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**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007-03

AN ORDINANCE OF LOWER SAUCON TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA DELETING CHAPTER 82 OF THE LOWER SAUCON CODE OF ORDINANCES AS ADOPTED BY ORDINANCE 80-8 AND REPLACING THE SAME WITH A REVISED CHAPTER 82; AND REPLACING CHAPTER 82 TO REGULATE THE DISCHARGE OF FIREARMS, BOWS, CROSSBOWS, AND ATLATLS, AND TO PROVIDE THAT NO CITIZEN SHALL BE ALLOWED TO DISCHARGE SUCH WEAPONS UNLESS SUCH DISCHARGE COMPLIES WITH THE DISTANCE AND SAFETY RESTRICTIONS CONTAINED IN THIS ORDINANCE ; AND BY PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

WHEREAS, Lower Saucon Township is a Township of the Second Class located in Northampton County, Pennsylvania (hereinafter TOWNSHIP); and

WHEREAS, the Lower Saucon Code of Ordinances at Chapter 82, Sections 82-1 through 82-9 set forth certain provisions governing the discharge of Firearms in the Township; and

WHEREAS, the Township deems it to be in the best interest of the public health, safety and welfare to delete Chapter 82 and replace it, as follows, in order to best inform and protect the residents of Lower Saucon Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Pennsylvania, that Chapter 82 of the Lower Saucon Township Code of Ordinances shall be deleted in its entirety and replaced as follows:

SECTION 1. The Lower Saucon Code of Ordinances at Chapter 82, FIREARMS, is hereby deleted in its entirety and replaced as follows;

Chapter 82

USE OF FIREARMS, BOWS, CROSSBOWS, AND ATLATLS RESTRICTED

- Section 82-1. Discharge of firearms restricted.
- Section 82-2. Use of Bows, Crossbows, and Atlatls restricted.
- Section 82-3 Prohibited acts.
- Section 82-4 Conflict of provisions.
- Section 82-5 Enforceability
- Section 82-6 Violations and penalties

Section 82-1. Discharge of Firearms Restricted.

1. Firearm Defined: FIREARM means a weapon from which a dangerous projectile may be expelled by an explosive, gas, or air. Whether or not the weapon is dangerous enough to be encompassed by this Ordinance is left to the discretion of the law enforcement officer. Examples include but are not necessarily limited to the following: shotgun, air gun, air pistol, spring gun or pistol, manually operated centerfire rifle, handgun, muzzleloading long guns, rifles and pistols of any caliber.
2. All of the sections and provisions of this section and this Ordinance are cumulative and place additional limitations upon any and all other laws and ordinances that may cover any subject matter contained within this provision and/or this Ordinance.
3. All sections of this Ordinance apply to all persons discharging a firearm in the Township.
4. A violation of any one section constitutes a violation of the Ordinance.
5. It is a violation of this Ordinance for a person to violate any state and/or federal firearm law.
6. 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.

7. It is unlawful for any person in the Township whatsoever to shoot or discharge any firearm within 150 yards 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 permission has previously been obtained, and continues to be in effect, from the owner(s) of the structure(s) referred to in this subsection #7.
8. It is unlawful for unauthorized persons to discharge a firearm in the Township. Only the following enumerated persons are authorized and may lawfully discharge firearms in the Township, so long as any discharge occurs farther than 150 yards from 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 permission has previously been obtained, and continues to be in effect, from the owner(s) of the structure(s) referred to in this subsection #8: a) a landowner upon his or her own land; b) a tenant of land upon land occupied by such tenant; c) an employee of the landowner or tenant upon such land of the landowner or tenant who has obtained advance consent; d) any adult member of a family of such landowner or tenant upon the land of such owner or tenant, except as permitted in paragraph 6, with supervision.; or e) any other person who, prior thereto, obtains the permission from the owner or tenant of the land upon which the firing, discharge or shooting is to be done.
9. 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.
10. 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.
11. Target Practice: 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 yards 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 subsection #11.

