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Daniel Gartenstein, Asst. Corporation Counsel

TO: James L. Noble, President, Common Council
Aldermen

FROM: Daniel Gartenstein, Assistant Corporation Counsel

DATE: May 12, 2016

RE: Firearms and Shooting Range

Attached please find samples of legislation with regard to the discharge of firearms from other municipalities for your review in preparation for the Laws & Rules meeting.

City of Poughkeepsie, NY
Wednesday, May 11, 2016

Chapter 14. OFFENSES AND MISCELLANEOUS PROVISIONS

Article I. In General

Section 14-1. Abandoned iceboxes, refrigerators and similar receptacles.

[Ord. of 11-2-1953, § 1]

It shall be unlawful to permit or allow a discarded icebox, refrigerator or other container or one not in use to remain in any place accessible to children unless the latching or locking mechanism on the door or doors of the same has been removed or unless the door or doors of the same are removed or are bolted and locked in such manner that it is impossible to open the same by use of the hands.

Section 14-2. Air pistols and air rifles; sale, possession, discharge.

[Ord. of 3-4-1929, § 1; Ord. of 5-5-1941, § 1; Ord. of 3-15-1971; Ord. of 12-16-1980]

It shall be unlawful for any unauthorized person under the age of 16 to sell, offer to sell, possess or discharge any air pistol or air rifle or similar device in which the propelling force is a spring or air, except that such devices used in connection with an amusement duly licensed or at rifle or pistol ranges duly authorized by law shall not be considered a violation hereof and except that such devices may be authorized for use by officers and employees of the City of Poughkeepsie so designated by the Chief of Police.

Section 14-3. Flying kites.

[Ord. of 2-4-1929, § 11]

No person shall raise or fly any kite in any of the streets of the City.

Section 14-4. Interments and disinterments.

[Ord. of 3-4-1929, § 1, 2]

- (a) *Interment.* No person shall inter or allow to be interred any dead bodies within the City, except in a burial ground.
- (b) *Disinterment.* No person shall remove, disturb or expose any dead body or coffin interred in any graveyard or vault in the city, unless permission is first obtained from the Health Officer.

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Section 14-5 Loitering.

[Ord. of 2-21-1995, § 1, 2; Ord. of 4-6-2004, § 1]

- (a) The City of Poughkeepsie has identified a significant trade in controlled substances and marijuana on the streets of the City of Poughkeepsie with the resulting increase in crimes related to such street trade. The purpose of the following provisions of this section is to add to the crime-fighting abilities of the City of Poughkeepsie Police Department by prohibiting loitering for the specific illegal purposes of possessing or using marijuana or a controlled substance.

- (1) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

CONTROLLED SUBSTANCE

Any substance listed in Schedule I, II, III, IV or V of Section 3306 of the Public Health Law other than marijuana.

MARIJUANA

Marijuana or concentrated cannabis, as those terms are defined in Section 3302 of the Public Health Law.

MOTOR VEHICLE

- a. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except:
 1. Electrically-driven mobility-assistance devices operated or driven by a person with a disability.
 2. Vehicles which run only upon rails or tracks.
 3. Snowmobiles as defined in Article 47 of the New York State Vehicle and Traffic Law.
- b. The term "motor vehicle" shall exclude fire and police vehicles.

PUBLIC PLACE

A place to which the public or a substantial group of persons has access, and includes but is not limited to any street, highway, sidewalk, bridge, alley or alleyway, plaza, park, parking lot or transportation facility, school, place of amusement or playground or the doorways and entranceways to any building which fronts on any of the aforesaid places or a motor vehicle in or on any such place and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

- (2) *Loitering for the purpose of using or possessing marijuana or a controlled substance prohibited.* A person is guilty of loitering when he or she loiters or remains in a public place for the purpose of possessing or using marijuana or a controlled substance. Loitering under this provision is a violation.
 - (3) *Guidelines for law enforcement.* In order to make an arrest of a person under this section, a police officer or other person must have repeatedly observed conduct of the subject individually or in conjunction with another which would reasonably lead a police officer to the conclusion that the subject is present for the purpose of using or possessing marijuana or a controlled substance.
 - (4) *Penalties.* If any party violates the provisions of this section or engages in conduct in violation of this section, he or she shall be subject to punishment by a fine of \$250 or by imprisonment for up to 15 days, or both.
 - (5) *Enforcement.* The provisions of this section can be enforced by the City of Poughkeepsie Police Department and any other police officer or peace officer or other person who can lawfully make an arrest.
 - (6) *Savings clause.* If any clause, sentence, paragraph, section or part of this section shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.
- (b) *Authority in emergency.* In times of public danger, existing or threatened, it shall be the duty of the Police Force to keep the streets and sidewalks clear of all gatherings, and no citizen or other person shall at such times be allowed to remain standing on the streets, after a request to move has been made by an officer of the Police Force or by any member of the Common Council.

Section 14-6 Malicious mischief.

[Ord. of 2-4-1929, § 8; Ord. of 3-4-1929, § 1]

- (a) *Generally.* No person shall willfully and wantonly injure, deface or tarnish any house, porch, stoop, door, gate, well, pump, fence or tree or any useful or ornamental public or private work or improvement or any post or hydrant standing in the street, either by daubing or smearing the same or part thereof with mud, paint, tar, oil, grease or any other substance or by throwing stones or in any manner whatever, nor shall any person aid or assist therein.
- (b) *Tampering with poles, tamps, fixtures.* No person shall in any way deface, mar, injure, disturb, break or destroy any lamps, poles or fixtures of any kind in the streets or public places of the city or meddle with or open the same or obstruct or extinguish the light thereof.

Section 14-7 Meter inspectors; badges required.

[Ord. of 3-4-1929, § 1]

Each person whose duty it shall be to inspect any gas, water or electric light meter shall at the time of such inspection wear a metal badge which shall be furnished by the city in cases where such inspection is made by a city employee or by the corporation whenever such inspection is made for a corporation. Such badge shall plainly show the name of the city or of the corporation for whom the inspection is made and shall be conspicuously worn in order to be plainly seen and exhibited to each householder or other person upon whose premises inspections are made.

Section 14-8 Minors engaged in street trades, as newspaper carrier boys. ^[1]

- (a) *Age restriction.* No boy under the age of 14 years nor girl under the age of 18 shall carry on any business street trade. In addition, no boy under the age of 12 may sell or deliver newspapers to customers at their homes or places of business.
- (b) *Badge or certificate required.* Each boy so engaged, whether it shall be as a shoeshine boy, as a boy selling papers on a corner or as a carrier boy, must have a badge or certificate issued to him through the Board of Education and must carry this badge or certificate on his person at all times.
- (c) *Hours limited.* No boys in the above category may work before 6:00 a.m. or after 7:00 p.m., nor for more than four hours on a school day and five hours on any day when school is not in session.

[1]: State law references: *Street trades defined and regulated*, § 3227 of the Education Law; *newspaper carriers*, § 3228 of the Education Law.

Section 14-9 Noises: siren whistles and gongs. ^[1]

[Ord. of 4-5-1937, § 2]

- (a) *Prohibited.* It shall be unlawful for any person to carry or use upon any vehicle any gong or siren whistle similar to that used on ambulances or vehicles of the Police and Fire Departments.
- (b) *Scope of section.* Nothing herein contained shall be construed to permit the use or carrying of any such gong or siren upon any vehicle owned or operated or carrying members of a volunteer Fire Department to and from fires, except fire apparatus owned by the city and operated by the Fire Department when going to a fire. This section shall not apply to the operators of ambulances or police vehicles when used in the course of their official duties.

[1]: State law reference: *Breaches of the peace constituting disorderly conduct*, § 240.00 et seq. of the Penal law.

Section 14-10 Same: playing musical instruments in streets.

[Ord. of 4-5-1937, § 3; Ord. of 6-21-1937, § 1]

- (a) *Permit requirements.* It shall be unlawful for any person, without a written permit from the Mayor, to use, play or perform upon any drum, bugle, hand organ, barrel-organ, barrel-accordion, barrel-piano, hurdy-gurdy or other musical or wind instrument upon any street or other public place except in accordance with the provisions of Section 5 of the General City Law. The Mayor may, in his discretion, limit such permit as to time and place and may, at any time, revoke such permit peremptorily and without notice.
- (b) *Soliciting money.* It shall be unlawful for any person, except a duly organized religious corporation using or performing upon such musical instrument to solicit, ask, request or accept any money for such use or performance.
- (c) *Permit or copy to be filed.* Any person who secures a permit under this section shall file said permit or a copy thereof with the Chief of Police.

