

**CONEWAGO TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 361

**AN ORDINANCE OF CONEWAGO TOWNSHIP ESTABLISHING
SAFETY LIMITS ON THE AREAS OF TARGET SHOOTING
NEAR RESIDENCES AND OTHER OCCUPIED STRUCTURES**

WHEREAS, the Township respects the individual rights of Township residents to possess, transfer, and discharge a firearm in a manner consistent with existing state and federal law; and

WHEREAS, the Township has provided Township residents with the opportunity to submit public comments to the Township regarding the establishment of safety limits on the discharge of a firearm and target shooting near residences and other occupied structures; and

WHEREAS, the Township has determined that it is in the best interests of the health, safety, and welfare of the residents of the Township, and it is hereby declared to be the policy of Conewago Township to safeguard its residents by regulating the discharge of a firearm in areas near residences and other occupied structures in order to promote the safety of Township residents;

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

SECTION 1. Definitions:

FIREARM - A weapon that discharges a dangerous projectile via a rim or center-fired explosive combustion chamber. Examples of a Firearm under the ordinance include but are not necessarily limited to the following: manually operated or automatic center-fire rifle, handgun, muzzle-loading long guns, rifles and pistols of any caliber. Not included: shotgun, air gun, air pistol, spring gun or pistol, and bows or archery devices. Whether or not a weapon is dangerous enough to be encompassed by this definition is left to the discretion of the law enforcement officer.

SECTION 2. Prohibitions.

- A. It is unlawful for any person in the Township whatsoever to shoot or discharge any firearm within 150 feet of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith, unless:
1. The residence or structure in question is owned or leased by either the person doing the shooting or an immediate family member; or

2. permission has previously been obtained, and continues to be in effect, from the owner(s) or primary lessee(s) of the structure(s) referred to in this section.
- B. It is unlawful for any person to shoot a Firearm in a manner that allows the projectile to leave the property on which it is being shot, unless permission has previously been obtained, and continues to be in effect from the neighboring property owner where the projectile might land.
 - C. It is unlawful to use a firearm in such a way as to expose to harm or damage any individual, dwelling house, residence or other building for human occupancy or any barn, stable or other building used in connection therewith or any animal, except as provided in the Game and Wildlife Code of Pennsylvania. See 34 Pa.C.S.A. § 101 et seq.
 - D. It is unlawful to discharge any firearm at any target which shall have insufficient backstop to prevent the projectile from leaving the property upon which it is being expelled. The person shooting the firearm at any target shall be responsible for assuring that the backstop is sufficient to prevent any projectile from leaving the property upon which it is being shot. All targets shall be located a minimum of 150 feet from any occupied dwelling house, residence or other building for human occupancy or any barn, stable or other building used in connection therewith, unless permission has been obtained, and continues to be in effect, from the owner(s) of the structure(s) referred to in this section. All targets shall be located a minimum of the appropriate setback distance for structures applicable to the property.
 - E. This Ordinance does not control, regulate or apply to sportsman, gun or hunting clubs, nor to hunters (each of these groups is regulated by the appropriate sections of state law).

SECTION 3. Enforcement.

- A. The enforcing officer shall, if he determines it appropriate in his sole discretion, issue a "first warning" to violators of this Ordinance in lieu of prosecution, and shall provide to the violator a copy of this ordinance to make the violator aware of the requirements of this Ordinance.
- B. Any use of firearms while under the influence of alcohol shall require the enforcing officer to forego the "first warning" option and to enforce the provisions of this Ordinance against the offending violator.
- C. It shall be a violation of this Ordinance for any person to violate any state and/or federal firearm law.

SECTION 4. Exceptions.

- A. The provisions of this Ordinance shall not prohibit any police officer from use of his firearm at any time.

B. Minors are permitted to discharge firearms to the extent that they would be permitted to discharge the firearms under any state or federal firearm law, so long as the minor is also discharging the firearm in conformity with the Township ordinances.

SECTION 5. Violations.

Any person who shall violate any provision of this Part, upon conviction 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 five hundred dollars (\$500.00) plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed ten (10) 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.

SECTION 6. Repealer. Any other ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 7. Severability. The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall become effective five (5) days after passage as provided by law.

ORDAINED AND ENACTED this ____ day of _____, 2019.

ATTEST:

**BOARD OF SUPERVISORS
CONEWAGO TOWNSHIP**

Secretary

Chairman

Member

Member