

AN ORDINANCE TO CREATE A NEW SECTION 115-1.3 OF CHAPTER 115 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NY ENTITLED “POSSESSION OF A FIREARM IN A PUBLIC PLACE WHILE INTOXICATED OR IMPAIRED BY ALCOHOL OR DRUGS PROHIBITED”

BE IT ORDAINED by the City Council of the City of Saratoga Springs, NY, as follows:

SECTION 1: A new Section 115-1.3 of Chapter 115 of the Code of the City of Saratoga Springs, entitled “Possession of a Firearm in a Public Place While Intoxicated or Impaired by Alcohol or Drugs Prohibited,” is hereby enacted to read:

A. DEFINITIONS: As used in this Section, the following terms shall have the meanings indicated:

FIREARM: A firearm is any weapon which will propel a projectile through the action of an explosive.

PUBLIC PLACE: A public place is any public highway, public street, public sidewalk, public parking area or in any vehicle or premise open or accessible to the public.

INTOXICATED: Intoxicated is defined as meeting the definition of intoxicated under New York State Vehicle and Traffic Law § 1192 and its related case law.

IMPAIRED: Impaired by alcohol, drugs or a combination of alcohol and drugs is defined as meeting the definitions of impaired by alcohol, impaired by drugs or impaired by a combination of alcohol and drugs under New York State Vehicle and Traffic Law § 1192 and its related case law.

B. No person shall possess a firearm in a public place while intoxicated or impaired by alcohol or drugs or a combination of alcohol and drugs.

C. PROOF: Evidence of intoxication or impairment by alcohol or drugs or by a combination of alcohol and drugs such as would be admissible in any prosecution under New York

State Vehicle and Traffic Law § 1192 shall be admissible in any prosecution under this Section.

D. PENALTIES: Any violation of the provisions of this chapter shall be punishable, upon conviction thereof, by the penalties set forth in Chapter 1, General Provisions, Article III, of this Code. In addition, when a person has been convicted of a violation of this Section either by plea of guilty or by trial verdict, the City Attorney shall provide written notice of such conviction to any licensing authority which has previously granted a firearms possession permit to such person.

This ordinance shall take effect the day after publication as provided by the City Charter of the City of Saratoga Springs, NY.

ADOPTED

Ayes      Nays

CITY COUNCIL OF THE CITY OF  
SARATOGA SPRINGS, NEW YORK

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By: Dillon Moran, City Clerk