

TOWNSHIP OF MUHLENBERG  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 599-2021

ORDINANCE AMENDING AND RESTATING  
SECTION 248-5 OF PART II OF THE CODE OF  
THE TOWNSHIP OF MUHLENBERG TO  
PROVIDE FOR RESTRICTING THE  
DISCHARGE OF FIREARMS, WITH  
EXCEPTIONS

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

**SECTION 1. Restatement of Section 248-5 of the Code of Muhlenberg Township in its Entirety.** Section 248-5 of the Code of Muhlenberg Township is hereby restated to set forth the following:

“248-5 Discharge of Firearms and Similar Devices Restricted; Exceptions.

A. Definitions. As used in this section, the following words shall have the meanings indicated:

DISCHARGE: -- The expulsion of a projectile from a firearm.

FIREARM – Any device that is designed or intended to expel a projectile by action of gunpowder, any other explosive, compressed air, compressed gas or mechanical device. By way of example and not limitation, items that are to be considered firearms under this section include guns, pistols, rifles, shotguns, BB guns, pellet guns, air rifles and paint ball guns and paint ball rifles.

B. Except as provided in Subsection C of this section, it shall be unlawful within the Township of Muhlenberg for any person to discharge a firearm other than:

(1) Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this commonwealth or its political subdivisions, or other law enforcement officers while engaged in their official duties, including but not limited to training sessions.

(2) Officers or employees of the United States duly authorized to carry a firearm while engaged in their official duties.

(3) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, discharging such a firearm in the usual or ordinary course of such business.

C. Exceptions. A person may discharge a firearm:

(1) While hunting as provided for by:

(a) Pennsylvania Title 34 known as the "Pennsylvania Game Law";

(b) By the rules and regulations of the Pennsylvania Game Commission; and

(c) Applicable zoning regulations.

(2) At any gun club or on any private outdoor target, trap, skeet, or shooting range that is on a lot of at least two (2) acres in area, is properly constructed and complies with both NRA standards for range safety and applicable zoning regulations, except that no discharge of a firearm is permitted:

(a) Onto, across, or within 50 yards of a public road;

(b) Into or within the safety zone, the dimensions of which are defined at Title 34, Section 2505(c), as may be amended; or

(c) From, onto, or across public or private property without the owner or occupant's prior written consent;

(3) In a private basement or cellar target range that is properly constructed and complies with both NRA standards for range safety and applicable zoning regulations. (The phrase "properly constructed" is defined as meeting all applicable state and local laws and regulations.)

(4) When necessary to protect life or property;

(5) To kill a dangerous animal.

D. Nothing in this section shall exempt any person or persons from being subject to all the rules and regulations promulgated and set forth by Pennsylvania Title 34 known as the "Pennsylvania Game Law," as amended.

E. Any person who shall violate any provisions of this Section, upon conviction thereof brought before a Magisterial District Judge in the manner provided for enforcement of Summary Offenses, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 90 days. Each day of violation shall constitute a separate offense.

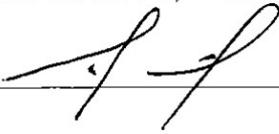
**SECTION 2. Related Action.** The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.


**SECTION 3. Effective Date.** This Ordinance shall become effective immediately upon enactment or, if later, upon the earliest date permitted by law.

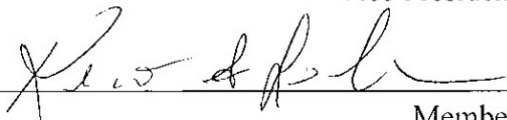
Duly enacted this 15<sup>th</sup> day of March, 2021.

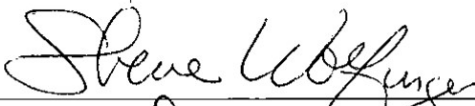
BOARD OF COMMISSIONERS OF MUHLENBERG TOWNSHIP

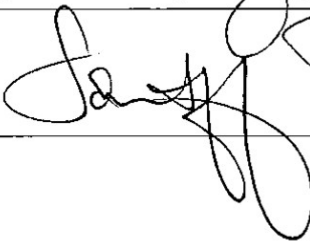
BERKS COUNTY, PENNSYLVANIA

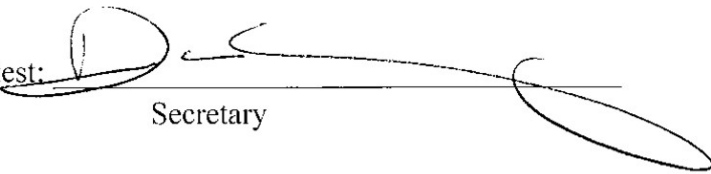
  
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President

  
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Vice President

  
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Member

  
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Member

  
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Member

Attest:   
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Secretary