Section 14-11 Same: radios and similar devices.

[Ord. of 4-5-1937, § 4; Ord. of 5-17-1976, § 1]

It shall be unlawful for any person to operate in or upon any vehicle or in any building or upon any premises or in any street or other public place any voice-amplifying device, radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises. This section shall not apply to the operation of a general broadcasting system on the Main Mall with the written permission of and under supervision by the Downtown Council.

Section 14-12 Obscene words, characters, figures.

[Ord. of 2-4-1929, § 8]

No person shall write, paint, print, draw or cut upon any building, fireplug, post, fence or other object exposed to public view any obscene word or expression, character, figure or design.

Section 14-13 (Reserved) ^[1]

[1]: *Editor's Note: Former Section 14-13, Parades, demonstrations, assemblages, was repealed by Ord. No. O-09-04. See § 7 3/4-20.*

Section 14-14 Sales on holidays.

[Ord. of 3-2-1964, § 1, 2; Ord. of 9-4-1968, § 1-3; Ord. of 3-15-1976]

All public selling or offering for sale of any property upon Christmas Day, being the 25th day of December, which would be a violation of § 9 of the General Business Law, which is sold or offered for sale on Sunday, is prohibited.

Section 14-15 Strikebreakers employment in labor disputes.

[Ord. of 7-20-1964, § 1 through 3]

- (a) *Recruitment.* No person shall recruit, procure, supply or refer any person for employment in place of any employee involved in a labor dispute in which such person is not directly involved.
- (b) *Employment.* No person involved in a labor dispute shall, directly or indirectly, employ in the place of an employee involved in such dispute any person who customarily and repeatedly offers himself for employment in the place of employees involved in a labor dispute, or contract or arrange with any person to recruit, procure, supply or refer persons for employment who customarily and repeatedly offer themselves for employment in place of employees involved in such labor dispute.
- (c) *Engaging in employment.* No person who customarily and repeatedly offers himself for employment in place of employees involved in a labor dispute shall take or offer to take the place in employment of any employee involved in a labor dispute.

Section 14-16 Throwing stones, missiles.

[Ord. of 3-4-1929, § 1]

No person shall fling or throw any stone or other hard substance or missile by hand, sling or any other propelling power within the city.

Section 14-17 Vehicles; abandonment on private property. ^[1]

[Ord. of 12-16-1963, § 1 through 5; Ord. of 6-18-1973; Ord. of 8-1-1977, § 1; Ord. of 3-20-1979, § 1]

- (a) *Abandoned vehicle defined.* A motor vehicle shall be deemed to be an abandoned vehicle if left unattended for more than 96 hours on the property of another if said vehicle was left without the permission of the owner of said property.
- (b) *Junked vehicles.* It shall be unlawful for the owner, lessee, tenant or agent of such owner of private property to park, place, abandon, leave or permit others to park, place or leave any vehicle in a dismantled, partially dismantled, wrecked or

inoperable condition on any private property. Enforcement of this Subsection **(b)** may be made pursuant to Section **9-10**.

- (c) *Hazard declared.* The parking, placing or leaving of any dismantled, partially dismantled, wrecked or inoperable vehicle on any privately owned property shall be deemed to constitute a hazard to the health, safety and welfare of the public.
- (d) *Exceptions to section.* This section shall not apply to properties occupied and used for the business of repairing, reconditioning and remodeling vehicles in conformance with the Zoning Ordinance of the City of Poughkeepsie.^[2]
- [2]: *Editor's Note: See Ch. 19, Zoning and Land Use Regulations.*

[1]: *Editor's Note: See also Administrative Code Section 10-9 for provisions on lost, found or stolen property.*

Section 14-18 Weapons, discharge. ^[1]

[Ord. of 3-4-1929, § 1; Ord. No. O-09-11, § 1]

It shall be unlawful for any person to discharge any pistol, shotgun, air pistol, air rifle, BB gun, paintball gun or other weapon within the City.

[1]: *State law reference: Aiming, discharging firearms, § 1906 of the Penal Law.*

Section 14-19 Consumption of alcoholic beverages in public places and possession of open containers of alcoholic beverages in public places.

[Ord. of 7-16-1973, § 1; Ord. of 8-6-1973, § 1; Ord. of 5-3-1976, § 1; Ord. of 5-16-1983, § 1, 2; Ord. of 10-17-1983; Ord. of 4-7-1986, § 1, 2; Ord. of 6-2-1986, § 2; Ord. of 4-6-1992, § 1]

(a) *Statement of legislative findings.*

- (1) In order to promote the safety, health, morals and welfare of the people of the City of Poughkeepsie and to promote the safe, sanitary and enjoyable use of the public places of the City of Poughkeepsie, it is necessary to regulate the consumption of alcoholic beverages in public places and to regulate the possession of open containers of alcoholic beverages in public places with intent to consume the same in such public places. The Common Council finds that the consumption of alcoholic beverages in public places and/or the possession of open containers of alcoholic beverages in public places with intent to consume the same in such public places leads to an increase of litter, garbage and debris in the said public places; the Common Council further finds that the consumption of alcoholic beverages in public places and/or the possession of open containers of alcoholic beverages in public places with intent to consume the same in such public places reasonably causes fear, apprehension and unwillingness of the majority of the general public to utilize such public places for pedestrian purposes and for recreation; the Common Council further finds that the consumption of alcoholic beverages in public places and/or the possession of open containers of alcoholic beverages in public places with intent to consume the same in such public places tends to increase the incidents of loitering, disorderly conduct and other offenses in the vicinity of such activities; the Common Council further finds that the consumption of alcoholic beverages in public places and/or the possession of open containers of alcoholic beverages in public places with intent to consume the same in such public places increases the unfavorable phenomenon of urban blight and neighborhood decay and negatively affects property values and the quality of life; the Common Council further finds that the consumption of alcoholic beverages in public places and/or the possession of open containers of alcoholic beverage in public places with intent to consume the same in such public places contributes to juvenile delinquency and the spread of crime.
- (2) In order to promote and protect the proper governmental interests of the City of Poughkeepsie and its constituent residents, the Common Council of the City of Poughkeepsie does enact this section to prohibit the consumption of alcoholic beverages in public places and to prohibit the possession of open containers of alcoholic beverages in public places with intent to consume the same in such public places.

(b) *Definitions.* Wherever used in this section, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGES

Includes alcohol, spirits, liquor, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.

CONTAINER

Includes any bottle, can or other receptacle suitable for or used to hold any liquid.

PARK

Includes all areas of the public parks of the city except such areas designated by the city as picnic areas, golf courses and restaurants.

PUBLIC PLACES

Includes all areas of the public parks of the City of Poughkeepsie, such areas designated by the city as picnic areas, golf courses, highways, roads, streets, sidewalks and publicly owned and maintained malls.

- (c) *Consumption.* No person shall consume alcoholic beverages in the public places of the City of Poughkeepsie.
- (d) *Open container.* No person shall have in his or her possession any open container containing an alcoholic beverage in any public place with the intent to consume the same in such public place of the City of Poughkeepsie. There shall be a rebuttable presumption that there is intent to consume an alcoholic beverage where the manufacturer's seal on the container is broken, the container is less than full or the person is intoxicated.
- (e) *Exemption.* This section shall not apply to persons participating in organized functions within the parks of the City of Poughkeepsie if such organized functions are formally approved, in writing, by the City of Poughkeepsie Recreation Department and if such formal approval contains permission for the consumption of alcoholic beverages.
- (f) *Applicability.* This section is not applicable to any undertaking or activity regulated by the New York State Alcoholic Beverage Control Commission or regulated by any other state statute.

Section 14-20 Public urination; penalties for offenses. ^[1]

[Ord. of 4-6-2004, § 1]

- (a) No person shall urinate or defecate in a public place except in a rest room facility. For the purpose of this section, "public place" shall mean any place to which the public or a substantial group of persons has access, and includes, but is not limited to, streets, sidewalks, alleys, parking areas, municipal parking ramps, garages, other transportation facilities, schools, pools, places of amusement, parks, playgrounds, together with hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence or any other public facility or ground, whether vacant or improved.
- (b) Any person violating this section shall, upon conviction, be subject to a fine of not more than \$250 or imprisonment for a term not to exceed 15 days, or both.

