

LOCAL LAW NO. ___-2010

VILLAGE OF CROTON-ON-HUDSON, NEW YORK

**A LOCAL LAW TO REVISE CHAPTER 123
OF THE CODE OF THE VILLAGE OF CROTON-ON-HUDSON
TO PERMIT BOWHUNTING OF WHITE-TAILED DEER**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Chapter 123 of the Code of the Village of Croton-on-Hudson, last amended by Local Law 2-1990, is hereby repealed and replaced in its entirety with new Chapter 123, which shall read as follows:

Chapter 123. Firearms and Hunting.

Article I. General provisions.

§ 123-1. Definitions.

All terms used in this chapter shall have the same definitions as the New York State Fish and Wildlife Law and corresponding state regulations, except as follows:

FIREARM – Includes shotgun, airgun, pellet gun, BB gun, rifle, air rifle, pistol or revolver of any caliber or any implement that impels with force a bullet, pellet, or projectile or any kind, including crossbows and bows and arrows.

BOWHUNT – The act of hunting white-tailed deer with any kind of bow.

Article II. Firearms.

§ 123-2. Discharge prohibited.

No person shall discharge any firearm, as defined herein, within the Village of Croton-on-Hudson, except where exempt under this chapter.

§ 123-3. Exemptions.

A. This chapter shall not apply to:

- (1) Properly supervised and authorized programs offering instruction and training the use of firearms.
- (2) The authorized use of a pistol, rifle or target range regularly operated and maintained by a law enforcement agency or by any duly organized membership corporation

- (3) Law enforcement officers in the discharge of their duties or other persons in the defense of person or property.

Article III. Bowhunting.

§ 123-4. Purpose and findings.

- A. The purpose of this article is to allow persons holding valid state hunting licenses and Village-issued permits to bowhunt white-tailed deer during specific times on specific properties within the Village of Croton-on-Hudson during the New York State bowhunting deer season.
- B. The Board of Trustees of the Village of Croton-on-Hudson finds that the unchecked growth and overpopulation of white-tailed deer in the Village of Croton-on-Hudson and the County of Westchester has created a severe impact on natural resources and is detrimental to forest regeneration. In addition, the overabundance of deer has increased the potential for direct damage to property and injury to and loss of human life. In order to protect the health, safety and welfare of the community and the environment, the Board of Trustees finds that it is in the public interest to permit bowhunting of white-tailed deer within the Village of Croton-on-Hudson in accordance with this article and applicable rules and regulations.

§ 123-5. Permit required; permit conditions.

- A. No person shall bowhunt within the Village of Croton-on-Hudson without first having obtained a bowhunting permit from the Village Manager or his designee upon written application on a form approved by the Village Manager, which shall include such information as may be required to enable the Village Manager or his designee to determine the eligibility of the applicant for such permit.
- B. A permit issued under this article shall be valid only for the purpose of hunting white-tailed deer.
- C. Such permit, when approved and signed by the Village Manager or his designee and upon payment of a fee in an amount set by resolution of the Board of Trustees, shall be issued by the Village Manager or his designee, who shall keep a record thereof. No refund of permit fees shall be made.
- D. Each permit shall specify the name of the permittee and the dates during which the permit is in effective, which dates shall correspond to the bowhunting deer season as set by New York State.
- E. Each permittee shall comply with all applicable laws, rules and regulations.

- F. The Village Manager may suspend or revoke any permit issued hereunder at any time. Notice of such revocation and the reason or reasons therefor, in writing, shall be served by the Village Manager upon the person named in the application or by mailing the same to the address given in the application. A permit issued pursuant to this article shall immediately become invalid should the permittee fail to maintain in full force and effect all required state licenses.
- G. A limited number of permits may be available per season.

§ 123-6. Eligibility.

- A. Persons are eligible for a deer bowhunting permit only upon satisfaction of the following conditions:
 - (1) Applicant has reached eighteen years of age prior to the beginning of the annual bowhunting deer season as set by New York State.
 - (2) Applicant submits evidence that he or she maintains all valid New York State licenses required to bowhunt deer.
 - (3) Applicant submits evidence that he or she has successfully completed all training and/or proficiency tests required under rules and regulations promulgated pursuant to this article.
- B. The Board of Trustees may, by regulation, require the satisfaction of additional conditions of eligibility.

§ 123-7. Locations and times.

Bowhunting shall be permitted only in specific locations and during specific times set under the rules and regulations promulgated under this chapter.

§ 123-8. Rules and regulations.

