

HARBORCREEK TOWNSHIP
ORDINANCE NO. 75•68

An Ordinance prohibiting the firing of rifles, guns and other weapons in certain areas of Harborcreek Township, Erie County, Pennsylvania, and prescribing penalties for the violation thereof.

WHEREAS, the firing of certain weapons within residential and Populated areas of Harborcreek Township, Erie County, Pennsylvania, may be injurious to the health, safety and welfare of the citizens of Harborcreek Township, Erie County, Pennsylvania; and

WHEREAS, the Harborcreek Township Supervisors by the authority given them in the Second Class Township Code, Act of 1933, May 1. P.L. 103., as amended and specifically Sec. 702 thereof, granting to the Township Supervisors the power and authority to enact this ordinance; and

WHEREAS, the Township Supervisors are of the opinion that this ordinance and the immediate enactment thereof is in the best interests of and will benefit the health, safety and welfare of the citizens of Harborcreek Township, Erie County, Pennsylvania.

NOW, THEREFORE, be it enacted and ordained and it is hereby enacted and ordained by the Supervisors of the Township of Harborcreek,, Erie County, Pennsylvania, as follows:

Sec. 1 • Definitions. The following words when used in this ordinance shall have the meaning prescribed to them in this section.

(A) "High Powered Rifle" • A firearm or gun propelling one all lead or lead alloy or softnose or expanding bullet or ball except one propelled from a rimfire cartridge, but nothing in this definition shall include the firearm or gun commonly called a "shotgun'.'. muzzle loading rifle, or handgun.

(B) "Firearm" • Any instrument used in the propulsion of shot, shell, bullet or any other projectile or object by the action of gun powder and/or explosion.

Sec. 2 • It shall be unlawful for any person to:

(A) Discharge a centerfire high powered rifle in any are a of the Township, with the exception of any properly established and approved rifle range.

(B) To discharge any firearm of any type, air gun, arrow or other projectile from a bow or sling shot in any area of the Township designated a NO SHOOTING AREA (Blue Area on map) in accordance with the provisions of this ordinance.

(C) To discharge any firearm of any type, air gun, arrow or other projectile from a bow or sling shot in any area designated a RED AREA under the terms of this ordinance except that such discharge may be lawfully made on a person's own property or on the property of another with their written permission and provided any projectiles or missiles so discharged must remain on the property of the person who gave permission or the property of the person firing the weapon.

(D) To discharge a firearm within 450 feet of a dwelling house in any area designated a RED AREA under the terms of this ordinance, except that a person may discharge a firearm within 450 feet of his or her own dwelling house, or within 450 feet of the dwelling of another•with their written permission, so long as said discharge does now violate any other provisions of this ordinance.

Sec. 3 • The areas as designated above located in the Township of Harborcreek, County of Erie and State

of Pennsylvania, are set forth as follows:

(A) NO SHOOTING AREAS (BLUE AREA ON MAP) No shooting areas shall be all of the area between the north line of Route 5 (East Lake Road) and Lake Erie, from the Harborcreek Township line on the west to Shorewood Drive on the east, and all of the area between the south line of Route 5 and 1,000 feet south of said line from the Harborcreek Township line on the west,, to Bartlett Road on the east. Other areas may be established as no shooting areas by the procedure as set forth herein.

(B) RED AREAS shall be those areas as set forth on the Township map attached hereto, made a part hereof and marked in red.

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Sec. 4 • No shooting areas may be established by petition of a majority of property owners by acreage in said area. Said petition will be heard by a committee known as the "Weapon Ordinance Committee", and said Committee will make recommendation to the Board of Supervisors. The Board of Supervisors may then, by Resolution, either establish or refuse to establish said petitioned area as a no shooting area in accordance with the provisions of this ordinance.

The Supervisors of the Township may, by Resolution, passed at a regular or special meeting of the Supervisors, refer an area to the Committee without there being a petition presented for said area, and the Committee will make a recommendation back to the Supervisors on whether or not to establish the area as a no shooting area.

Sec. 5 • The Weapon Ordinance Committee shall consist of one Township Supervisor, appointed by the Township Supervisors, three representatives appointed by the Erie County Council of Federated Sportsmans' Club, all of whom must be Township residents., and three Township residents appointed by the Supervisors, all for a term of one (1) year.

Sec. 6 • The Weapon Ordinance Committee, before making a recommendation to the Supervisors, shall consider the area itself, the number and distribution of people in the area, the past practices in the area with regard to discharge of firearms, and any other matters that the Committee deems important to reach a determination on its recommendation to the Supervisors.

Sec. 7 • Any areas marked as a No Shooting Area or a Red Area may be so marked by the property owners in the area by official signs to be provided by the Township; however, failure to so post shall not be an excuse or a defense to a violation of this ordinance.

Sec. 8 • Violations. Any person who violates any provision in this ordinance shall be subject to prosecution therefore in a summary proceeding before a District Justice for said violation and if found guilty, shall be subject to a fine and penalty of not less than \$25.00 and not more than \$300.00 and costs, and in default of payment thereof, to imprisonment for not more than thirty (30) days. Each day's continuation of such violation shall constitute a separate offense punishable by a like fine or penalty.

Sec. 9 • All ordinances or parts of ordinances inconsistent herewith are hereby specifically repealed. Ordinance No. 7 of Harborcreek Township which prohibits the use of high powered rifles in certain areas of the Township is not repealed, but is amended to incorporate the provisions of the within ordinance.

Sec. 10 • All fines levied and paid under this ordinance shall be payable by the District Justice to the

Treasurer of this Township for the general use of the Township.

Sec. 11 • If any sentence, clause, or 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 of the remaining provisions, sentences, clauses or sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of Harborcreek Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section, provision or part thereof has not been included herein.

ENACTED AND ORDAINED THIS 22 DAY OF OCTOBER, 1975.
HARBORCREEK TOWNSHIP SUPERVISORS