

Firearms

Draft 1/9/2020

**POLK TOWNSHIP, MONROE COUNTY, PENNSYLVANIA
ORDINANCE NO. _____ OF 2020**

**AN ORDINANCE OF THE TOWNSHIP OF POLK, MONROE COUNTY,
PENNSYLVANIA, PROHIBITING DISCHARGE OF FIREARMS IN CERTAIN AREAS
AND UNDER CERTAIN CIRCUMSTANCES IN POLK TOWNSHIP**

WHEREAS, Polk Township is a Second Class Township duly incorporated in accordance with the Laws of the Commonwealth of Pennsylvania; and

WHEREAS, Polk Township is governed by the Pennsylvania Second Class Township Code; and

WHEREAS, the Second Class Township Code specifically authorizes the Board of Supervisors to adopt Ordinances to secure the safety of persons or property within the Township; and

WHEREAS, the Supervisors are concerned with respect to the discharge of firearms under circumstances which may provide dangers and hazards to residents of the Township.

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of Polk Township, Monroe County, Pennsylvania, as follows:

Section 1. This Ordinance shall be known as “Polk Township Firearms Ordinance”.

Section 2. Definitions:

1) Firearms.

Any gun, shotgun, rifle, hand gun, pistol, and any other device which impels a projectile through the use of force. “Firearms” do not include bow and arrow, crossbow, BB gun or pellet gun.

Section 3. Prohibition on Shooting or Discharge of Firearms.

1) The discharge or firing of a firearm is prohibited in certain areas of Polk Township, and under certain circumstances, as follows:

- (a) Within one-hundred fifty (150) yards of any adjacent occupied structure, camp or farm;
- (b) Anywhere in the Township before dawn or after dusk, unless on lands of an established Rod and Gun Club, at a supervised event;
- (c) On any property containing less than one contiguous acre;

- (d) Under any circumstances in which the bullet or other projectile fired will not remain on the same property from which discharged;
- (e) No firearms shall be discharged at any target containing any explosive materials including tannerite, gasoline, or any other flammable or explosive material.

Section 4. Improper Use Prohibited.

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

Section 5. Violations and Penalties.

Any person or persons discharging a firearm in violation of any of the provisions of this Part, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense. If the Defendant neither pays nor timely appeals the Judgment, the Township may enforce the Judgment pursuant to the applicable Rules of Civil Procedure. Prosecution under this Part may be instituted by a Polk Township Zoning or Codes 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 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).

IN WITNESS WHEREOF, the Polk Township Board of Supervisors after do advertisement hereby ADOPT this Ordinance this ____ day of _____, 2020.

POLK TOWNSHIP BOARD OF SUPERVISORS

By: _____
Brian K. Ahner, Chairman

By: _____
Michael D. Hurley, Vice-Chairman

ATTEST:

Rebecca Tippett, Secretary

By: _____
Carl S. Heckman