[1]: *Editor's Note: Former Section 14-20, Water meters, broken seal prohibited, adopted as §§ 1 and 2 of an Ord. of 2-19-1976, was repealed by an Ord. of 9-7-1993, § 8.*

Section 14-21 Bicycling and skateboarding prohibited; parking facilities.

[Ord. of 11-21-1977, § 1]

When appropriate signs giving notice thereof are erected, bicycling and skateboarding at the following parking facilities, including ramps and roadways leading to and from such parking facilities, shall be prohibited at all times:

Academy Street parking lot

Cannon-Church Street parking lot

Cannon Street parking deck

City Hall garage

Crannell Street parking lot

Financial Plaza garage

Garden-Mill Street parking lot
 Lafayette-Washington Street parking lot
 Liberty Street parking lot
 Mill-Conklin Street parking lot
 North Clinton-Smith Street parking lot
 North Hamilton-Catherine Street parking lot
 North Hamilton-Mill Street parking lot
 South Hamilton Street-Cannon Street parking lot

Section 14-22 Drying laundry in front yard. ^[1]

[Ord. No. O-07-22, § 1]

It shall be unlawful for any person to lay, place or hang clothes, rags or fabrics of any kind in the front yard, side yard or on the front porch of any property for the purpose of drying, airing or otherwise. This shall not apply to the lawful display of banners, flags or other decorative displays or in the event a permit has been issued pursuant to Section **12-84** of this Code. Violation of this section shall be punishable by a fine of not less than \$25 and not more than \$100.

[1]: *Editor's Note: Former Section 14-22, Motor vehicles prohibited in Eastman Park on tracks, paths; penalty, added by an ordinance of 4-3-1979, § 1, 2, was renumbered as Section **15-20** by an ordinance of 7-11-1996, § 4.*

Section 14-23 Playing in City streets.

[Ord. of 8-19-1980, § 1; Ord. of 8-1-1983, § 1; Ord. of 5-5-1986, § 2]

- (a) It is hereby declared by the Common Council that playing in certain streets of the city of such games as baseball, softball, stickball, Frisbee, roller skating, football, soccer and similar game-playing activities constitute a public nuisance and a hazard both to the persons and property of users of said public streets and to those playing in said public streets. This section is remedial in nature and is designed to protect the public safety, health and welfare.
- (b) It shall be unlawful for any person, without a written permit from the City Administrator, to play upon any City street unless said street is designated herein. The City Administrator may, in his discretion, limit such permit as to time and place and may, at any time, revoke such permit, without further notice. Any person who secures a permit under this section shall file said permit or a copy thereof with the Chief of Police. The playing upon the following city streets is hereby permitted without requirement of a permit.
 (Reserved)

Section 14-24 Regulation of externally audible burglar alarms.

[Ord. of 11-16-1987, § 1; Ord. of 9-16-1991, § 1, 2 and 3]

- (a) *Legislative purpose.* The city recognizes the need for externally audible burglar alarms as a protection against and as a deterrent to the burglary of structures located in the City. The City declares, however, that the reasonable objectives of externally audible burglar alarms are accomplished when the sound associated with their operation persists for not more than 20 minutes. The operation of externally audible alarms for more than 20 minutes does not serve any legitimate objective or purpose. The sound associated with the operation of an externally audible burglar alarm becomes unreasonable after 20 minutes of operation and constitutes a public nuisance.
- (b) *Definitions.* For the purposes of this section, the following terms shall have the meanings respectively ascribed:

EXTERNALLY AUDIBLE BURGLAR ALARMS

Any warning device designed to produce an audible sound when triggered by the unauthorized entry into or tampering with the structure to which it is affixed.

OPERATION

The continuous or intermittent emission of a sound from an externally audible burglar alarm.

OWNER/LESSEE

Any natural person, partnership, corporation, association or other legal entity.

SOUND

The noise produced by a horn, siren, bell, buzzer or any other device the principal purpose of which is to create a noise to attract attention or to give warning.

- (c) *Permit required.* No person shall affix an externally audible burglar alarm to or install an externally audible burglar alarm on or within any structure within the City or cause the same to be done without first securing a permit from the City. Applications for permits shall be made by the owner or lessee or person employed in connection with the proposed work. Every person desiring to obtain said permit shall file with the City Chamberlain a written application upon a blank form prepared and furnished by the City. An application must be accompanied with a fee of \$2 before a permit is issued.
- (1) Such application shall contain the following information:
- The name, residence address and telephone number of the owner/lessee of the premises.
 - The name, address and telephone number of any one other person other than the owner/lessee who is authorized to respond to an emergency and open the building where the alarm system is installed to reset the alarm.
 - In the case of a business location, the owner/lessee shall provide the names of at least three persons to contact in case of an emergency and who have access to the building to reset the alarm.
 - A statement that the external audible burglar alarm is capable of and shall automatically terminate its operation within 20 minutes of its being activated.
- (2) The owner/lessee shall update said form as necessary so that the city has current information as requested by Subsections (c)(1)a through c of this section.
- (d) *Violation and penalties.* It shall be unlawful for the owner/lessee having possession or custody of any structure to which an externally audible burglar alarm is connected or affixed to permit to suffer or allow the operation of that externally audible burglar alarm for a period in excess of 20 minutes. Such operation constitutes a public nuisance. In addition to any other penalty permitted or allowed under the laws of the State of New York, any person convicted of a violation of this section shall pay a fine of \$50 for the first offense, \$100 for the second offense and \$200 for each offense thereafter.

Section 14-25 Regulation of alarm systems.

[Ord. of 9-16-1991, § 1]

- (a) *Legislative purpose.* The city recognizes the need and legitimate purpose of burglar alarm systems in buildings and structures connected directly to the City of Poughkeepsie Police Department so as to trigger a response and investigation by the City Police Department. The City finds, however, that there have been frequent false alarms to the City Police Department because of alarm malfunctions. This has resulted in the unnecessary response by the City Police Department to alarms and needless waste of police resources which are necessary to protect the public safety, health and welfare. This section is designed to remedy the problem of false alarms to the City Police Department.
- (b) *Definitions.* For purposes of this section, the following terms shall have the meanings respectively ascribed:

ALARM SYSTEM

Any mechanical or electrical device or system which is designed or used for the detection of any unauthorized entry into a building, structure or facility or used for mechanically or electronically alerting others to the commission of an unlawful act, whether installed within or without the building. This system produces a signal, message or warning directly to the City Police Department or to some other location which is then reported, referred, telephoned, transmitted or in some other manner communicated to the City Police Department by any method whatsoever, including but not limited to the owner of a business or his/her employee or representative, an alarm company or its

Chapter 218: SHOOTING RANGES

[HISTORY: Adopted by the Council of the City of Mount Vernon 11-13-1957 as Ch. 36 of the General Ordinances, approved 11-15-1957. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 131.

Peace and good order — See Ch. 191.

§ 218-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SHOOTING RANGE

Any indoor range or gallery wherein firearms and firearms ammunition are used.

§ 218-2 License required.

It shall be unlawful for any person to maintain a shooting range within the limits of the City without first obtaining and keeping in full force and effect a license therefor, and the same shall be conducted and maintained in compliance with the regulations hereafter set forth.

§ 218-3 License application.

Application for a license to maintain a shooting range shall be made by the person desiring to maintain such range, upon forms to be furnished by the City Clerk, and said application shall contain the full name and address of such person, and in the case of a club, society, partnership or corporation, the full names and addresses of the trustees, partners and/or officers. Such application shall also set forth the street address of the premises where such shooting range is located.

§ 218-4 Inspection of premises.

No license shall be issued nor such license renewed until the premises wherein such shooting range is located shall have been inspected by or under the direction of the Commissioner of Public Safety and said range certified by him as conforming to the specifications hereinafter set forth. Said certification shall be endorsed by the Commissioner of Public Safety upon the application. If the Commissioner of Public Safety refuses to so certify, the reasons for his so doing shall be set forth by him in detail upon such application.

§ 218-5 Issuance of license.

- A. If, upon such inspection, a shooting range is found and certified by the Commissioner of Public Safety to be in proper condition and constructed in accordance with the specifications prescribed by this chapter, then, upon payment to the City Clerk of the license fee hereinafter set forth, a license shall issue to such person applying for same.
- B. No person previously convicted of a felony shall be a licensee or shall work or be employed upon the premises of any shooting range.
- C. All licenses shall be issued by the Mayor and countersigned by the City Clerk.

§ 218-6 License fee.

