

Resolution No. ____ of 2023, a resolution adopting Local Law No. ____ of 2023, amending chapter 152 of the Town Code to prohibit the possession or carrying of firearms, shotguns and bows within the Vischer Ferry Nature & Historic Preserve (VFNHP) except for persons licensed to carry concealed weapons pursuant to state or federal statute.

Introduced by _____, who moved its adoption and seconded by _____.

WHEREAS, the Vischer Ferry Nature & Historic Preserve was established in 1977, after the Town petitioned for, and received, permit for the use and occupancy of New York State Canal Corporation lands for nature preserve purposes, and

WHEREAS, by Resolution No. 280 of 2021, the Town accepted the updated Use and Occupancy permit #C-OC-202100217 from the NYS Canals Corporation, and

WHEREAS, Town code has prohibited the use or discharge of firearms within the Preserve since the issuance of the first such permit in 1977, and

WHEREAS, the Town has since completed numerous projects to improve pedestrian and bicycle access to the Preserve, to Clute's Dry Dock and a new Whipple bridge, extensive trail systems, as well as picnic areas along the Mohawk River, and the Preserve has experienced an increase in use and enjoyment by hikers, joggers, walkers and related forms of passive and active recreation, and

WHEREAS, these improvements result in usage of the permitted premises within the Preserve by the public for Park and recreation purposes, and

WHEREAS, the Town Board finds and determines that the carrying of rifles, shotguns, bows and related firearms within the Preserve to hunt or otherwise use and discharge such weapons on lands or waterways adjacent to and within the Preserve are inconsistent with the use of the Preserve by the general public for park and preserve purposes, and

WHEREAS, the legislation contains exceptions to the prohibitions against the possession of firearms in the Preserve for persons who are licensed to carry concealed weapons pursuant to NYS Penal law 440.2, and analogous Federal Statutes, as well as for law enforcement, retired law enforcement, and peace officers licensed to carry handguns, and

WHEREAS, Municipal Home Rule Law, §10 provides authority to Towns to enact local laws to protect the physical environment as well as the health, safety and well-being of persons within the Town; now, therefore, be it

RESOLVED, that pursuant to Municipal Home Rule Law § 10, the Town Board hereby adopts Local Law No. ____ of 2023, a local law amending Chapter 152 of the Town Code, attached; and be it further

RESOLVED, that the Town Board designates the Vischer Ferry Nature & Historic Preserve, as defined by Chapter 152 of the Town Code and as used and occupied consistent with

Canals Corporation permit #C-OC-202100217, as a sensitive area pursuant to Penal Law 265-01 (e) 2 (d); and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.