ten (10) acres.
- (3) Discharge of such bows may occur only during daylight hours of the legal hunting season as designated each year by the DEC, or such times and hours as may be designated by the Board of Trustees, whichever is more restrictive.
- (4) Any arrows discharged must be distinctively marked with a description of the markings provided to the landowner.
- (5) In addition to all requirements provided for in this Section 67-6, the discharge of such compound bows and all activities related thereto must conform in all respects to the requirements and criteria described in the DEC Deer Management Program governing the property in question. In the event of any conflict between the provisions of this Section 67-6, and the DEC Deer Management Program governing the property in question, the Board of Trustees, in granting the relief provided for above, shall determine which provisions apply.
- (6) Persons who seek to so discharge compound bows must park their vehicles out of view from any public roadway, and discharge of a compound bow must occur in an area not visible from any public roadway.
- (7) Such compound bow discharge may not (i) occur within one hundred and fifty (150) feet of any dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church, or (ii) result in the arrow passing over a public highway or any part thereof; provided, however, that the prohibition above as to a compound bow discharge within one hundred and fifty(150) feet of a dwelling house shall not apply to the owner or lessee of the dwelling house, or members of his immediate family actually residing therein, or a person in his employ, or the guest of the owner or lessee of the dwelling house acting with the consent of the owner or lessee; provided further, however, that nothing herein shall be deemed to authorize such persons to discharge a compound bow or any other firearm within one hundred and fifty (150) feet of any other dwelling house or a farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church;
- (8) The property owner or his/her/its designated agent must notify all adjacent property owners by letter (a copy of which is also to be provided to the Village Board of Trustees) as to (i) the dates and times during which such compound bow discharge may occur, (ii) the name and address of the

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property owner to whom complaints should be directed, and (iii) the requirement that a copy of any such complaint be sent to the Board of Trustees.

- (9) In the event that such compound bow discharge results in the wounding of a deer and that deer's movement to an adjacent property, the person responsible for such wounding shall, prior to entering such adjacent property in pursuit of the wounded deer, make a good faith effort to seek and obtain permission from the adjacent property owner, and shall otherwise comply with all applicable provisions of the DEC Deer Management Program governing the activity involved.
  - (10) No person involved in any of the foregoing activities shall bleed or slaughter any deer on any property adjacent to the property of the owner requesting the foregoing relief from the requirements of this chapter.
- B. In the event that a Village property owner has satisfied the Board of Trustees that such property owner is entitled to such relief, said property owner must enter into a written instrument confirming the property owner's agreement to abide by all the foregoing conditions, which agreement shall remain in effect and be automatically renewed and continued year to year unless either party advises the other in writing that the agreement in question shall be terminated. The terms of this section shall not amend, modify, alter or change any term or provision of this chapter other than as expressly set forth in this section.