[Amended 12-27-1989, approved 12-28-1989]

The annual license fee for each shooting range shall be \$100.

§ 218-7

Rules and regulations.

Shooting ranges where firearms are used and their operators and employees shall be subject to the following regulations:

- A. License to be displayed. The license issued pursuant to this chapter shall at all times be prominently displayed upon the premises where such range is located.
- B. Liability insurance. Every person applying for a license to operate a shooting range shall carry liability insurance for damages arising out of the operation of such range to one person in an amount of not less than \$25,000 and in an amount of not less than \$50,000 for damages arising out of injuries to any number of persons.
- C. Competency of employees. The licensee of a shooting range shall employ no one who is inexperienced in the use and care of ammunition and firearms. The Commissioner of Public Safety shall be the final judge of the competency of attendants at shooting ranges and shall demand proof of such competency.
- D. Type of ammunition. None but soft lead, spatterproof or spatterless ammunition shall be used at shooting ranges.
- E. Safety precautions. No person, marksman or attendant shall be permitted on the range forward of the firing point at any time while the range is officially open for business.
- F. Loading of firearms. While the magazine of a firearm may be loaded when the firearm is not in use, in no case shall a live cartridge be injected into the firing chamber until the firearm is being handed to a marksman ready on the firing line.
- G. Inventory of firearms. The licensee of the shooting range shall supply to the Commissioner of Public Safety a complete list of all the firearms used on such shooting range, giving the type, caliber, manufacture and serial number of each firearm. All licensees shall immediately report the loss or disappearance or substitution of any such firearm to the Commissioner of Public Safety.
- H. Good order; minors. Every licensee of a shooting range shall maintain good order and allow no person under 16 years of age upon the premises unless accompanied by his parent or guardian.
- I. Zoning regulations. No shooting range shall be licensed or permitted in any area zoned by the City as a residential area.

§ 218-8 Construction specifications.

Shooting ranges wherein firearms are used shall be maintained and constructed in accordance with the following specifications:

- A. Backstop. The backstop or bullet stop shall be constructed of steel plates at least $\frac{3}{8}$ of an inch thick, substantially fastened and reinforced at the seams or butts to form a continuous plate from wall to wall. The plates shall extend from floor to ceiling or at least eight feet above the floor and be mounted at an angle of 45° to the line of fire and floor. No horizontal seams or butts will be permitted to cause dangerous ricochets. If bolts are used for fastenings, they shall be flatheads and the plates countersunk so that bolt heads are flush with the surface of the plates.
- B. Sand trap. There shall be installed on the floor from wall to wall, directly beneath the entire backstop, a sand trap to catch the bullets deflected from the backstop. The sand shall be either white beach or fine building, at least six inches deep throughout and shall be held in place by means which will not cause dangerous ricochets.
- C. Firing stalls. There shall be installed at the firing point and parallel to the line of fire, steel plates at least $\frac{1}{4}$ of an inch thick, six feet long and at least seven feet high, faced with a fire-retardant, sound-absorbent material at least $\frac{1}{2}$ inch thick. These plates shall be spaced at least 36 inches apart to form firing stalls. In the center of each firing stall and at a convenient height from the floor, there shall be installed a wood shelf at least 12 inches wide, to mark the firing point and act as a barrier to prevent participants from entering the range forward of the firing point. Angle iron or the like shall not be used for bracing on the front edge of the partition plates but may be used on the rear edges.
- D. Target carriers. There shall be installed in each firing stall an electrical or mechanical target carrier capable of transporting the target to and from the firing point to the position where it is to be fired upon. These target carriers are to be constructed so as to present no right-angle surfaces to the marksman which may cause dangerous ricochets.
- E.

Range proper. The range proper must be completely enclosed beyond the firing point and lined with bulletproof material. All surfaces on the range forward of the firing point presenting a right angle to the line of fire, including pipes, columns, etc., shall be properly treated so as to eliminate the possibility of a dangerous ricochet. All electrical wiring in the range proper must be concealed and all electrical wiring for target equipment must be installed behind the firing point.

- F. Soundproofing. All walls and ceilings shall be faced with satisfactory sound-absorbent material.
- G. Ventilation. Ventilation shall be installed to exhaust the powder smoke, gases and sand dust from the range away from the marksman, in the direction of the backstop.
- H. Repairs. Whenever any exposed surface in a shooting range shall show holes or undue wear from being constantly struck by the missiles used, such exposed surface shall be immediately repaired or replaced.
- I. Regulations of other departments. In addition to the specifications hereinbefore provided, such shooting ranges shall conform in all respects to all health and fire prevention regulations of the City.

Editor's Note: See Ch. 131, Fire Prevention.

§ 218-9 Enforcement.

It shall be the duty of the Police Department to see that the provisions of this chapter are enforced and obeyed.

§ 218-10 Applicability.

Nothing in this chapter shall be construed as applying to or governing the military forces of the state or United States or police authorities or nonprofit clubs and nonprofit associations which are members of the National Rifle Association.



Chapter 120: Zoning

Article XVIII: Additional Requirements for Specified Uses

§ 120-129 Purpose.

- A. The purpose of this article is to place restrictions on specific uses, both permitted and specially permitted, because of the potential impacts to surrounding properties. These restrictions are applied to a project to mitigate impacts including noise, off-site parking, traffic, unsightliness, odors, dust and fumes. The regulations promote the public health, general safety and neighborhood character of the immediate neighborhood and the larger community.
- B. The Planning Commission may, in approving a special permit outlined in this article, waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. For permitted uses, an area variance shall be required to waive any of the requirements imposed by this article. Prior to making a determination, the Planning Commission or the Zoning Board of Appeals shall have a recommendation from staff addressing the following:
- (1) The size and intensity of such use.
 - (2) The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
 - (3) The obstruction of light or air or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties.
 - (4) The overall effect on values and utilization of neighboring properties.
 - (5) Unusual topography of the location, and the nature, location and height of buildings, walls, stacks, fences, grades and landscaping on the site.
 - (6) The extent, nature and arrangement of parking facilities, entrances and exits.
 - (7) Problems of fire and police protection.
 - (8) Preservation and/or upgrading of the neighborhood character.
 - (9) The availability of adequate sewer and water supply.
 - (10) All other standards prescribed by these regulations.

§ 120-130 Adaptive use of designated landmarks.

Adaptive use of designated landmarks shall be subject to the following requirements:

- A. A portion or all of the structure may be converted to offices.
- B. No exterior alterations shall be allowed which are necessitated solely by the introduction of this adaptive use in the landmark.
- C. No signs may be erected, installed or maintained in excess of those provided for in the district.
- D. Off-street parking shall be provided as required by the regulations of § **120-173** applicable to the use, unless the Planning Commission shall find on the basis of the evidence presented to it that some reduction of such requirements is warranted. No parking may be permitted in front of a landmark structure.

§ 120-131

(3) Distance requirements.

(a) Limited adult retail store or escort agency.

[1] Distance from any protected use: N/A.

[2] Distance from any residential district: N/A.

[3] Distance from any other limited adult retail store or escort agency: N/A.

[4] Distance from any other sexually oriented business: N/A.

(b) Adult arcade, adult cabaret, adult movie theater and adult retail store.

[1] Distance from any protected use: 1,000 feet.

[2] Distance from any residential district: 500 feet.

[3] Distance from any other limited adult retail store or escort agency: N/A.

(c) Distance from any other sexually oriented business: 1,000 feet.

(4) Location of sexually oriented businesses.

Use	C-1	C-2	C-3	M-1
Adult arcade	Not permitted	Not permitted	Not permitted	P
Adult cabaret	Not permitted	Not permitted	Not permitted	P
Adult movie theater	Not permitted	Not permitted	Not permitted	P
Escort agency	Not permitted	Not permitted	P	P
Retail store (up to 10% sexually oriented materials)	P	P	P	P
Retail store (limited 10% to 40%)	Not permitted	P	P	P
Retail store, adult	Not permitted	Not permitted	P	P

- E. Specific nonconforming use provisions. A sexually oriented business lawfully operating in conformance with this chapter and Chapter **98** shall not be rendered a nonconforming use by the location, subsequent to its lawful establishment and licensing (if required), of a protected use listed in Subsection **D(2)** of this section which results in a violation of the distance requirements in this section.

§ 120-148.1 Shooting ranges.

