

Bond Case Briefs

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MUNICIPAL ORDINANCE - NEW YORK

Hunters for Deer, Inc. v. Town of Smithtown

Court of Appeals of New York - February 10, 2022 - N.E.3d - 2022 WL 397864 - 2022 N.Y. Slip Op. 00907

Not-for-profit corporation, which advocated for rights of deer hunters, and licensed hunter who served as the corporation's president brought action against town, seeking declaration that town ordinance that imposed restrictions on discharge of firearms in the town was invalid as applied to the discharge setback of a bow and arrow.

The Supreme Court, Suffolk County, granted town's motion for summary judgment. Not-for-profit corporation and licensed hunter appealed. The Supreme Court, Appellate Division, reversed and remitted. Town filed motion for leave to appeal, which was granted.

The Court of Appeals held that a bow was not a "firearm" within meaning of statute authorizing certain towns to regulate discharge of firearms, and thus statute did not authorize town to regulate discharge of bows.

Term "firearm," as used in statute authorizing certain towns to prohibit discharge of firearms through ordinances that could be more restrictive than other laws where such discharge could be hazardous to the general public, did not include a bow, and thus statute did not authorize town to regulate the discharge of bows.