

ORDINANCE NO. 9 – 2011

AN ORDINANCE OF STROUD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH REGULATIONS FOR THE DISCHARGING OF FIREARMS, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General powers", authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the township, and the maintenance of the health and welfare of the township and its citizens; and

WHEREAS, it is the desire of the Board of Supervisors to provide for regulations for discharging of firearms, as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

Section 1: Intent and Purpose.

Due to the density of the population in the Township of Stroud, it is necessary that the discharging of firearms be regulated for the protection of the public health and safety and general welfare of the residents, property owners, visitors and others within Stroud Township, and that the unauthorized discharge of firearms be prohibited.

Section 2: Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

Firearm: Includes but is not limited to any gun, shotgun, rifle, handgun, pistol, pellet gun, BB gun, crossbow, bow and arrow, slingshot or any other device which impels a projectile through the use of force.

Section 3: Firing or discharge restricted.

It shall be unlawful to fire or discharge any firearm within the Township of Stroud except as provided in Section 4 Exceptions below.

Section 4: Exceptions.

Exceptions to this ordinance are as follows, however, in no case shall a firearm be discharged before dawn or after dusk and/or within 150 yards of an adjacent occupied structure, camp or farm, except as provided under paragraphs A., B., indoor facilities under D., and E. below:

- A. The use of firearms is permitted when employed by any duly appointed law enforcement officer in the course of his or her official duty.
- B. The use of firearms is permitted when necessary as authorized under state and/or federal laws.
- C. The use of firearms is permitted when hunting in conformity with the game laws and other applicable laws, regulations, permits and ordinances of the Commonwealth of Pennsylvania and this Township, including, but not limited to, a deer control permit issued by the Pennsylvania Game Commission, provided that any person hunting upon the land of another shall have the written permission of the landowner or lessee of the property and shall have the written permission upon his or her person. The written permission shall be signed by the owner, the owner's authorized representative or official, or lessee, shall clearly and legibly state the name and address of the person to whom the permission has been granted and shall be dated and shall be valid only for that period as appears on the face of the permittee's then-current state hunting license or permit.
- D. The discharging of firearms shall be allowed on indoor or outdoor shooting ranges pursuant to applicable provisions of the Stroud Township Zoning Ordinance, as may be amended, under the supervision of the owner or occupant of that property or his or her duly appointed representative, provided that:
 - 1. All shooting ranges shall be constructed and operated in a safe and prudent manner. If standards, regulations and/or recommended procedures for operation are established or promulgated by any recognized body, such as the National Rifle Association or the American Trap Shooting Association, then such standards, regulations and/or procedures shall be adhered to.
 - 2. Such range is issued zoning and occupancy permits by the township zoning officer, which permits shall specify the area or areas designated for shooting range purposes.
- E. Farmers engaged in "normal agricultural operation" protecting their "agricultural commodity" from animal predators in accordance with the Pennsylvania Right To Farm Act.
- F. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization or affiliated club, such as the Pennsylvania Federation of Sportsmen's Clubs, Inc.

Section 5: Improper use prohibited.

The careless, reckless or improper use of any firearm tending to imperil or cause danger or harm to personal security or to endanger the property of any person within the Township of Stroud is prohibited.

Section 6: Seizure of firearms.

Any law enforcement officer lawfully engaged in his law enforcement duties within the Township of Stroud is hereby authorized to seize, for evidentiary purposes, any firearm, as defined herein, which shall be fired or discharged within the limits of the Township of Stroud in violation of this ordinance.

Section 7: Violations and penalties.

Any person or persons discharging a firearm in violation of any of the provisions of this ordinance shall be subject to a fine of not more than six hundred dollars (\$600.) plus court costs, including reasonable attorney fees. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day's continued violation shall constitute a separate offense. In default in the payment of any fine imposed hereunder, the defendant shall be sentenced to undergo imprisonment for a period not exceeding thirty (30) days. Prosecution under this Ordinance may be instituted by a Stroud Township Zoning or Code Enforcement Officer, or any law enforcement officer. Enforcement shall be by an action brought before a Magisterial District Judge in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The township solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rule of Criminal Procedure No. 454(c) (relating to trial in summary cases).

Section 8: Validity. The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

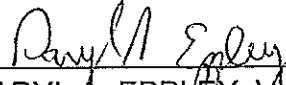
Section 9: Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Stroud this 6th day of December, 2011.

TOWNSHIP OF STROUD


EDWARD C. CRAMER, Chairman

(TOWNSHIP SEAL)


DARYL A. EPPLEY, Vice Chairman
and Secretary


JAMES L. DECKER, Roadmaster