[Added 7-19-2011 by Ord. No. 2011-247^[1]]

In addition to the requirements set forth in Chapter **99** of the Municipal Code, shooting ranges shall be subject to the following requirements:

- A. Shooting ranges shall be located at least 1,000 feet from any residential, village center, planned development or open space district, the Genesee River or the CCD and at least 500 feet from any commercial district.
- B. In the event that a protest is presented to the Director of Planning and Zoning no later than 24 hours before the Planning Commission is scheduled to consider the special permit, which protest is duly signed and acknowledged by the owners of 20% or more of the total of all properties located in residential, village center, planned development and open space districts within 1,000 feet of the subject property and in commercial districts within 500 feet of the subject property, a special permit shall not be approved except by a three-fourths vote of the Planning Commission.

[1] *Editor's Note: This ordinance provided an effective date of 9-1-2011.*

Chapter 99: Shooting Ranges

[HISTORY: Adopted by the Rochester City Council 11-25-1941; amended in its entirety 6-21-2011 by Ord. No. 2011-230.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Abatement of nuisances — See Charter, § 3-15.

Municipal Code Violations Bureau — See Ch. 13A.

Dangerous articles — See Ch. 47.

Enforcement procedures — See Ch. 52.

Licenses for businesses and trades — See Ch. 68.

[1] *This ordinance provided an effective date of 2-14-2011, which effective date was amended to 8-1-2011 by Ord. No. 2011-240, adopted 7-19-2011.*

§ 99-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIREARM

A handgun, rifle, shotgun or air gun, with the latter three as they are defined in § 47-5 of the Code of the City of Rochester.

HANDGUN

Any commercially made pistol or revolver.

MACHINE GUN, SUBMACHINE GUN or FULLY AUTOMATIC WEAPON

Unless a context otherwise requires, the terms mean a firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom at a rate of five or more shots to the second.

NEGLIGENT DISCHARGE

The unintentional, abrupt discharge of a firearm by the person holding the gun when the sights are not imposed on the desired point of impact of the target.

SHOOTING RANGE

Any indoor place or range for shooting and discharging firearms at a target. Outdoor shooting ranges are prohibited in the City.

§ 99-2 License required.

No person or persons, firm or corporation shall maintain, operate or cause to be maintained or operated any shooting range, shooting gallery or target range as herein defined, unless such person, persons, firm or corporation shall first obtain a license to do so from the Chief of Police.

§ 99-3 Exempt ranges.

The provisions of this chapter shall not apply to shooting ranges not open to the public which are utilized solely for law enforcement and/or governmental purposes.

§ 99-4 Application.

- A. An application for a shooting range license shall be made by the owner and operator, if other than owner, on forms provided by the Chief of Police and filed with the City Clerk. The application shall be signed and sworn to before a notary public or other official authorized to administer oaths in the City. It shall also require the following information:

(1)

The name, address and date of birth of the applicant and manager, if any; the names and addresses of all persons constituting a firm or partnership; and, if a corporation, its principal place of business, the full name of such corporation, whether it is domestic or foreign, and the full name and address of all officers and directors thereof. Where the owner is not directly involved with the day-to-day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day-to-day operation of the business. All addresses of persons involved shall be home addresses, listing street and number.

- (2) The address of the premises for which a license is sought.
- (3) The type and caliber of arms proposed to be used, along with certified, stamped drawings by a licensed design professional providing a description of the manner and plan for stopping and controlling bullets or other ammunition proposed to be used and ensuring that they be contained. This includes, but is not limited to, the backstop which should include the full width of the room, the sides of the room, ceiling and shooters' booths so as to prevent any interference between or among the persons shooting at different targets. Upon renewal of a shooting range license, the licensee shall submit an inspection report from a licensed design professional certifying that the bullet containment system has been properly maintained, is operating as designed, and is in compliance with the applicable federal, state and local standards.
- (4) Submission of a certified report from a licensed design professional demonstrating that a positive flow ventilation system shall be installed prior to use and that such a system shall be adequate to remove contaminants in the air so as not to endanger the health of users, coaches, spectators or employees. This report shall include, but not be limited to, low-airflow sensors and that the supply and exhaust fans are synchronized. Upon renewal of a shooting range license, the licensee shall submit an inspection report from a licensed design professional certifying that the ventilation system has been properly maintained, is operating as designed, and is in compliance with the applicable federal, state, and local standards.
- (5) Submission of a certified report from a licensed sound engineer that demonstrates that adequate noise baffling or buffering shall be installed to prevent injury to the hearing of unprotected persons outside of the area where firearms are actually being discharged and to prevent disturbance to the neighborhood surrounding the shooting range. Sound readings after the installation of the noise baffling or buffering shall be required as prescribed by the Chief of Police or his or her designee.
- (6) Whether the applicant has ever been convicted of any felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms within 10 years of the date of application.
- (7) Whether the applicant is a person prohibited from possessing firearms as provided by Article 265 of the New York State Penal Law.
- (8) Whether any ammunition or firearms will be sold or leased from the premises and, if so, a copy of any and all permits issued from the Federal Bureau of Alcohol, Tobacco and Firearms and a written plan explaining how compliance with § 47-4 of the Code of the City of Rochester will be ensured.
- (9) Whether the applicant or any officer, manager or employee has previously been involved in the purchase or sale of a shooting range or gallery, including outdoors ranges and galleries, and, if so, the name of the business, its location and the dates of involvement.
- (10) The name, address and date of birth of any and all range masters, firearm instructors and/or range safety officers.
- (11) Provide the hours of operation.
- (12) Submit a proposed, signed safety plan which includes, but is not limited to, sections that contain the operations checklist, identify and demonstrate compliance with all applicable federal, state and local firearms laws, and contain the general, gun-handling and safety rules for the range.
- (13) Applications shall only be accepted where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension or revocation, or who has had an application for a shooting range license denied, is ineligible to apply for a shooting range license during a period of suspension or for a period of one

year from the date of revocation or denial. The applicant(s) must also demonstrate to the Chief of Police that he or she has procured all necessary licenses and permits for the business.

- (14) Upon receipt of an application for a shooting range license, and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Chief of Police shall cause an inspection to be made of the applicant's business premises to determine whether public safety problems exist, and the Chief of Police shall cause an investigation to be made of the background of the owner and operator of the business. Before the issuance of a license, the Chief of Police, and his or her representatives, shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. After a license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to shooting range businesses, may be made in areas open to the public or other areas with consent, and the Chief of Police shall have the authority to seek warrants where the same are constitutionally required.
- (15) The Chief of Police shall cause an application to be administratively canceled if an application is not complete, if the applicant fails with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations or to pay any outstanding judgments rendered by the Municipal Code Violations Bureau or to complete a building permit or zoning application.
- (16) Any changes in any facts or information required on said application occurring after filing thereof shall be reported by the licensee in writing to the Chief of Police within five days of the change.
- (17) The applicant shall place his or her fingerprints on file with the Chief of Police.
- (18) Such applications shall further contain such additional information as the Chief of Police, in his or her discretion, shall deem necessary.

§ 99-5 Additional inspections.

The Fire Chief may cause an inspection of the premises to be made to determine whether the applicant is in compliance with the laws and ordinances which the Rochester Fire Department is charged with enforcing. The Fire Chief, and members of his or her staff, shall have the right to enter upon any premises for which a shooting range license is sought when the business is open for the purpose of making such an inspection of areas open to the public, or other areas with consent, and shall also have the authority to seek warrants where the same are constitutionally required.

§ 99-6 Bonds or insurance.

- A. Each application for a shooting range shall be accompanied by a certificate of liability insurance policy issued by an insurance company authorized to do business in New York State and shall be in full force and effect in the amount of \$500,000 for bodily injury to any one person; in the amount of \$500,000 for bodily injury to more than one person which were sustained in the same accident; and in the amount of \$500,000 for property damage resulting from one accident.
- B. Each liability insurance policy shall contain a clause obligating the insurer to give the City Clerk, by certified mail, at least 10 days' written notification before the cancellation or termination of such insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance or expiration of such policy without renewing it, however caused, the license of the shooting range in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy has been restored.

§ 99-7 Issuance of shooting range license.

- A. All new applications for a shooting range license, as of the effective date of this chapter, shall be issued or denied within 30 days after a fully completed application has been accepted and an inspection has found the premises to be code compliant.
- B. The owner, operator and employees of any shooting range business shall be of good moral character and shall maintain good order on the business premises at all times.