The Board of Trustees is hereby authorized to adopt by resolution rules and regulations concerning bowhunting in the Village of Croton-on-Hudson not inconsistent with the other provisions of this chapter. Such rules and regulations shall be binding upon all persons to whom a permit is issued pursuant to this chapter. The rules and regulations shall be set forth in writing, and copies shall be available for applicants.

§ 123-9. Contesting of denial, suspension or revocation.

Any person whose application for a permit has been denied or any person for whose permit has been suspended by the Village Manager may contest such denial, suspension or revocation, in writing, to the Village Board of Trustees within ten days after the date of

the notice of denial, suspension or revocation. The decision of the Board of Trustees shall be made within fifteen days and shall be final.

Article IV.

§ 123-10. Penalties for offenses.

Any person violating any of the provisions of this chapter, upon conviction thereof, shall be subject to a fine of \$500 for each offense. Every violation of any provision in this chapter shall be a separate and distinct offense; and in case of continuing violation, every day's continuance thereof shall be deemed a separate and distinct offense.

Section Two. Severability.

Should any section, paragraph, sentence, clause or phrase of this Local Law be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of said law shall not be affected thereby.

Section Three. This local law shall take effect immediately upon filing with the Secretary of State.



Waterfront Advisory Committee

Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

Chairman
FRAN ALLEN

Members
STUART GREENBAUM
ROBERT LUNTZ
RICHARD OLVER
IAN MURTAUGH

Attorney
JAMES STAUDT

Village Engineer
DANIEL O'CONNOR, P.E.

Secretary
SYLVIA MILLS

WATERFRONT ADVISORY COMMITTEE

To: Mayor Wiegman and the Board of Trustees

From: Fran Allen, Waterfront Advisory Committee Chair

CC: Abe Zambrano
Dan O'Connor
WAC Committee

Subject: Consistency Review of Local Law Introductory No. 6 of 2010 – *A Local Law to Revise Chapter 123 of the Code of the Village of Croton-on-Hudson to Permit Bowhunting of White-tailed Deer*

Date: August 30, 2010

On August 26, 2010 the Waterfront Advisory Committee (WAC) reviewed the proposed revision to Chapter 123 of the Village Code for consistency with the Village's Local Waterfront Revitalization Program (LWRP). Based on their review of the proposed law, the Full Environmental Assessment Form (FEAF) and the Coastal Assessment Form (CAF), the WAC made a preliminary determination of consistency with the LWRP. It should be noted that the vote was 3-2 (WAC members Luntz, Murtaugh and Olver [ayes] and WAC members Allen and Greenbaum [nays]).

During the consistency review, question #18 in Part 2 of the FEAF "*Will Proposed Action affect public health and safety?*" was discussed; the answer given to this question is "No." WAC member Stuart Greenbaum recalled that there were issues pertaining to public safety when deer hunting was permitted in the Village many years ago and expressed concern about the potential adverse impacts today, given the growth in population and the loss of land. It was noted during the discussion that only hunting by professional bowhunters who pass a rigorous test would be permitted. These bowhunters would only be allowed to hunt on large tracts of land away from residential areas. The WAC ultimately agreed to make a preliminary determination of consistency subject to language being added to question #18 under "*Other Impacts*" as follows: "*The Proposed Action may impact the safety of Village residents due to the growing density of the population and scarcity of large tracts of land*" and subject to the answer to question #18 being changed from "No" to "Yes." The WAC's preliminary consistency review is contingent upon the Village's taking the necessary measures to protect residents during the annual deer hunting season.

FA/smm

VILLAGE OF CROTON ON HUDSON, NEW YORK

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW

PUBLIC NOTICE IS HEREBY GIVEN that a resolution has been adopted by the Board of Trustees, Village of Croton on Hudson, New York, at a meeting on August 9, 2010 to schedule a PUBLIC HEARING on the following:

Local Law Introductory #6 of 2010, a Local Law to revise Chapter 123 of the code of the Village of Croton-on-Hudson to permit bowhunting of white-tailed deer at select locations during certain hours of the New York State Hunting Season with the issuance of a special permit.

THEREFORE, pursuant to statute, the Board of Trustees, Village of Croton on Hudson, New York, will hold a PUBLIC HEARING on Tuesday, September 7, 2010, 8:00 p.m., at the Stanley H. Kellerhouse Municipal Building, 1 Van Wyck Street, Croton on Hudson, NY, at which time all interested parties will be heard.

Pauline DiSanto
Village Clerk

Date: August 10, 2010