12. Gun Clubs duly formed and operational pursuant to the Township Code of Ordinances and any and all applicable laws: Persons authorized by a duly formed and operational gun club to discharge firearms on gun club property in the Township, which by way of example may include persons such as Members or duly authorized guests, are permitted to discharge firearms on gun club property in the Township, so long as: a) the gun club was duly formed and operational pursuant to the Township Code of Ordinances and any and all applicable laws governing gun clubs prior to January 1, 2007; b) no firearm is discharged 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; c) firearms are used in a manner so that no projectiles are able to leave the gun club property on which it is being shot; and d) any firearm shot at any target on the gun club shall have sufficient backstop to prevent the projectile from leaving the gun club property. It is unlawful for the gun club to operate in violation of any other applicable state and federal laws that may apply to a gun club use. Any gun club established after January 1, 2007 shall be required to comply with the 150 yard requirement set forth above herein at paragraph 7 and paragraph 11, in addition to any and all other requirements of the Township, and the state and federal governments.
13. The conduct of any hunter hunting with a valid Pennsylvania hunting license shall be controlled by this Ordinance, the game laws of this Commonwealth, and any and all other applicable state and federal law.

Section 82-2. Use of Bows, Crossbows, and Atlatls.

1. Bow Defined: A device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source.
2. Crossbow Defined: A device consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism, has a mechanical safety and propels an arrow.

3. Atlatl Defined: A 15 to 30 inch board or rod-like device with a handle at the aft end and a projection (as a hook or thong to hold a dart in place until released) at the fore end, used for propelling a dart by increasing the mechanical advantage of the user's forward arm motion. This device derives its propulsive energy solely from the forward motion of the user's arm and the bending and recovery of the dart. The energy used to propel the dart may not be derived from any other source.
4. Dart Defined: A flexible projectile propelled by an atlatl with an overall length between 5 and 8 feet, fletching at the aft end (designed only for guidance) and a broadhead mounted at the fore end. No electronic device may be part of or attached to the dart. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be part of or attached to any dart.
5. It is unlawful for any person to shoot a bow, crossbow, or atlatl in a manner that allows the projectile to leave the property on which it is being shot, unless permission has been obtained, and continues to be in effect, from the owner(s) of the neighboring property where the projectile could possibly land. The person shooting the bow, crossbow, or atlatl at any target shall be responsible for assuring that the backstop is sufficient to prevent the projectile from leaving the property upon which it is being shot.
6. Target Practice: It is unlawful to discharge any bow, crossbow, or atlatl 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 bow, crossbow, or atlatl 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 50 yards 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 previously been obtained, and continues to be in effect, from the owner(s) of the structure(s) referred to in this subsection #6.
7. It is unlawful to use a bow, crossbow, or atlatl 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.

8. It is a violation of this Ordinance for a person to violate any state and/or federal law regulating the use of bows, crossbows, or atlatls.
9. Minors are permitted to use bows, crossbows, or atlatls to the extent that they would be permitted to under any applicable state or federal law, so long as the minor also uses the bow, crossbow, and atlatl in conformity with the Township Ordinances.
10. The conduct of any hunter hunting with a valid Pennsylvania hunting license shall be controlled by this Ordinance, the game laws of this Commonwealth, and any and all other applicable state and federal law.

Section 82-3. Prohibited acts.

Notwithstanding any other provision contained herein, it is unlawful to discharge any firearm or bow, crossbow, and atlatl 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. It is a violation of this Ordinance to discharge a firearm or use a bow, crossbow, and atlatl in a manner that is otherwise unlawful under any state or federal law.

Section 82-4. Conflict of Provisions

To the extent that this chapter or any part hereto is in conflict with state or federal game laws or other applicable state or federal statutes, the state or federal laws may prevail to the extent consistent with applicable interpretation of the law.

Section 82-5. Enforceability

If any provision of this Ordinance is found to be unenforceable, the remaining provisions shall remain in full force and effect.

Section 82-6. Violations and penalties.

This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in

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a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.

SECTION 2. Repealer / Interpretation

The former Chapter 82 FIREARMS is deleted in its entirety and replaced by the revised Chapter 82 as enumerated above and the former chapter 82 is hereby repealed and replaced with USE OF FIREARMS, BOWS, CROSSBOWS, AND ATLATLS RESTRICTED and the amended language set forth above. If any other ordinances or parts of ordinances may be inconsistent herewith, they are hereby repealed.

SECTION 3. Severability

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any other remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Council of Lower Saucon Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 4. Effective Date

This ordinance will become effective five (5) days after its enactment.

ENACTED AND ORDAINED ~~this 7th day, February, 2007.~~

ATTEST:

LOWER SAUCON TOWNSHIP

Glenn C. Kern
Council President

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