

ORDINANCE NO 145-2012

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, SUPPLEMENTING ORDINANCE NO. 9 OF THE TOWNSHIP BY ADDING THERETO FIREARMS DISCHARGE REGULATIONS WITHIN THE TOWNSHIP; AND PROVIDING FOR PENALTIES FOR VIOLATION OF ORDINANCE NO. 9

WHEREAS, the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania deems it in the best interests of the Township and its residents to adopt firearms discharge regulations within the Township.

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

Section 1. Section 5 of Ordinance No. 9 enacted November 3, 1971 by the Board of Supervisors of the Township is hereby amended and restated in its entirety so as to hereafter read as follows:

SECTION 5. Discharge of Firearms.

(a) Definitions. As used in this Section, the following terms shall have the meanings indicated:

(1) Air Rifles Law. The Pennsylvania Sale and Use of Air Rifles Law, 18 C.S.A. §6304, as amended from time to time.

(2) 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.

(3) Game Commission Rules and Regulations. The rules and regulations adopted by the Pennsylvania Game Commission, as amended from time to time.

(4) Game Law. The Pennsylvania Game Law, 34 Pa. C.S.A. §101, et seq., as amended from time to time.

(5) Township. The Township of Centre, Berks County, Pennsylvania.

(b) Discharge of Firearms. It shall be lawful for any person to discharge a firearm within the Township except if discharged in violation of all applicable local, state and federal laws, rules and regulations, including but not limited to the Air Rifles Law, the Game Commission Rules and Regulations and the Game Law.

(c) Enforcement. The Pennsylvania State Police, local police with jurisdiction in the Township, the Township Code Enforcement Officer, the Township Supervisors, and/or their respective designees, and all enforcement officers designated by applicable state and federal laws, rules and regulations are authorized to enforce the provisions of this Ordinance.

(d) Violations and Penalties. In addition to any penalties prescribed by applicable local, state and federal laws, rules and regulations, including but not limited to the Air Rifles Law, the Game Commission Rules and Regulations and the Game Law, any violation of this Section shall constitute a summary offense, pursuant to the Second Class Township Code, and shall be subject to the penalties prescribed in Subsection 22(b) of this Ordinance for violation of a summary offense.

Section 2. Section 22 of Ordinance No. 9 enacted November 3, 1971 by the Board of Supervisors of the Township is hereby amended and restated in its entirety so as to hereafter read as follows:

SECTION 22. Violations and Penalties.

(a) Civil Enforcement. Except as set forth in Subsection (b) of this Section, any person or entity who shall fail to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of any authorized employee or agent of the Township shall be guilty of a misdemeanor and, upon conviction, shall pay a fine to the Township of not more than Six Hundred Dollars (\$600.00), plus all costs, including reasonable attorneys' fees incurred by the Township. Each day that a violation of this Section continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including but not limited to an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue, and all such persons and/or entities shall be required to correct or remedy such violation and/or noncompliance within a reasonable time.

(b) Summary Offense. Any person or entity who shall violate or permit the violation of any provision of this Ordinance regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution, upon conviction thereof in an action brought before a district justice 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 One Thousand Dollars (\$1,000.00) plus all costs, including reasonable attorneys' fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed the maximum number of days permitted by applicable law for the punishment of summary offenses. Each day that such violation continues shall constitute a separate offense.

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 impact any other remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

Section 4. Repealer. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall become effective five (5) days following the date of adoption.

DULY ORDAINED AND ENACTED this 12th day of November, 2012.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF CENTRE,
BERKS COUNTY, PENNSYLVANIA

By: 
Chairman

By: 
Supervisor

By: 
Supervisor

Attest:


Secretary

[SEAL]