

**TOWNSHIP OF UPPER BERN  
COUNTY OF BERKS  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 157 OF 2020**

**A ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER BERN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA, TO PROTECT SHOOTING RANGES  
IN UPPER BERN TOWNSHIP.**

*WHEREAS*, Upper Bern Township (the “Township”) may have shooting ranges of various types in existence or which may come into existence in the future; and

*WHEREAS*, shooting ranges may be subject to various regulations for the health and safety of the Township; and

*WHEREAS*, Ordinances exist or which may come into existence in the Township that affect the operation of shooting ranges; and

*NOW THEREFORE, BE IT ORDAINED* by the Board of Supervisors of Upper Bern Township, in lawful session duly assembled, hereby enact as follows:

**Section 1:** Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, no owner of a rifle, pistol, shotgun, silhouette, skeet, trap, blackpowder, or other similar range shall be liable in any civil action or criminal prosecution in any matter relating to noise or noise pollution resulting from use of the range, provided said owner of the range was in compliance with any applicable noise control law, ordinance or by-laws in existence at the time of the construction of such range.

**Section 2:** Owner, as identified in this Ordinance, shall include nonprofit or private gun clubs organized under the laws of Pennsylvania whether corporation, partnership, private business entity or association. Owner does not include a private land owner not incorporated or formed as a business or association under the laws of Pennsylvania.

**Section 3:** No owner shall be liable in any action for nuisance, nor shall they be enjoined in the use or operation of said range on the basis of noise or noise pollution, provided said owner was in compliance with any noise control law, ordinance or by-laws in existence at the time of the construction of the range.

**Section 4:** No standards in rules adopted by the Township for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall apply to the ranges exempted from liability under the provisions of this section.

**Section 5:** Repealer. All Ordinances and Resolutions or parts of Resolutions, insofar as their inconsistency herewith, shall be and are hereby repealed.

**Section 6:** Validity. If any section or part of a section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section or portion thereof had not been included therein.

**Section 7:** Effective Date. This Ordinance shall take effect immediately.

**DULY ADOPTED** by the Board of Supervisors of the Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, the 7<sup>th</sup> day of May, 2020, by a vote of 3 to 0.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: Nancy A. Hartman  
Nancy Hartman, Chairman

By: Gloria Grim  
Gloria Grim, Vice Chairman

By: Mike Fisher  
Mike Fisher, Supervisor

ATTEST:

Deer Shewalter  
Secretary  
Attest:

