

ORDINANCE NUMBER 2018-23

CALLERY BOROUGH, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE PROHIBITING THE USE, FIRING OR DISCHARGING OF FIREARMS AND AIR GUNS IN THE BOROUGH, PROVIDING EXCEPTIONS, AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. §1202(5), as amended, grants the Borough council the power to make such regulations as may be necessary for the safety and general welfare of the borough; and

WHEREAS, on April 12, 1908, council enacted Ordinance No. 16, which prohibits the discharge of firearms within the Borough and which is codified as Chapter 41, Firearms, in the Code of the Borough of Callery; and

WHEREAS, council desires to revise and restate Chapter 41 of the Borough Code.

NOW, THEREFORE, it is hereby enacted and ordained that the Code of the Borough of Callery, Chapter 41, Firearms, is hereby revised, in its entirety, to read as follows:

**CHAPTER 41
FIREARMS AND AIR GUNS**

**ARTICLE I
PROHIBITED ACTS**

§ 41-101. DEFINITIONS.

The following words and phrases, when used in this Article, shall have the meanings set forth in this Section unless the context clearly indicates a different meaning:

AIR GUN - Any pistol, revolver, rifle, or any other device which is designed, or which may be used to discharge a projectile by compressed air or gas.

FIREARM - Any pistol, revolver, rifle, shotgun or any other device which is designed, or which may be used to discharge a bullet, cartridge, shell, shot, or any other projectile by exploding gunpowder.

§ 41-102. PROHIBITED ACTS.

(A) It shall be unlawful for any person to use, fire or discharge any firearm within the Borough, except as provided in Section 41-103, below.

(B) It shall be unlawful for any person to use, fire or discharge any air gun or other similar device within the Borough, except as provided by Section 41-103, below.

§ 41-103. EXCEPTIONS.

This Article shall not apply to:

(A) Person(s) licensed to hunt in this Commonwealth while actually engaged in legal hunting under the laws of the Commonwealth of Pennsylvania.

(B) Law enforcement officer(s) acting within the line of official duty, including but not limited to active operations, training exercises and ceremonies.

(C) Owner(s) or lessor(s) of five (5) or more acres of ground used for agricultural or farming purposes or for raising of livestock when used for the destruction of pests such as groundhogs, rats, crows and other animals and fowl when such destruction is otherwise permitted by law.

(D) Member(s) of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.

(E) Person(s) discharging a firearm or air gun in defense of human life or of the residence or place of business of the person discharging the firearm or air gun.

§ 41-104. VIOLATIONS AND PENALTIES.

(A) Any person, firm, or corporation who shall violate any provision of this Article, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge 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 less than One Hundred Dollars (\$100) and not more than Five Hundred Dollars (\$500) plus costs, including reasonable attorney fees incurred by the Borough.

(B) A separate offense shall arise for each day or portion thereof in which a violation of this Article is found to exist and for each Section of this Article found to have been violated.

(C) The Borough may also commence appropriate actions in equity to prevent, restrain, correct, enjoin, or abate violations of this Article.

(D) All fines and penalties collected for violations of this Article shall be paid to the Borough treasurer.

§ 41-105. CONFLICTS WITH OTHER LAWS.

Any statutes, rules or regulations of the Commonwealth of Pennsylvania pertaining to the firing or discharging of firearms or air guns shall supersede the rules and regulations promulgated by this Article.

§ 41-106. REPEALER.

Ordinance Number 16, adopted April 12, 1908, as amended, and all other ordinances or regulations, or parts of such ordinances or regulations, in conflict with this Article or inconsistent

with its provisions, are hereby repealed to the extent necessary to give this Article full force and effect.

§ 41-107. SEVERABILITY.

The provisions of this Article are severable, and if any clause, sentence, subsection, section, article or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article or part thereof rendered. It is hereby declared to be the intent of the council that this Article would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article or part thereof had not been included therein.

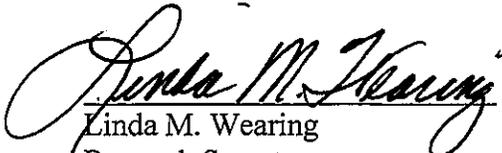
§ 41-108. EFFECTIVE DATE.

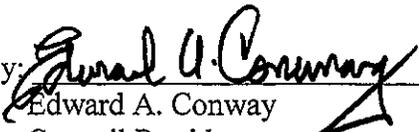
This Article shall become effective five (5) days after adoption.

ENACTED AND ORDAINED, by Callery Borough council in lawful session duly assembled this 5th day of November 2018.

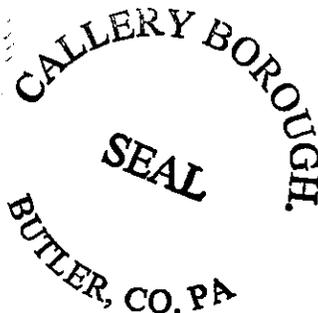
ATTEST:

CALLERY BOROUGH


Linda M. Wearing
Borough Secretary

By: 
Edward A. Conway
Council President

(SEAL)



APPROVED:

By: 
Ed Aschley
Mayor

Date: NOV. 8, 2018