

Chapter 139

FIREARMS

**[HISTORY: Adopted by the Board of Trustees of the Village of East Aurora
_____ by L.L. No. 3. Amendments noted where applicable.]**

§ 139-1. Title.

This chapter shall be known and may be cited as "The Village of East Aurora Firearms Law."

§ 139-2. Purpose.

The purpose of this chapter is to preserve and protect public and private property within the Village of East Aurora, provide for the general health, safety and welfare of Village inhabitants and preserve the peace and good order in the Village of East Aurora by regulating the discharge of firearms in the Village.

§ 139-3. Definitions.

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

DISCHARGE -- To shoot or fire a firearm.

FIREARM -- Any pistol, revolver, shotgun, rifle, or air gun but shall not mean a starter pistol used in an athletic event.

LAW ENFORCEMENT OFFICER -- A member of the East Aurora Police Department, Erie County Sheriff's Department, New York State Police or other law enforcement officer authorized under the laws of the State of New York and/or the United States of America.

PENAL LAW -- The Penal Law of the State of New York, as amended.

VILLAGE BOARD -- The Board of Trustees in and for the Village of East Aurora.

§ 139-4. Prohibitions.

It shall be unlawful for any person to discharge a firearm within the Village of East Aurora, except that this prohibition shall not apply to the following:

- A. Any law enforcement officer while engaged in the lawful discharge of his duties.

- B. The defense of one's person or property or the person or property of another, provided that such discharge of a firearm is permitted as a justified use of deadly physical force as provided in the Penal Law.
- C. The regulated use of a range for the discharge of firearms operated and maintained by an organization duly organized by law for such purposes, which has been approved by the Village Board.
- D. Programs conducted by a public school, or persons certified by the National Rifle Association and approved by the New York State Department of Environmental Conservation offering instruction and training in the use of firearms, which has been approved by the Village Board.
- E. Discharge of a firearm, provided that such discharge shall not propel any projectile, as part of a ceremony celebrating a national holiday or other similar occasion.

§ 139-5. Penalties for offenses.

Any violation of this chapter shall constitute an offense punishable as follows:

- A. A first conviction shall constitute a violation, as defined in the Penal Law, and shall be subject to a fine of not less than \$50 nor more than \$150.
- B. A second conviction based upon an offense which occurs within three years of a prior conviction shall constitute a Class B misdemeanor, as defined in the Penal Law, and shall be subject to a fine of not less than \$150 nor more than \$500 or by imprisonment for no more than three months, or by both such fine and imprisonment.
- C. A third conviction based upon an offense which occurs within five years of a prior conviction shall constitute a Class A misdemeanor, as defined in the Penal Law, and shall be subject to a fine of not less than \$300 nor more than \$1,000 or by imprisonment for a term of not more than one year's imprisonment, or by both such fine and imprisonment.