

**NEWBERRY TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

---

**ORDINANCE NO. 393**

---

**AN ORDINANCE OF NEWBERRY TOWNSHIP, YORK COUNTY,  
PENNSYLVANIA, RESTRICTING THE DISCHARGE OF FIREARMS  
AND REGULATING THE USE OF BOWS, CROSSBOWS AND ATLATLS  
WITHIN NEWBERRY TOWNSHIP AND PROVIDING PENALTIES FOR  
VIOLATION THEREOF.**

---

**WHEREAS**, the discharge of firearms and use of bows, crossbows and atlats in or about the immediate area of residents of Newberry Township, including young children, as well as in the vicinity of residential homes and occupied office buildings, has become a safety concern. Therefore, in order to deal with the discharge of firearms in the Township, the Board of Supervisors hereby adopts this Ordinance for the safety of its residents, and real property located in the Township.

**SECTION 1. Short Title.** This Ordinance shall be known as the Newberry Township Discharge of Firearms and Use of Bows, Crossbows and Atlats Ordinance.

**SECTION 2. Definitions.**

**ATLATL** - A fifteen-inch-to-thirty-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.

**BOW** - 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.

**CROSSBOW**- 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.

**DART**- A flexible projectile propelled by an atlatl with an overall length between five and eight 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.

**FIREARM** - 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 center-fire rifle, handgun, muzzle-loading long guns, rifles and pistols of any caliber.

**SECTION 3. Discharge of Firearms Restricted.**

- A. 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.
- B. All sections of this Ordinance apply to all persons discharging a firearm in the Township.
- C. A violation of any one section constitutes a violation of this Ordinance.
- D. It is a violation of this Ordinance for a person to violate any state and/or federal firearm law.
- E. 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.
- F. 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 F.
- G. 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 G:

- (1) A landowner upon his or her own land;

- (2) A tenant of land upon land occupied by such tenant;
  - (3) An employee of the landowner or tenant upon such land of the landowner or tenant who has obtained advance consent;
  - (4) Any adult member of a family of such landowner or tenant upon the land of such owner or tenant, except as permitted in Subsection E, with supervision; or
  - (5) 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.
- H. 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.
- I. 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. See 34 Pa.C.S.A. § 101 et seq.
- J. 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 J.
- K. 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; See 34 Pa.C.S.A. § 101 et seq. ; 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 one-hundred-fifty-yard requirement set forth above herein at Subsection G and Subsection K, in addition to any and all other requirements of the Township, and the state and federal governments.

- L. 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 4. Use of Bows, Crossbows and Atlatls.**

- A. 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.
- B. 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 B.
- C. 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. See 34 Pa.C.S.A. § 101 et seq.
- D. 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.
- E. 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.

- F. 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 5. 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. See 34 Pa.C.S.A. § 101 et seq. 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 6. Conflict of Provisions.** To the extent that this Ordinance 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 7. Enforceability.** If any provision of this Ordinance is found to be unenforceable, the remaining provisions shall remain in full force and effect.

**SECTION 8. Violations and penalties.** This Ordinance shall be enforced by action brought before a District Magistrate 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 Ordinance shall, upon conviction in 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 Ordinance that is violated shall also constitute a separate offense.

**SECTION 9. Repealer.** All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

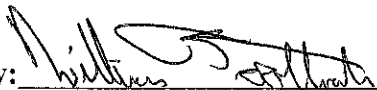
**SECTION 10. Effective Date.** This Ordinance shall become effective five days after the date of its enactment as provided by law.

**ORDAINED AND ENACTED** this 26<sup>th</sup> day of July, 2016.

Attest:

**NEWBERRY TOWNSHIP,  
YORK COUNTY, PENNSYLVANIA**

  
Secretary

By:   
Chairman