

**LOWER MACUNGIE TOWNSHIP
Lehigh County, Pennsylvania**

**ORDINANCE #2010-11
(Duly Adopted October 7, 2010)**

**AN ORDINANCE SETTING FORTH THE LOWER MACUNGIE
TOWNSHIP'S POLICY REGARDING HUNTING AND TRAPPING
ON TOWNSHIP OWNED PROPERTY.**

WHEREAS, Lower Macungie Township owns hundreds of acres of open space, recreation land, and park land within its Township boundaries; and

WHEREAS, Lower Macungie Township as the owner of this property has the right to control the activities on its property as does any other private land owner so long as such control is not imposed in a discriminatory fashion; and

WHEREAS, several residents of Lower Macungie Township have raised concerns regarding the activity of hunters on Township-owned lands; and

WHEREAS, at the direction of the Lower Macungie Township Board of Commissioners, the Lower Macungie Township Public Safety Commission reviewed these concerns and possible conflicts between various users of Township-owned property; and

WHEREAS, the Public Safety Commission devoted several hours of time at public meetings to review this matter and to hear from various stakeholders, including residents, sportsmen, the Alburdis Rod and Gun Club, and the Pennsylvania Game Commission; and

WHEREAS, the Public Safety Commission reviewed Township maps developed by the Township Engineer illustrating the safety zones defined by the Pennsylvania Game and Wildlife Code; and

WHEREAS, the Public Safety Commission determined that based on the limited amount of Township-owned land that is beyond the 150 foot safety zone defined by the Game and Wildlife Code, hunting with or discharging of firearms on Township-owned property should be prohibited; and

WHEREAS, the Public Safety Commission further recommended that archery be permitted on Township-owned land outside of the 50 yard safety zone defined by the Game and Wildlife Code and that trapping of small animals be permitted in accordance with the Code; and

WHEREAS, the Public Safety Commission further recommended that the Township reserve the right to implement controlled hunts as defined by and in cooperation with the Pennsylvania Game Commission to control wildlife populations; and

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WHEREAS, the Board of Commissioners, upon the recommendation of the Public Safety Commission, has directed the Township Staff and Solicitor to create an ordinance based upon the policies recommended by the Public Safety Commission concerning hunting and trapping on Township-owned property; and

WHEREAS, in order to be enforceable, these hunting and trapping policies need to be enacted as an ordinance of the Township.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Commissioners of Lower Macungie Township, as follows:

ARTICLE I Adoption of Township Hunting Policy

Chapter 90 of the Codified Ordinances of Lower Macungie Township is hereby amended to read as follows:

**CHAPTER 90
HUNTING AND TRAPPING ON TOWNSHIP LANDS**

§190-1. Definitions.

Archery – An activity involving the use of a Bow and Arrow.

Arrow - A missile shot from a bow, having a slender shaft with fletching or vanes at the butt and a pointed head without any explosive, chemical or poison in the head or shaft and used solely with a bow.

Bow - A weapon which propels an arrow, is hand-held, hand-drawn, held in the drawn position by hand or by a hand-held mechanical device, and released by hand. This term shall be construed or interpreted to mean or include what is commonly known as a cross-bow.

Firearm - An instrument used in the propulsion of shot, shell, bullet, or any other object by the action of gunpowder exploded, explosive powder, the expansion of gas, or the force of a mechanical device under tension.

Hunt or Hunting - Any act or furtherance of the taking or killing of any game or wildlife, or any part or product thereof, and includes, but is not limited to, chasing, tracking, calling, pursuing, lying in wait, shooting at, including shooting at a game or wildlife facsimile, or wounding with any weapon or implement, or using any personal property, including dogs, or the property of others, of any nature, in furtherance of any of these purposes.

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Township Property – Any real estate owned by Lower Macungie Township.

Trapping - The securing or attempting to secure possession of game or wildlife by means of setting, placing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture game or wildlife whether these means result in capturing or not. It includes every act of assistance to any other person in capturing game or wildlife by means of such device whether these means result in capturing or not.

§190-2. Hunting or Trapping in Township Parks.

Hunting or Trapping on Township Property designated or dedicated as a Township park is hereby prohibited. A list of Township Parks is attached hereto and incorporated herein as Exhibit "A". This Exhibit may be updated from time to time by written resolution of the Township Board of Commissioners.

§190-3. Hunting with Firearms on Township Property.

Hunting with or the discharge of any Firearms is unlawful and prohibited on all Township Property.

§190-4. Archery Hunting on Township Property.

Archery Hunting is allowed on Township Property which is not part of a Township park. All Archery Hunting must be conducted in accordance with Pennsylvania State Game Laws, regulations, and seasons. Specifically, no Archery Hunting is allowed to occur in any areas within 50 yards around and that area which is below the highest point 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 and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center. Please see the map attached hereto and incorporated herein as Exhibit "B" for a depiction of those areas on Township Property where Archery Hunting is allowed under this Ordinance. This Exhibit may be updated from time to time by written resolution of the Township Board of Commissioners.

§190-5. Trapping on Township Property.

Trapping is allowed on Township Property which is not part of a Township park. All Trapping must be conducted in accordance with Pennsylvania State Game Laws, regulations, and seasons.

§190-6. Posting of Official Signs.

The proper authorities of the Township are directed to erect official signs establishing the No Hunting and No Archery Hunting Zones upon Township Property.

§190-7. Hunting Violations and Penalties.

Any violation of the provisions of this Ordinance shall be considered a summary offense. Any person who is found by a court of competent jurisdiction, including, but not limited to, a magisterial district court or court of common pleas, to have violated a provision of this Ordinance; to have failed to comply with any of the requirements of this Ordinance; or to have failed to comply with an order, directive, or notice of the appropriate Township Official concerning this Ordinance shall be liable for a civil penalty not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) for each violation, plus any and all costs incurred by the Township in bringing an action against such violation, including, but not limited to, consultant fees, attorney's fees, and expert witness fees. Each day that a violation continues shall be deemed a separate violation.

§190-8. Controlled Hunts.

Nothing in this Ordinance prohibits or limits the Township's ability to work with the Pennsylvania Game Commission and other appropriate authorities to hold controlled hunts upon Township Property in order to control wildlife populations.

ARTICLE II REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such conflict.

ARTICLE III 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. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

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ARTICLE IV EFFECTIVE DATE

This Hunting Policy Ordinance shall become effective one (1) day after enactment or upon recordation of this Ordinance within the Township's official Ordinance Book, whichever comes later.


ENACTED and ORDAINED this 7th day of October, A.D., 2010.

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**



Roger C. Reis, President

ATTEST:



Renea Flexer, Secretary

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LOWER MACUNGIE TOWNSHIP
HUNTING AND TRAPPING ORDINANCE

ORDINANCE NO. 2010-11

EXHIBIT "A"

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| Ancient Oak South Park | Hidden Valley Park |
| Beaumont at Brookside Park | Hills at Lock Ridge Park |
| Brookfield\Penns Meadows | Lehigh Crossings |
| Brookside Farms | Prater Park |
| Camp Olympic | Quarry Park |
| Church Lane Park | Rodale Park |
| Corrado Homes | Shepherd Hills Park |
| Country Downs Park | Spring Creek Estates Park |
| Creamery Park | Spring Creek Park |
| Cross Timbers Park | Watermill Park |
| Danfield Run | Wescosville Park |
| East Texas Park | Wild Cherry Park |
| Farmington Hills Park | Winding Brook |
| Heritage Heights | |

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