

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Spring Valley

Local Law No. 6 of the year 2019

A local law Amending Local Law 256 to place restrictions on use and possession of imitation guns
(Insert Title)

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Spring Valley as follows:

See attached page

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2019 of the (County)(City)(Town)(Village) of Spring Valley was duly passed by the Village Board of Trustees on August 6 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

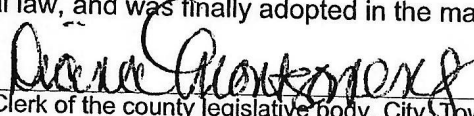
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 26, 2019

(Seal)

Chapter 256 – Weapons, Imitation and Replica

§ 256- 1. Legislative Intent.

Purpose and intent. The Village of Spring Valley and the law enforcement personnel that protect it have become aware that the proliferation of replica, toy, and imitation guns that substantially duplicate or that can be reasonably perceived to be an actual firearm is increasing. Replica, toy and imitation guns can and have been used to commit various crimes, including robbery and theft. The possession of such weapons has led to law enforcement personnel responding to what they reasonably believe to be real guns, only to determine that the guns in fact were replicas, toys or imitations. The possession of toy or imitation weapons which substantially duplicate actual weapons poses a danger to the person possessing the weapon and to others. The use of weapons or imitation weapons by persons under the influence of drugs and/or alcohol can readily lead to serious injury or death. The possession of weapons or imitation weapons in public facilities and places also poses a serious danger to public safety. In order to promote and protect the health, safety, and welfare of the public, the Village of Spring Valley finds it necessary to place restrictions upon the possession and use of such imitation weapons, on any public land or shopping center parking lot within the Village of Spring Valley. The restrictions imposed by this section are intended to be in addition to restrictions found in state law and are not intended to conflict with state law provisions.

§ 256 -2. Certain replica, toy and imitation guns restricted.

It shall be unlawful for any person to sell, offer to sell, possess , either concealed or unconcealed, use, attempt to use or give away any replica, toy or imitation gun, air pistol rifle which has a propelling force or by energy stored in a string or spring, which substantially duplicates or can be reasonably perceived to be an actual gun, including, but not limited to, toy guns that have been altered to look like actual guns, unless:

A.

Appearance.

(1)

The entire exterior surface of such replica, toy or imitation gun is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color or in combination with other colors in any pattern; or

(2)

Such replica, toy or imitation gun, is constructed entirely of transparent or translucent materials which permit unmistakable observation of the replica, imitation or toy gun's complete contents; and

B.

The barrel of such replica, toy or imitation gun, other than the barrel of any such replica, toy or imitation gun that is a water gun, is closed with the same material of which the replica, toy or imitation gun is made for a distance of not less than one-half inch from the front end of said barrel; and

C.

Such replica, toy or imitation gun has legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified; and

D.

Such replica, toy or imitation gun also lacks a laser pointer, defined as any device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

§ 256-3. Prohibition.

No person shall fire, discharge or transport any replica, toy, or imitation gun within the Village limits. A person may transport a replica, toy and imitation gun if it is in a closed case and not ready for immediate firing or discharge.

§ 256-4. Presumption

The presence in a vehicle, other than public transportation, of any replica, toy or imitation weapon is presumptive evidence of its possession by the driver of any vehicle, if the replica, toy or imitation weapon, is found in the common area of the vehicle with no other passenger taking responsibility or possession of the replica, toy, or imitation weapon, except under the following circumstances:

A.

If such toy or imitation weapon is found upon the person of one of the occupants therein; or

B.

If such replica, toy or imitation weapon is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, or public omnibus, then such presumption shall not apply to the driver.

§ 256-6. Exceptions

Section § 256-2 shall not apply to:

A.

The possession or display of replica, toy or imitation guns by a manufacturer or dealer solely for the purposes of sales that are accompanied by delivery to a point outside the borders of the Village of Spring Valley.

B.

Any replica, toy or imitation gun that will be used only for or in the production of television programs or theatrical or motion picture presentations; provided, however, that such use of any replica, toy or imitation gun complies with all applicable laws, rules or regulations concerning request and receipt of waivers authorizing such use.

C.

Nonfiring collector replica antique guns, which look authentic and may be a scale model but are not intended as toys modeled on real guns designed, manufactured and produced prior to 1898, as mandated by federal law.

D.

Decorative, ornamental, and miniature objects having the appearance, shape and/or configuration of a gun, including those intended to be displayed on a desk or worn on items such as bracelets, necklaces and key chains, provided that the objects measure no more than 38 millimeters in height by 70 millimeters in length, the length measurement excluding any gun stock length measurement.

E.

Any replica, toy or imitation gun in a private premises not open to the general public.

F.

Any person or replica, toy or imitation gun otherwise licensed, authorized or specifically permitted by law.

G.

Any replica, toy or imitation gun permanently mounted for display purposes.

§ 256-7. Enforcement

A.

Any agency lawfully entitled to do so under the laws of the United States of America, the State of New York, the County of Rockland, or the Village of Spring Valley shall have the authority to enforce the provisions of this chapter by issuing a summons and violation of this article and handing the summons to the offender.

B.

Any such agency may, in addition to any other enforcement, confiscate and impound the offending weapon pending adjudication of the charges.

§ 256-7. Penalties.

Every person convicted of a violation of this chapter shall be punishable for that violation by a fine as hereinafter set forth.

A.

First offense: Fine of a minimum of \$500.00 and a maximum of \$1,000.00.

B.

Second offense: Fine of a minimum of \$1,000.00 and a maximum of \$5,000.00.

C.

Third Offense or More: Fine of a minimum of \$5,000.00 and a maximum of \$10,000.00 for each additional offense, or fourteen (14) days in jail for each section violated.

§ 256-8. Penalties for failure to answer summonses.

A.

The summons issued shall state the type of violation, the date, the time, and the location that the summons is returnable. The summons shall permit the disposition of the ticket, in person or by mail, and shall advise of additional proceedings in the event that said summons is not answered.

B.

All summonses issued under this provision shall be subject to an additional penalty of \$100.00 if not answered by the return date on the summons.

C.

In addition, a further penalty of \$100.00 shall be assessed if said summons is not answered within 15 days after the return date of said summons.

D.

In addition, a further penalty of \$100.00 shall be assessed if said summons is not answered within 30 days after the return date of said summons.

§256-9. Conflict with other laws.

Nothing in this chapter shall be deemed to supersede, alter, affect or conflict with any state or federal laws or rules, and shall be so interpreted by the courts.