

Council Member Calsolaro offered the following, which was referred to the Law, Buildings & Code Enforcement Committee:

ORDINANCE NUMBER 17.22.06

AN ORDINANCE AMENDING ARTICLE II (FIREARMS AND AMMUNITION) OF CHAPTER 193 (FIREARMS AND AMMUNITION) OF THE CODE OF THE CITY OF ALBANY

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Legislative Intent. The Common Council of the City of Albany hereby finds that air guns pose significant dangers to the public and law enforcement. Once considered “toys,” many air rifles are now more powerful than small caliber firearms. In addition, they are often designed to be indistinguishable from firearms and are increasingly used in crime. There have been instances, most recently in Florida, where police shot and killed an individual who they believed to be brandishing a dangerous firearm and later realizing that the weapon was an air rifle. For these reasons, the Common Council finds it necessary to prohibit the sale of air rifles within the City.

Section 2. Article II of Chapter 193 of the Code of the City of Albany is hereby amended as follows:

ARTICLE II
Firearms and Ammunition

§ 193-6. Purpose.

The Common Council hereby finds that the storage, possession and display of firearms and air rifles and the storage, possession display, and sale of ammunition in the City of Albany require the regulation thereof in the public interest, convenience and necessity.

§ 193-7. Definitions.

Unless otherwise expressly stated, whenever used in this article, the following words shall have the meanings given to them by this section. When used herein:

AMMUNITION — Any projectile commonly known as a "bullet" or "shell."

AIR RIFLE means and includes any air gun, air pistol, spring gun, spring pistol, B-B guns, paint ball gun, pellet gun or any implement that is not a firearm which impels a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm.

FIREARM — Any weapon from which a shot is discharged by force of an explosive, or a weapon which acts by force of gunpowder, and shall include any weapon capable of being loaded with powder, ball or ammunition, and shall include any weapon which is otherwise capable of being loaded with powder, ball or ammunition, whether completed, assembled or from which any part or piece has been removed therefrom.

Material underlined is new; material in[brackets] to be deleted.

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

§ 193-8. Storage.

- A. Firearms and ammunition for sale shall be kept secured at all times when the place in which they are held for sale is not open for business. The manner in which the firearms and ammunition are to be secured must be approved by both the Chief of Police and the Chief of the Fire Department upon receipt of appropriate application for such approval. Such approval shall in no case be unreasonably withheld.
- B. The regulations provided for herein shall not apply to personal possession, use or ownership of firearms or ammunition therefore.

§ 193-9. Sale of ammunition and air rifles.

- A. Ammunition shall only be sold to persons possessing a valid firearms license, when a license is required for the type of firearm for which the ammunition is used. When purchasing any other type of ammunition, where a firearms license would not be required for the type of ammunition being purchased, a driver's license shall be required. A record shall be kept by the dealer of each sale of ammunition which shall show the type, caliber and quantity of ammunition sold, the name and address of the person receiving the same, the caliber, make, model, manufacturer's name and serial number of the firearm for which the purchaser is purchasing ammunition, the date and time of the transaction, and the identifying number of the firearms or driver's license. Such record shall be maintained for ten years and shall be made available to state and local enforcement agencies upon request.
- B. No person shall sell any air rifle in the City of Albany.

§ 193-10. Report of theft or loss to Police Department.

Any theft or loss of ammunition or firearms from a storage vault or otherwise shall be reported immediately to the Police Department of the City of Albany.

§ 193-11. Declaration of state of emergency by Mayor.

In the event of disaster, riots, catastrophe, insurrection, war or acts of war and at which time the Mayor of the City of Albany or the Acting Mayor shall declare a state of emergency, then and in that event he may order such additional security measures as he may deem advisable.

§ 193-12. Penalties for offenses.

Any person who shall violate or shall neglect or refuse to comply with this article or any provisions thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, and each day of violation shall constitute a separate offense and be subject to punishment as such.

Material underlined is new; material in[brackets] to be deleted.

Section 3. Except as herein amended, Chapter 193 is hereby ratified, continued and approved.

Section 4. This ordinance shall take effect immediately.

APPROVED AS TO FORM

February , 2006

Corporation Counsel

Material underlined is new; material in[brackets] to be deleted.

To: John Marsolais, City Clerk
From: Dominick Calsolaro, Council Member
Re: Request for Common Council Legislation
Supporting Memorandum
Date: March 13, 2006

ORDINANCE NUMBER 17.22.06

TITLE: AN ORDINANCE AMENDING ARTICLE II (FIREARMS AND AMMUNITION) OF CHAPTER 193 (FIREARMS AND AMMUNITION) OF THE CODE OF THE CITY OF ALBANY

GENERAL PURPOSE OF LEGISLATION: To prohibit the sale of air rifles within the City of Albany.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: To protect the public and the police from the dangers of air rifles.

FISCAL IMPACT: None.