

ORDINANCE NO 201

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XIV, ENTITLED "HEALTH AND SAFETY" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES BY ADDING THERETO A NEW PART 3, ENTITLED "DISCHARGE OF FIREARMS" TO ADOPT FIREARMS DISCHARGE REGULATIONS WITHIN THE TOWNSHIP INCLUDING PROHIBITING THE DISCHARGE OF FIREARMS WITHIN 150 YARDS OF A SCHOOL DISTRICT PROPERTY AND TOWNSHIP PARK AND RECREATION AREAS; PROHIBITING THE DISCHARGE OF FIREARMS BEFORE ONE-HALF HOUR AFTER SUNRISE AND NOT LATER THAN ONE-HALF HOUR BEFORE SUNSET; EXEMPTING LAW ENFORCEMENT AGENCIES, HUNTING AND OTHER ACTIVITIES REGULATED BY THE PA GAME AND WILDLIFE CODE, SELF-DEFENSE, AND FARMERS PROTECTING THEIR CROPS OR LIVESTOCK; AND PROVIDING FOR PENALTIES FOR VIOLATION

WHEREAS, the Board of Supervisors of Amity Township finds that due to the increasing population within the Township the present uncontrolled use of firearms within the Township constitutes not only a nuisance but also endangers the health, safety and welfare of the residents.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Chapter XIV, entitled "Health and Safety" of the Township of Amity Code of Ordinances is hereby amended by adding thereto a new Part 3, entitled "Discharge of Firearms" as follows:

"Part 3

Discharge of Firearms

Section 301. Definitions. As used in this Part, the following terms shall have the meanings indicated:

(a) FIREARM. A weapon used in the propulsion of shot, shell, bullet or any other object by the action of gunpowder, other explosive powder, compressed gas or compressed air.

(b) FARMER. A person actively engaged in the business of raising agricultural products or livestock in order to earn a livelihood.

(c) SCHOOL DISTRICT PROPERTY. Real estate owned by the Daniel Boone Area School District or the Pennsylvania State School Building Authority and located in the Township of Amity, Berks County, Pennsylvania.

(d) TOWNSHIP PARK AND RECREATION AREAS. Real estate owned by the Township and designated as a recreation area as follows:

(1) Lake Drive Park and Recreation Area

(2) Hill Road Recreation Area

(3) Myron S. Wheeler Recreation Area

(4) Locust Grove Recreation Area

(5) Amity Park Road Recreation Area

(6) Amity Park Recreation Area located between Route 662 and Weavertown Road.

This definition does not include the area known as Monocacy Hill Park.

### Section 302. Prohibited Activities

(a) The intentional discharge of any firearm within the Township is prohibited within 150 yards of the property line of any School District Property and Township Park and Recreation Areas as defined above.

(b) The intentional discharge of any firearm within the Township shall not occur before one-half (½) hour after sunrise and shall end no later than one-half (½) hour before sunset.

Section 303. Exemptions. The provisions of this Part shall not apply to the following uses or activities involving firearms where otherwise legal:

- (a) Authorized law enforcement officers acting in the line of duty.
- (b) Hunting or other activities regulated by and conducted in accordance with the PA Game and Wildlife Code, 34 PA C.S.A. 101 et seq.
- (c) Use of firearms in defense of human life.
- (d) Farmers protecting their crops or livestock.

Section 304. Violations and Penalties Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this Part shall, upon conviction, be sentenced to pay a fine not to exceed One Thousand Dollars (\$1,000.00) plus costs of prosecution and/or imprisonment for a term not exceeding ninety (90) days.

Section 305. Severability. If any sentence, clause, section or part of this Part is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any other remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Township of Amity that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein."

SECTION 2. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective five (5) days following the date of adoption.

SECTION 4. The Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, upon adoption.

175320.4

DULY ENACTED AND ORDAINED into law this 18<sup>th</sup> day of May, 2004 by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

TOWNSHIP OF AMITY  
BOARD OF SUPERVISORS

Robert R. Cymmer  
Richard L. Ashley  
John S. ...  
Joseph Karpus  
Leslie A. Jacket

Attest:

Marsha Shimp  
Secretary