

From: Mayor
Sent: Tuesday, October 10, 2017 4:48 PM
To: Clerk's Department <clerk@scarsdale.com>; sorkinbw@aol.com
Subject: Re: Opposing gunshops in Scarsdale

Joan

Many of the people who serve Scarsdadians might agree with you, including members of the Village Board. However, just as we cannot do spot zoning, we can't do "spot merchandising". Our Code permits merchandise to be for sale in the commercial zones in Scarsdale. I believe the Board is pursuing a path that is legal and is likely to achieve the result you ask for.

Dan

From: Joan Ross Sorkin [<mailto:sorkinbw@aol.com>]
Sent: Monday, October 09, 2017 8:35 AM
To: Clerk's Department <clerk@scarsdale.com>
Subject: Opposing gunshops in Scarsdale

Please be good enough to forward to the Mayor and all members of The Board of Trustees. Thank you.

To The Mayor and Board of Trustees:

I read with interest the front page article in the Sept. 15 issue of The Scarsdale Inquirer, which stated that the Board is considering an ordinance placing various restrictions on potential gun shops in the village. I am writing to urge you to consider a stronger ordinance that would prohibit gun shops or gun/ammunition sales within the village entirely. There is no need to recite the horrors of the recent tragedies in Las Vegas, Orlando, Newtown, and others. Death and injury from senseless gun violence goes on every day. It is time for municipalities to stand up and declare that we cannot be a party to the sale of firearms and ammunition that enable individuals to wreak havoc upon our communities, regardless if such guns or ammunition were acquired legally under existing laws. It is not enough to close certain loopholes or put restrictions on the sale of firearms or ammunition. We have seen that individuals circumvent restrictions and do very serious harm.

Please correct me if I am wrong on any of the following legal points:

Though the Second Amendment grants citizens the right to bear arms, that constitutional protection does not extend to gun sellers and the sale of guns. Accordingly, there is no constitutional bar to a local ordinance directed at gun seller or gun shops. Any claim that such an ordinance unlawfully discriminates against gun sellers could be properly defended by applying a rational basis test, in this case, passed to protect the health, safety and welfare of the citizens. Banning gun shops and the sale of firearms and ammunition in Scarsdale should pass this test so long as the Board, during debate of the ordinance, explains how the law would help protect the health, safety and welfare of village citizens. It would be neither arbitrary nor capricious to pass such a law, given the mass murders that have plagued our country.

As to the question of pre-emption, it is my understanding that federal law does not pre-empt state law in regard to the sale of firearms and ammunition, and furthermore, there is no New York State statutory pre-emption of local laws regarding sale of firearms and ammunition. Accordingly, a Scarsdale Village ordinance would not be pre-empted by either New York State or federal law.

In short, we would all be grieving if a gun that killed or maimed one or more of our citizens was found to have been purchased in our village. I do not want any one of our citizens, adult or child, to be lured to guns because of the opportunity to purchase one in our village. Even though guns can be obtained in other jurisdictions in our county, we should lead the vanguard by saying NO to firearms and ammunition sales in Scarsdale. Full stop. One small steps leads to others, and Scarsdale could be a model to other communities in curbing the horrific gun violence across America.

Thank you for your kind consideration of my views.

Best regards,

Joan Ross Sorkin
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