

ORDINANCE NO. 01-2022

AN ORDINANCE OF THE COUNTY OF BERKS PROHIBITING HUNTING AND DISCHARGE OF FIREARMS ON COUNTY-OWNED PROPERTIES AND PROVIDING PENALTIES FOR VIOLATION OF THE SAME

WHEREAS, the County of Berks owns and maintains certain parcels of real property within the Commonwealth of Pennsylvania; and

WHEREAS, the County has the authority as property owner to regulate hunting on its property, consistent with the laws of the Commonwealth; and

WHEREAS, the restriction of hunting and similar activities on County-owned properties is necessary for the safe and efficient operations of the County of Berks and for the protection of its citizens; and

WHEREAS, it is deemed necessary to enact an ordinance setting forth such restrictions with respect to County-owned properties.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of the County of Berks, Pennsylvania, as follows:

SECTION 1. PURPOSE

This Ordinance is hereby enacted to restrict hunting by any person, group or organization on and across real property owned by the County of Berks, for the safety of all persons present on such property, and for the protection of County-owned property from damage.

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

- A. The terms “hunt” or “hunting” shall have the meaning set forth in Title 34 of the Consolidated Statutes of Pennsylvania, also known as the Game and Wildlife Code, Section 102.
- B. The term “firearm” shall include any pistol, revolver, or shotgun, without regard to barrel length, and shall further include, without limitation, any instrument meeting the definition of “firearm” as set forth in Title 34 of the Consolidated Statutes of Pennsylvania, also known as the Game and Wildlife Code, Section 102.
- C. The term “County-owned property” shall include, without limitation, any buildings, grounds, or other real property owned or occupied by the County of Berks. The term shall also refer to the Berks County Park System, provided that where this Ordinance

conflicts with the County of Berks Park Rules and Regulations, those Rules and Regulations shall prevail.

SECTION 3. HUNTING AND TRAPPING RESTRICTIONS

- A. Except as provided herein, it is unlawful to hunt or discharge a firearm or other device capable of killing wildlife on, across, or into any County-owned property.
- B. The Board of Commissioners may authorize a controlled hunt on County-owned property by resolution. When a controlled hunt is authorized, any hunting shall be done in accordance with the Pennsylvania Game and Wildlife Code, the rules and regulations of the Pennsylvania Game Commission, and any additional restrictions imposed by the Board of Commissioners.
- C. Unless specifically authorized by the County of Berks, no person shall, on County-owned property:
 - (1) Trap animals;
 - (2) Pursue, catch, molest, wound or kill any bird, animal or reptile or disturb any nest, lair, den, burrow or the like of any animal;
 - (3) Release or abandon domestic or wild animals;
 - (4) Drive or pursue any wild bird or animal from within County-owned property;
 - (5) Spotlight or use vehicle headlights to view animals except in accordance with the Pennsylvania Game and Wildlife Code and the Rules and Regulations of the Pennsylvania Game Commission;
 - (6) Tie, fasten, anchor or otherwise attach any structure, object, article, or device to any fence, natural feature, sign, building or structure.

SECTION 4. FIREARMS RESTRICTIONS

- A. Except as provided herein, the following shall be prohibited on, into, or across County-owned property:
 - (1) Use or discharge of a firearm;
 - (2) Use or discharge of an electric or electronic incapacitation device;
 - (3) Use or discharge of an air rifle, air gun, paintball gun, BB gun, sling shot, cross bow, bow and arrow or any other tension/air-propelled device; and
 - (4) Engaging in target practice.
- B. The prohibitions set forth in this Section shall not apply:
 - (1) To a law enforcement officer, military personnel, or authorized corrections personnel while carrying out the responsibilities of their position; or
 - (2) Where such activity is otherwise authorized by the Board of Commissioners by resolution.

SECTION 5. TRESPASS

1. The Chief Administrative Officer, or designee, may post any County-owned property or portion thereof with signs, purple paint marks, or other appropriate notices indicating that such an area is not open to the general public.
2. No person shall enter any grounds or fenced-in area that have been posted as described in this Section.

SECTION 6. STATE STATUTES AND OTHER APPLICABLE REGULATIONS

All applicable statutes, rules and regulations of the Commonwealth of Pennsylvania shall have full force and effect upon any property within County-owned property and shall be enforced by those having appropriate jurisdiction.

SECTION 7. ENFORCEMENT

This Ordinance is enforceable by officers of the Pennsylvania Game Commission or by any police officer having jurisdiction.

SECTION 8. PENALTIES

1. The violation of any provision of this ordinance may constitute a violation of state law, including but not limited to Title 18 (“Crimes Code”) and Title 34 (“Game and Wildlife Code”) of the Consolidated Statutes of Pennsylvania, and may be subject to the penalties set forth therein.
2. In addition to any penalties which may be imposed for violations of state law, any person who violates any provision of this Ordinance shall, for every such offense, upon conviction thereof in a summary proceeding before a magistrate or district justice or other appropriate judicial official, be sentenced to pay the costs of prosecution and a fine of up to three hundred dollars (\$300.00). In addition, such person(s) shall be liable to the full extent for restitution.
3. Furthermore, any violation of this Ordinance may, at the sole discretion of the Chief Administrative Officer, result in an expulsion from all County-owned properties, of thirty (30) days to one (1) year depending on the severity of the violation.

SECTION 9. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not invalidate the remainder of this Ordinance, and it is hereby declared to be the intention of the Board of Commissioners of the County of Berks that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective on the date it is enacted by the Board of Commissioners of the County of Berks.

ORDAINED and ENACTED as an Ordinance of the County of Berks, Commonwealth of Pennsylvania, in lawful session, duly assembled this _____ day of _____, 2022.

COUNTY OF BERKS

Christian Y. Leinbach, Chair

Kevin S. Barnhardt, Commissioner

ATTEST:

Carmen L. Torres, Chief Clerk

Michael S. Rivera, Commissioner