- C. Except as provided in New York Correction Law, Article 23-A, the Chief of Police reserves the right to deny a shooting range license to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business.
- D. No shooting range license shall be issued unless the applicant and business have fully complied with the provisions of this chapter and have obtained all necessary licenses and permits for the operation. No shooting range license shall be issued to a premises while charges are pending pursuant to § 3-15 of the City Charter or while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.
- E. No shooting range license shall be issued unless the business premises is in compliance with the Municipal Code.
- F. No shooting range license shall be issued to any business or applicant against whom judgment has been rendered by the Municipal Code Violations Bureau relating to the business or business premises, which judgment has not been satisfied.
- G. No shooting range license shall be issued for a period of one year after the applicant has been found guilty of operating a business without a shooting range license.
- H. No shooting range license shall be issued unless the applicant can demonstrate compliance with § 40 of the New York State Civil Rights Law.
- I. It shall be the duty of all holders of a shooting range license to notify the Chief of Police of any changes in information supplied on their license applications within 20 days of such changes.

§ 99-8 Fee.

The annual fee for a license to conduct or operate a shooting range shall be \$350. Payment of the fee shall be due upon application for the license. There shall be a fee of \$10 for replacement of a lost license.

§ 99-9 Expiration of license.

All licenses issued under this chapter for a period exceeding 30 days shall expire December 31 after issuance.

§ 99-10 Proper supervision.

- A. There shall be a certified range master, a firearms instructor or a range safety officer on site and actively in control of the shooting range whenever open to the public or the range is in use.
- B. Range masters, firearm instructors or range safety officers shall have been trained by and have a valid current certification from one of the following organizations:
 - (1) Firearms instructors: National Rifle Association (NRA), New York State-Division of Criminal Justice Services (NYS-DCJS), International Association of Law Enforcement Firearms Instructors (IALEFI), Smith & Wesson Academy, SIG Arms Academy, any U.S. federal law enforcement agency (FBI, FLETC, ICE, USSS, ATF, USBP), any U.S. military agency (Army, Navy, Marines, Air Force, Coast Guard, National Guard).
 - (2) Range safety officers: National Rifle Association (NRA), International Defensive Pistol Association (IDPA), International Practical Shooting Association (IPSC), United States Practical Shooting Association (USPSA).
 - (3) Range master: SIG Arms Academy, Smith & Wesson Academy, Action Target Academy, any U.S. military agency and any federal law enforcement agency.
- C. Range masters, firearm instructors or range safety officers shall also:
 - (1) Be a person of good moral character and be at least 21 years of age.
 - (2) Not have ever been convicted of any felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms within 10 years of the date of application.
 - (3) Not be a person prohibited from possessing firearms as provided by Article 265 of the New York State Penal Law.

- D. There shall be at least one range master, firearms instructor or range safety officer for every five shooters.
- E. Duties of a range master, firearms instructor or range safety officer who is in charge of the range should include, but shall not be limited to, the following:
 - (1) Has responsibility for the coordination, organization, direction and supervision of range activities and personnel;
 - (2) Conducts firearms training activities;
 - (3) Ensures the overall safety and efficient operation of the ranges;
 - (4) Coordinates range schedules;
 - (5) Enforces range safety rules and regulations;
 - (6) Interacts with local, state and federal authorities as needed;
 - (7) Assists in the sighting of firearms and the maintaining of proper firing positions;
 - (8) Administers written and shooting proficiency tests;
 - (9) Maintains complete records on individual shooters for safety and proficiency;
 - (10) Inspects, maintains and repairs firearms as needed;
 - (11) Maintains inventory of weapons and ammunition;
 - (12) Safely stores and issues firearms and ammunition as needed.

§ 99-11 Operation of shooting ranges.

- A. There shall be furnished a railing not less than 2 1/2 feet from the face of the shooting counter and to extend the full width of the shooting unit and so constructed with gate that no one is admitted to the shooting counter but the shooter and attendant, the gate to swing away from the shooter.
- B. No minors under the age of 16 years shall be permitted to handle or discharge any firearms upon the premises unless they qualify for one of the exemptions set forth in § 265.20 of the New York State Penal Law. Persons under the age of 18 years utilizing the shooting range shall be accompanied and supervised by a parent or legal guardian.
- C. The use of handguns shall not be permitted unless the shooter has a valid New York State pistol permit or falls under one of the exemptions set forth in § 265.20 of the New York State Penal Law.
- D. All doors, gates and entrances leading into that part of the premises between the firing point and the backstop shall be securely locked and alarmed, and no person shall be permitted therein at any time persons are engaged in shooting or have access to the firearms used. Attendants and employees may, however, enter said part of the premises between the firing point and the backstop while shooting is not in progress.
- E. No new shooting range shall be located nearer than 1,000 feet from any entrance to any school, church or hospital or in any location which, in the opinion of the Chief of Police, will result in the annoyance of any nearby resident.
- F. All rented firearms shall be maintained in a safe, operational condition per initial manufacturer's specifications.
- G. A semimonthly test must be made of all firearms rented and a certificate obtained from a New York State licensed gunsmith as to accuracy and operational safety of the guns. Certificates shall be maintained for three years and available for inspection by any member of the Rochester Police Department.
- H. The ammunition used shall be smokeless. No black powder firearms shall be permitted.
- I. Such shooting range, as is licensed under this chapter, shall be open only between the hours of 9:00 a.m. and 11:00 p.m.

- J. The shooting range shall be properly and adequately ventilated at all times.
- K. Attendants shall wear a uniform brassard or other distinguishing mark to identify them as employees of the licensee.
- L. Before being employed, the fingerprints of all range employees shall be placed on file with the Chief of Police.
- M. No gambling, betting or wagering shall be permitted upon the premises, nor shall any licensee violate any law of the State of New York or ordinance of the City of Rochester in the maintenance and operation of the licensed premises.
- N. In the event that any person presents a handgun without a New York State pistol permit, a handgun that is not listed on the individual's New York State pistol permit, a firearm or assault weapon in violation of § 47-5 of the Code of the City of Rochester, or an unlawful weapon as defined in Article 265 of the New York State Penal Law, at any shooting range, or any person acts in violation of § 47-5 of the Code of the City of Rochester, it shall be the duty of the licensee, or his or her employee, agent or servant, to immediately report the incident by calling 911.
- O. Premises used for a shooting range or gallery shall be kept in a clean and sanitary condition.
- P. No smoking shall be allowed within the shooting range or gallery.
- Q. No alcoholic beverages shall be possessed or consumed on the premises, and no person under the influence of alcohol, mind-altering drugs, or controlled substances as defined by Article 220 of the New York State Penal Law shall be allowed on the premises.
- R. No licensee, his or her manager, employees, and/or agents shall permit use of a weapon or ammunition whose penetration capabilities exceed the capabilities of the backstop to contain the bullets or particles of bullets as prescribed by the certified design professional in the report submitted in support of the license application.

§ 99-12 Ballistic security.

A professionally designed and commercially fabricated bullet trap and/or backstop shall be installed in all shooting areas which is constructed in a manner approved by the Chief of Police. It shall be constructed of forged steel or other material capable of stopping the flight of any bullet and preventing penetration. Provisions shall be made to stop glancing or stray bullets or particles of bullets at the sides of the target area.

§ 99-13 Presence of bystanders.

Persons not shooting or coaching shooters shall not be permitted within the immediate area of the shooting range or gallery unless a secure and separate viewing area is constructed pursuant to a building permit using plans certified by a licensed design professional.

§ 99-14 Storage and transportation of firearms.

All firearms shall be stored and/or transported in an unloaded condition and in a secured case, holster, cabinet or vault and in compliance with state and local laws, including § 47-5 of the Code of the City of Rochester.

§ 99-15 Access under continuous control.

Access for entrance to the shooting range shall be under continuous control, monitoring and supervision by the licensee, agents and/or employees. No person shall be allowed to enter the shooting range without authorization and permission of the licensee, authorized agent or employee.

§ 99-16 Premises security.

The parking lot of a shooting range shall be well lit and monitored by a New York State licensed security guard at all times that the range is open.

§ 99-17 Ammunition and weapons prohibited.

A.

No person shall use or permit to be used any armor piercing or other ammunition designed for penetrating metal, or tracers, incendiary, gas or explosive ammunition within any shooting range governed hereunder.

- B. No person shall use or permit to be used any fully automatic weapons or weapons prohibited by § 47-5 of the Code of the City of Rochester within any shooting range governed hereunder.
- C. Pursuant to Article 265 of the New York State Penal Law, only New York State pistol permit holders are permitted to shoot handguns at the shooting range unless the shooter falls under one of the exemptions set forth in § 265.20 of the New York State Penal Law.

