

**POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-

**AN ORDINANCE OF THE TOWNSHIP OF POCONO,
COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA
AMENDING THE CODE OF CODIFIED ORDINANCES OF POCONO TOWNSHIP,
PART II, GENERAL LEGISLATION; ADDING A NEW CHAPTER 155, DISCHARGE
OF FIREARMS; TO REGULATE THE DISCHARGE OF FIREARMS WITHIN THE
TOWNSHIP OF POCONO AND REPEALING ALL ORDINANCES OR PARTS OF
ORDINANCES INCONSISTENT HERewith**

WHEREAS, it is the desire of the Pocono Township Board of Commissioners to codify rules and regulations relative to the discharge of firearms within the Township of Pocono, Monroe, County, Pennsylvania for the protection of the public health, safety, and welfare of its residents, property owners, visitors and others.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania and it is hereby **ENACTED AND ORDAINED** by virtue of the power vested in the Board of Commissioners by the First-Class Township Code, as follows:

SECTION 1. The Township of Pocono Code of Codified Ordinances; Part II, *General Legislation*; is hereby amended by adding the following:

“Chapter 155 Discharge of Firearms

§ 155-1 Intent and Purpose.

Due to the common practice of firearm usage within the Township of Pocono, it is necessary that the discharging of firearms be regulated for the protection of the public health, safety, and general welfare of the residents, property owners, visitors and others within the Pocono Township, and that the unauthorized discharge of firearms be prohibited.

§ 155-2 Definitions.

FIREARM

Includes, but is not limited to, any handgun, rifle, shotgun, pellet gun, BB gun, air gun (handgun, rifle and/or shotgun) or any other similar device which propels a projectile or projectiles through the use of force.

TOWNSHIP

The Township of Pocono, Monroe County, Pennsylvania.

§ 155-3 Firing or Discharge Restricted.

It shall be unlawful to fire or discharge any Firearm within the Township except as provided in § 155-4.

§ 155-4 Exceptions.

A. The use of Firearms is permitted when employed by an duly appointed law enforcement officer in the course of his/her official duty.

B. The use of Firearms is permitted when necessary, as authorized under state and/or federal laws.

C. The use of Firearms is permitted when hunting in conformity with the game laws and other applicable laws, regulations, permits, and ordinances of the Commonwealth of Pennsylvania and this Township, including, but not limited to, a deer control permit issued by the Pennsylvania Game Commission, provided that any person hunting upon the land of another shall have the written permission of the landowner or lessee of the property and have said written permission upon his/her person. The written permission shall be signed by the owner, the owner's authorized representative or official, or lessee, shall clearly and legibly state the name and address of the person to whom the permission has been granted and shall be dated and shall be valid only for that period as appears on the face of the permittee's then-current Pennsylvania hunting license or permit.

D. Discharge of Firearms is permitted on private, outdoor-shooting ranges or target-practice areas in conformity with the following restrictions:

1. Private, outdoor-shooting ranges or target-practice areas may only be established on properties that are a minimum of three (3) acres in size. Any discharge of Firearms within any residential subdivision is strictly prohibited.

2. Setback Requirements

a. All private, outdoor-shooting ranges or target-practice areas must be set back at least One Hundred Fifty (150') feet from any property line.

b. All portions of private, outdoor-shooting ranges or target-practice areas must maintain a distance of at least One Hundred Fifty (150') feet from any Structure, as defined by Chapter 470 *Zoning*; § 470-8 *Definitions*.

3. Usage Restrictions

a. Use of private, outdoor-shooting ranges or target-practice areas is restricted solely to the property owner(s) and their immediate family members.

b. Invitation of participant guests or organizing “shooting parties” is prohibited.

c. Discharge of Firearms is only permitted between the hours of 9 AM and 4 PM.

d. The use of Tannerite, exploding targets, or any other similar type of target that may detonate or cause an explosion is strictly prohibited.

e. The design, construction, and maintenance of the firing range or target practice area must comply with Chapter 250 *Property Maintenance* to ensure the preservation of property aesthetics and integrity.

E. Discharge of Firearms is permitted by members of any organization incorporated under the laws of the Commonwealth of Pennsylvania engaged in target shooting upon the grounds or property belonging to or under the control of such organization or affiliated club.

F. Discharge of Firearms is permitted by farmers engaged in “normal agricultural operations” protecting their “agricultural commodity” from animal predators in accordance with the Pennsylvania Right-To-Farm Act, 3 P.S. § 951, et seq.

G. Discharge of firearms within indoor shooting ranges is solely permitted in accordance with Chapter 470 *Zoning*.

§ 155-5 Improper Use Prohibited.

The careless, reckless or improper use of any Firearm tending to imperil or cause danger or harm to personal security or to endanger property of any person within the Township is strictly prohibited.

§ 155-6 Seizure of Firearms.

Any law enforcement officer lawfully engaged in his/her law enforcement duties within the Township is hereby authorized to seize, for evidentiary purposes, any Firearm, as defined herein, which shall be fired or discharged within the limits of the Township in violation of this Chapter 155.

§ 155-7 Violations and Penalties.

Any person or person discharging a Firearm in violation of this Chapter 155, 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 more than One Thousand and 00/100 (\$1,000.00) Dollars plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed Ninety (90) days. Each day that a violation of this Chapter 155 continues or each Section of this Chapter 155 shall be found to have been violated shall constitute a separate offense. Enforcement

shall be by an action brought before a magisterial district judge in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

SECTION 2. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed upon the effective date of this Ordinance.

SECTION 3. SEVERABILITY

If any sentence, clause, 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, sections or parts of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect five (5) days after the date of its enactment.

ENACTED AND ORDAINED this _____ day of _____ 2024.

ATTEST:

**TOWNSHIP OF POCONO,
MONROE COUNTY**

Jerrod Belvin
Township Manager

Richard Wielebinski
President, Board of Commissioners