

PART VII - NUISANCES, PUBLIC WELFARE AND CRIMINAL

Chapter 74

FIREARMS

[HISTORY: Adopted by the City Council of the City of Yonkers 5-26-1953 as G.O. No. 17-1953. Amendments noted where applicable.]

~ 74-1. License required to sell air guns.

It shall be unlawful for any person to sell, offer to sell or have in his possession any air pistol or air rifle or similar instrument in which the propelling force is a spring or air, except that the sale of such instruments, if accompanied by delivery to a point without the city, and possession for such purpose shall not be unlawful if such person shall have secured an annual license from the Police Commissioner of the City of Yonkers authorizing such sale and possession.

~ 74-2. Record of sales.

All persons dealing in such instruments referred to in this chapter shall keep a record showing the name and address of each person purchasing such instrument or instruments, together with the place of delivery, and said record shall be open to inspection during regular business hours by the officers of the Police Department of the city.

~ 74-3. Issuance of license.

The Police Commissioner is hereby authorized to issue, in his discretion, upon payment of a license fee in the amount of ten dollars (\$10.), an annual license authorizing the sale and possession of such instruments for delivery to a point without the city.

~ 74-4. Pistol permit; registration; fee. [Added 1-11-1966 by G.O. No. 1-1966]

The Police Commissioner may also issue a permit for a spring- , gas- or air-operated pistol to any person who holds a current New York State pistol permit. Said pellet gun shall be registered in the same manner as all other pistols, and the cost for said permit shall be one dollar (\$1.).

~ 74-5. Discharge of firearms. [Added 9-26-1959 by G.O. No. 39-1959]

The firing of a gun or pistol or any other firearm in the city shall be prohibited.

~ 74-6. Rifles and shotguns; penalties for offenses. [Added 1-12-1971 by G.O. No. 1-1971]

A. It shall be unlawful for any person to carry or possess a loaded rifle or shotgun, as those terms are defined in Penal Law ~ 265.00, in public within the city limits. Any violation of this subsection shall constitute a Class I offense.

B. It shall be unlawful for any person to carry or possess an unloaded rifle or shotgun, as those terms are defined in Penal Law ~ 265.00, in public within the city limits unless such rifle or shotgun is completely enclosed or contained in a nontransparent carrying case or a cover. Any violation of this subsection shall constitute a Class II offense.

C. The above provisions shall not apply to persons in the military service of the State of New York, when duly authorized by regulations issued by the Chief of Staff to the Governor to possess the same, or to peace officers, as defined in ~ 1.20, Subdivision 33, of the Criminal Procedure Law, or to participants in special events when authorized by the Police Commissioner.

D. The above provisions shall not apply to persons possessing or carrying a rifle or shotgun at a rifle range for which a license has been obtained from the Police Commissioner or to persons possessing or carrying a rifle or shotgun on their own premises.

~ 74-7. Possession of imitation or inoperable guns, firearms and weapons prohibited. [Added 4-14-1994 by G.O. No. 7-1994]

A. The City Council finds and declares that there exists a danger to life, person and property in the City of Yonkers, especially on city-owned and -operated property and in the city public schools, with the possession and/or use of guns, firearms and weapons which are a replica of and cannot be easily distinguished from actual guns, firearms and weapons. The possession and, at times, use by simply displaying one of these imitation and/or inoperable guns, firearms and weapons has caused damage to life, limb and property in the City of Yonkers since the Penal Law of the State of New York does not extend its coverage to this area. Through the exercise of the police power granted to municipal governments and in order to afford the residents of the City of Yonkers greater safety and to protect their general welfare from individuals, both adults and juveniles are prohibited from using imitation, toy and inoperable pistols, revolvers, guns and other weapons of any type that may be readily mistaken for real guns, pistols, revolvers or weapons which are used or could be usable for nefarious purposes or as threats or potential threats to life, limb and property.

B. This section is not intended to forbid or restrict the sale, possession or use of true and actual toy pistols, guns, revolvers or other weapons, provided that the same are not substantial duplicates of actual pistols, guns, revolvers or weapons in appearance.

C. It shall be unlawful for any person to possess or use or attempt to use any imitation, toy or inoperable pistol, revolver, gun, firearm or any other weapon which substantially duplicates an actual pistol, revolver, gun, firearm or other weapon unless said imitation, toy or inoperable item or instrument shall be colored in colors other than blue, black, grays, silver or aluminum, and further provided, if resembling a gun or other firearm, that the barrel of said item shall be closed with the same material of which the item itself is made for a distance of not less than one-half (1/2) inch from the front end of the barrel of said item.

D. The provisions of Subsection C shall not apply to possession or display of such an instrument by a licensed manufacturer or dealer of the same, used solely in connection with his or her business. Further, any said instrumentalities used in theatrical productions licensed in advance by the City of Yonkers shall also be exempted when possessed, displayed and used in connection with said licensed theatrical productions.

E. Any violation of this section shall constitute a Class I offense.

~ 74-8. Penalties for offenses. [Amended 1-12-1971 by G.O. No. 1-1971]

Except as otherwise provided, any violation of this chapter shall constitute a Class II offense.