

ORDINANCE NO. 2008-7

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NESQUEHONING,  
CARBON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES  
PROHIBITING THE DISCHARGE OF FIREARMS OR SIMILAR DEVICES AND  
PROVIDING PENALTIES FOR VIOLATIONS

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BE IT ORDAINED and ENACTED as follows:

SECTION 1: DISCHARGE OF FIREARMS PROHIBITED

Except in necessary defense of person and/or property and except as provided hereunder, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Nesquehoning.

SECTION 2: USE OF AIR RIFLES, BOWS AND ARROWS OR SIMILAR DECICES RESTRICTED

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm at any place within the Borough, except as provided in Section 3 hereunder, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

SECTION 3: EXCEPTIONS

This Ordinance shall not apply to:

- a) Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
- b) Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under control of such organization; and,
- c) Any law enforcement officers when used in the discharge of their official duties.
- d) Persons firing or discharging a firearm, bow and arrow or other similar weapon at a rifle or gun range.
- e) Persons firing or discharging a bow and arrow or crossbow at a private range or target, either indoors or outdoors, and contained entirely within the boundaries of the real estate or real property.

SECTION 4: PENALTIES FOR VIOLATION

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) together with costs, and in default of payment to imprisonment for a term of not more than thirty (30) days.

SECTION 5: ENFORCEMENT

The Nesquehoning Borough Police Department shall be charged with the enforcement of this Ordinance.

SECTION 6: INCLUSION IN CODE

It is the intent of the Borough Council of the Borough of Nesquehoning that the provisions of this Ordinance shall become and be made part of the Code to the Borough of Nesquehoning and the sections of this Ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or such other appropriate word or phrase in order to accomplish the intention of the Borough Council.

SECTION 7: SEVERABILITY

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision hereof shall be determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not impair or affect any remaining provisions of the Ordinance, it being the intention of the Borough Council that it would have adopted the Ordinance even if the offending language had not been included.

SECTION 8: EFFECTIVE DATE

This Ordinance shall become effective upon adoption hereof

ORDAINTED and ENACTED this 25th day of June, 2008.

BOROUGH OF NESQUEHONING

By: Don DeMarco  
President of Council

ATTEST:

RoniSue Ahner  
Secretary/Treasurer