

# TOWNSHIP OF MAPLEWOOD



## ORDINANCE

# 2631-10

### AN ORDINANCE TO PROHIBIT THE DISCHARGE OF A FIREARM WITHIN THE TOWNSHIP OF MAPLEWOOD

*"Interpretive Statement"*

*This ordinance will prohibit the discharge of a firearm as defined in N.J.S.A. 2C:39-1, within the Township of Maplewood.*

**WHEREAS**, the Township of Maplewood ("Township") ordains to regulate the discharge of firearms within the Township in order to promote the public health, safety and welfare throughout the Township; and

**WHEREAS**, N.J.S.A. 40:48-1(18) permits the governing body of the Township of Maplewood to regulate and prohibit the sale and use of guns, pistols, firearms and fireworks of all descriptions.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, as follows:

**FIRST:**

**Definitions:**

**Discharge:** Shall mean to shoot or fire a firearm.

**Firearm:** Shall mean a handgun, raffle, shotgun, machine gun, automatic or semiautomatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of any explosive or igniting of flammable or explosive substance. It shall also include, without limitation, any firearm

which is in the nature of an air gun, spring gun or pistol or other weapon of similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet, pellet or missile smaller than 3/8 of an inch in diameter with sufficient force to injure a person. (N.J.S.A. 2C:39-1).

**Prohibition:** No person shall at any time discharge a firearm within the Township except for the lawful protection of life, limb or property.

**Exception:** Notwithstanding the foregoing, the following shall be exempt from the prohibitions set forth herein:

1. The use and discharge of any firearm by any sworn law enforcement officer.
2. The use or discharge of a firearm used in connection with an animal culling program organized and controlled by the State of New Jersey, the County of Essex or the Township of Maplewood.
3. The use or discharge of a firearm at a licensed firing range located in a non-residential area.
4. The use or discharge of a firearm in a basement in connection with the instruction and/or training in firearm use, handling and/or safety if provided by an instructor certified by a recognized organization that certifies firearms instructors, provided that such activities shall utilize a non-lethal training or practice ammunition system which does not penetrate standard home building materials.
5. The use or discharge of a firearm in connection with the testing of a product by a licensed manufacturer or retail dealer of firearms using a self contained enclosed bullet trap system which meets the standards of the relevant product rating organization.

**Violation:** Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$1,000.00 or by imprisonment for a term not exceeding ninety (90) days, or both.

**SECOND: Severability**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**THIRD: Repeal of Prior Ordinances**

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**FOURTH: Effective Date**

This Ordinance shall take effect after final passage and publication and as provided by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on May 4, 2010, and that Committee met again on May 18, 2010, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

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**ELIZABETH J. FRITZEN, R.M.C.**  
Township Clerk