§ 99-18 Reporting requirements.

All negligent discharges that cause damage to any article of the range or any injury caused by the discharge of a firearm to any person will be reported immediately to the Rochester Police Department by calling 911.

§ 99-19 Recordkeeping responsibilities.

Every shooting range licensee shall keep a substantially bound book, not less than six inches in either length or width, in which shall be legibly written in ink and in English at the time any individual requests to shoot at the range and shall document the date and time and describe the name, age, residence, general description and signature of the person requesting to shoot, a description of the weapon, including make and serial number of the weapon to be fired, and shall make a photocopy of the person's identification card along with his or hers New York State firearms permit if firing with a handgun, and also, in the case of a minor shooting under one of the exceptions under § 265.20, a photocopy of the supervising adult's, the accompanying parent's or legal guardian's identification. All such record books shall be open to inspection by any member of the Rochester Police Department during hours of operations stated on the license application. No entry in such book shall be erased, obliterated, altered or defaced, and such book shall be maintained for a period of three years from the date of the entry.

§ 99-20 Shooter to provide true name.

An individual who shoots or is supervising a minor at the range shall give to the range employees his or her true name, age and home address, which shall be verified by a New York State driver's license, New York State non-driver's identification card, police identification card or other means of identification approved by the Chief of Police.

§ 99-21 Proper disposal of waste.

All waste material generated at the range will be managed and timely disposed of in accordance with all federal and state hazardous waste regulations.

§ 99-22 Compliance with applicable laws.

The conduct and operation of any shooting range shall be in compliance with any and all federal, state and/or local laws, rules, codes and/or regulations.

§ 99-23 Promulgation of rules and regulations.

The Chief of Police shall, consistent with the express standards, purposes and intent of this chapter, promulgate, adopt and issue such interpretations, procedural rules, regulations and forms as are in the Chief of Police's opinion necessary to effective administration and enforcement of the provisions of this chapter. These interpretations, rules, regulations and forms shall be available to the public at the License Clerk's office, City Hall, Room 100A. Such rules, regulations and forms shall be effective upon filing with the City Clerk as a communication to the City Council.

§ 99-24 Transfer of business permit.

- A. Shooting range licenses shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location, a new shooting range license shall be required. A shooting range license shall not be transferred to any person who holds power of attorney.
- B.

A shooting range license shall be deemed null and void when the licensee is not found operating the business for a period of one month and fails to respond in person to the Chief of Police, or his or her designee, after having been sent a seven-day notification letter.

§ 99-25 Denial of license.

- A. The Chief of Police may deny a license or deny the renewal of a license to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter or who makes a material misrepresentation on the license application. The Chief of Police shall give a written notification to an applicant of the reasons for the denial of a license.
- B. When the investigation conducted, pursuant to § 99-5, reveals that the applicant has violated either federal, state or local laws or rules and regulations, the Chief of Police may authorize the issuance of a conditional certificate. The conditional certificate shall state the grounds for the conditional certificate, the conditions under which the applicant shall operate his or her business, be signed by the applicant, and contain a provision which provides that any violation of the conditional certificate, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional certificate.
- C. The Chief of Police shall have the power to investigate and inquire into license applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

§ 99-26 Revocation or suspension of license.

- A. The Chief of Police and/or the Chief of the Fire Department shall revoke any license issued hereunder if the licensee has, since the granting of the same:
 - (1) Ceased to possess the qualifications required for an applicant for a license as set out herein.
 - (2) Been convicted of violating any of the provisions of this chapter.
 - (3) Conducted the business in violation of health, sanitary or safety regulations or other ordinances of the City.
 - (4) The Chief of Police shall revoke, without a hearing, the license of any person found guilty of five or more violations of this chapter during any period of two years. Nothing herein shall prevent the Chief of Police from revoking a license of any person with fewer than five violations, on written charges and an opportunity for a hearing thereon, pursuant to § 68-10 of the Municipal Code.

§ 99-27 Additional regulations; penalties for offenses.

- A. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in § 13A-11H of the Municipal Code.
- B. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- C. Violations of the licensing provisions of this chapter may be enforced pursuant to Chapter 68 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.

§ 99-28 Severability.

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this chapter are declared to be severable.

Chapter 154: Firearms and Dangerous Weapons

[HISTORY: Adopted by the City Council of the City of Troy 12-2-1999 by Ord. No. 7. Amendments noted where applicable.]

§ 154-1 Discharge of weapons.

No person shall discharge any firearm, air rifle, pellet gun, crossbow, bow, or any other weapon within the corporate limits of the City except as follows:

- A. Persons duly authorized to act as law enforcement officers or members of the military armed forces of the United States in the discharge of their official duties.
- B. Persons authorized to do so at military exercises, funerals or reviews, or memorial events.
- C. Person acting in self-defense when the use of firearms for that purpose would not be otherwise unlawful.
- D. Persons engaged in target or trapshooting on target or trapshooting ranges licensed by the City.
- E. For the destruction of animals, birds or reptiles which are diseased, injured, dangerous or causing destruction to property by persons specifically authorized to do so or by a police officer or by an animal control officer acting in his/her official capacity.
- F. No person shall either operate a target or trapshooting range, or permit target or trapshooting upon any property or premises owned or controlled by him or her, until a license has been granted by the Deputy Mayor or his/her designee, pursuant to this section. The license shall expire one year after being issued. The license application shall include the following information:
 - (1) Name and address of property owner and operator of target or trapshooting activity;
 - (2) Street address and legal description of the property;
 - (3) Site plan showing location of shooting facilities and area in which shooting will occur;
 - (4) Detailed description of the proposed activities, including estimated number of users and proposed hours of operation; and
 - (5) Such information as the City may request, which is necessary to serve the purposes of this chapter.

§ 154-2 Penalties for offenses.

Any person who is convicted of a violation of this section shall be guilty of a misdemeanor and shall be subject to a maximum fine of \$1,000 or by imprisonment for not more than one year, or both.

Chapter 2-15: Miscellaneous Provisions and Offenses**ARTICLE II: Offenses Involving Public Safety****Sec. 2-15-26 Fireworks permits.**

[Code 1964, § 16-4]

The Commissioner of Public Safety is the permit authority for the purpose of § 405.00 of the Penal Law.

Sec. 2-15-27 Possession of a loaded firearm, discharge of weapons and hunting and trapping prohibited.

[Ord. No. 151, 8-5-1992]

- (a) It shall be unlawful to take, hunt or trap (as defined by § 11-0103 of the Environmental Conservation Law of the State of New York), any animal, fowl or wildlife within the City except by authorized officials while in the performance of their duties.
- (b) It shall unlawful to discharge a firearm in the City, except at a firing range authorized by the Commissioner of Public Safety or Chief of Police in the absence of the Commissioner of Public Safety.
- (c) It shall be unlawful for any person to possess a loaded firearm in any public place or public building. This subsection shall not apply to persons holding a valid license issued pursuant to Article 400 of the New York Penal Law or who are otherwise authorized by law to carry and display a loaded firearm.
- (d) The penalty for a violation of this section shall be as set forth in Section 1-1-7 of the Utica City Code.

Sec. 2-15-28 through Sec. 2-15-40. (Reserved)

City of Port Jervis, NY
Wednesday, May 11, 2016

Chapter 398. Peace and Good Order

[HISTORY: Adopted by the Common Council of the City of Port Jervis as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. **206**.
Alcoholic beverages — See Ch. **210**.
Animals — See Ch. **215**.
Dangerous buildings — See Ch. **234**.
Noise — See Ch. **381**.
Parks and recreation — See Ch. **389**.
Sex offenders — See Ch. **447**.

Article I. General Regulations

[Adopted 7-27-1964 as part of Ch. 18 of the 1964 Code of Ordinances (Ch. 117, Art. I of the 1981 Code)]

§ 398-1. Abandoned refrigerators.

[Amended 2-26-2007 by L.L. No. 2-2007]

It shall be unlawful for any person to permit or allow a discarded refrigerator or one not in use to remain in any place accessible to children without removing the door, lid, or locking or fastening device.

§ 398-2. Advertising matter.

- A. Throwing handbills on private property. No person shall, without permission from the owner or occupant, throw or place or cause to be thrown or placed in any yard, doorway, porch, house or vestibule, dodgers or handbills which may litter such place or cause annoyance or inconvenience to such owner or occupant.
- B. Distribution in public places. No person shall deposit, cast, strew or throw upon the streets or public places of said City, nor hand to or distribute among passersby or other persons upon any of the streets or public places of the City, any circulars, dodgers, handbills, printed or pictured papers, advertising matter or devices or any like material whereby the streets, alleys or places or the premises neighboring thereto are or may be or become littered or strewn or rendered unsightly, unclean, foul and offensive.

§ 398-3. Bathing in public places.

No person shall bathe in any creek, pond, millrace or river within the City except with suitable covering or bathing suit. Nothing in this section shall be so construed as to give the right to any person to bathe in any creek, pond, millrace or river within the City where the same is otherwise prohibited by law.^[1]

[1] Editor's Note: Original § 117-4, Coin-operated amusement devices, which immediately followed this section, was deleted 2-26-2007 by L.L. No. 2-2007.

§ 398-4. Obstruction of drains and watercourses.

No person shall throw or deposit any substance into the Neversink River or into any creek, watercourse or drain within said City which may in any manner tend to interfere with the free passage of water within such river, creek, watercourse or drain.

§ 398-5. Discharging of explosives restricted.

No person shall discharge any fireworks or explosives of any kind in any public street, square or place in the City except at such time and place as the Mayor may designate; nor shall any person at any time discharge any instrument commonly known as a "toy pistol" in or upon which any loaded or blank cartridges are used, or discharge or explode any cannon firecracker which shall be more than five inches in length, or dynamite cracker or other firecracker containing a high explosive substance, within the limits of the City.

§ 398-6. Permission required for use of explosives.

No person shall fire any cannon, gun, fire ball, firecracker, torpedo, fireworks or other explosives within the City without permission of the Mayor.^[1]

[1] Editor's Note: Original § 117-8, Noises similar to emergency vehicles prohibited, which immediately followed this section, was deleted 2-26-2007 by L.L. No. 2-2007.

§ 398-7. Slingshots; throwing stones or snowballs.

No person shall fire any slingshot or throw or cast any stone or other hard substance in any public street, square or place in the City, nor throw any snowball in such a manner as to endanger or annoy any person or animal.

§ 398-8. Unlawful assemblies.

It shall be unlawful for persons unnecessarily to assemble in any public street, square or place in said City in such numbers as to obstruct travel or annoy pedestrians.^[1]

[1] Editor's Note: Original § 117-11, Vandalism; stone rolling, which immediately followed this section, was deleted 2-26-2007 by L.L. No. 2-2007.

§ 398-9. Firearms.

No person shall discharge any firearms within the City, except that a duly organized rifle or sportsmen's club may operate and conduct a shooting range or shooting gallery within said City for its members or guests using small caliber rifles or pistols only, provided the same is operated and conducted in a place and under circumstances which will not create a nuisance or expose the public to danger, and provided the same is approved by the Chief of Police, who shall impose such rules and regulations for its operation as he shall deem necessary and proper in the premises.

§ 398-10. Loaded firearms prohibited.

[Added 3-9-1987 by L.L. No. 2-1987]

No person shall possess in a public place a loaded machine gun, rifle, shotgun or gas- or air-powered rifle/pistol within the corporate limits of the City of Port Jervis. The terms "machine gun," "rifle" and "shotgun" shall have the same definition as is set forth in § 265.00 of the Penal Law of the State of New York. This section shall not apply to any police officer in the discharge of his official duty.

§ 398-11. Penalties for offenses.

[Added 2-26-2007 by L.L. No. 2-2007]

Any person committing an offense against any provision of this article shall be punishable as provided in Chapter 1, General Provisions, Article I, General Penalty.

Article II. Littering

[Adopted 4-13-2009 by L.L. No. 3-2009]

§ 398-12. Prohibition on littering in public and private places.

- A. Definitions and word use. As used within this section, the following terms shall have the meanings indicated:

AUTHORIZED PRIVATE RECEPTACLE

A litter storage and collection receptacle of steel, aluminum or plastic of ten-to-thirty-five-gallons capacity, with tight cover or a larger steel container with closed lid.

CITY

The City of Port Jervis

GARBAGE

Putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

LITTER

Garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited are herein prohibited, tend to create a danger to public health, safety and welfare, or tend to create blight.

PARK

A park, reservation, playground, beach, recreation center or any other public area in the City, owned or operated by the City and devoted to active or active and passive recreation.

PERSON

Any person, firm, partnership, association, corporation, company, or organization of any kind.

PRIVATE PREMISES

Any pond, stream, body of water, or any house, building or other structure now owned or operated by the City or other governmental unit, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, ground, parking lot, walk, driveway, porch steps, vestibule or mailbox belonging or appurtenant to such house, building or structure.

PUBLIC PLACES

Any and all streets, roads, sidewalks, boulevards, alleys or other public ways, and any and all public parks, beaches, squares, spaces, grounds and buildings, and any and all public waterways, streams, stream beds, ponds, and rivers.

REFUSE

Includes garbage and rubbish.

RUBBISH

Nonputrescible solid wastes consisting of both combustible wastes and noncombustible wastes, such as, but not limited to, paper wrappings, cardboard, tin cans, wood, glass, bedding and crockery.

- B. Word usage. When not inconsistent with the context, words used in the present tense include the future, words used in plural number include the singular, words used in the singular number include the plural, and words in the masculine include the feminine and the neuter. The word "shall" is always mandatory and not merely directory.
- C. Public Places.
- (1) No person shall throw, deposit, or place litter, or cause same to be thrown, placed, or deposited in or upon any street, road, sidewalk, or other public place within the City, except in public receptacles or in authorized private receptacles for collection.
 - (2) Persons placing litter or causing litter to be thrown or deposited in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, road, sidewalk, or other public place, or upon private property.
 - (3) No person shall sweep, throw, deposit, place, or cause to be swept, thrown, dumped, placed or deposited in any gutter, street, road or other public place within the City, the accumulation of litter from any building or lot or from any public place or private sidewalk or driveway.
 - (4) Persons owning or occupying property shall keep the sidewalk, if any, in front of their premises free of litter.
- D. Parks, beaches, and bodies of water.
- (1) No person shall throw or deposit or cause litter to be thrown or deposited in any park or beach within the City, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or beach, or upon any street or other public or private place. Where public receptacles are not

provided, all such litter shall be carried away from the park or beach by the person responsible for its presence and properly disposed of elsewhere, as provided herein.

- (2) No person shall throw or deposit or cause litter to be thrown or deposited in any pond, river, stream or other body of water or within the limits of such pond, river, stream or other body of water within the City of Port Jervis.

E. Private property.

- (1) No person shall throw, deposit or place litter, or cause same to be thrown, dumped, deposited or placed on any private property within the City, whether owned by such person or not, and whether occupied or vacant, except that the owner or person in control of private property may maintain an authorized private receptacle for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property.
- (2) The owner or person in control of private property or any portion thereof shall at all times maintain the premises of that portion controlled by him free of litter, except when stored properly in authorized private receptacles for collection, when such person shall have actual notice thereof or when said litter shall have been present a sufficient period of time to constitute constrictive notice.

F. Penalties for offenses. Any person who violates any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be fined in the following manner:

- (1) First offense: a fine of not less than \$100 nor more than \$250 or to be imprisoned for a period not to exceed 15 days, or by both such fine and imprisonment.
- (2) Second offense: if the second offense occurs within six months of the first offense, the fine of not less than \$200 nor more than \$500 or imprisonment not to exceed 15 days, or by such fine and imprisonment.

City of Utica, NY
Wednesday, May 11, 2016

Chapter 2-15. Miscellaneous Provisions and Offenses

ARTICLE II. Offenses Involving Public Safety

Sec. 2-15-26. Fireworks permits.

[Code 1964, § 16-4]

The Commissioner of Public Safety is the permit authority for the purpose of § 405.00 of the Penal Law.

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- (b) It shall be unlawful to discharge a firearm in the City, except at a firing range authorized by the Commissioner of Public Safety or Chief of Police in the absence of the Commissioner of Public Safety.
- (c) It shall be unlawful for any person to possess a loaded firearm in any public place or public building. This subsection shall not apply to persons holding a valid license issued pursuant to Article 400 of the New York Penal Law or who are otherwise authorized by law to carry and display a loaded firearm.
- (d) The penalty for a violation of this section shall be as set forth in Section 1-1-7 of the Utica City Code.

Sec. 2-15-28. through Sec. 2-15-40. (Reserved)