

## Chapter 86: FIREARMS

[HISTORY: Adopted by the Township Council of the Township of West Windsor 1-3-1994 by Ord. No. 93-32 (Sec. 3-10 of the Revised General Ordinances). Amendments noted where applicable.]

### GENERAL REFERENCES

Discharge of weapons in parks — See Ch. 122, § 122-13.

### § 86-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**FIREARM** — Any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, 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 an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of any air gun, spring gun or pistol or other weapon of a 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 or missile smaller than 3/8 of an inch in diameter, with sufficient force to injure a person. It shall also include any other instrument or weapon in which a loaded or blank cartridge, except as noted herein, is used or may be used. It shall also, by definition, include any bow and arrow and slingshot.

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

**OCCUPIED BUILDING** — Any building constructed or adapted for overnight accommodation of a person or for operating a business or engaging in an activity therein, whether or not a person is actually present.

**PARK** — Any existing public park or portion of a public park, whether operated and/or under the control of the Township of West Windsor and/or the West Windsor Plainsboro Board of Education, which is defined as an open or enclosed tract of land adopted for, set apart, maintained at public expense and/or devoted to the purposes of pleasure, recreation, ornament and/or light and air for the general public. It shall also include those lands established for park use pursuant to N.J.S.A. 40:12-1 et seq. and/or unimproved township land or township land left in its natural state.

**PLAYGROUND** — Any municipal or school facility (including day care) where people gather for the purpose of engaging in recreation, sport, athletic competition or physical activity including, but not limited to, hiking and bicycling. It shall also include such a facility operated by an organization formed in accordance with N.J.S.A. 40:55D-43, unimproved land or land left in its natural state that is maintained by an organization formed in accordance with N.J.S.A. 40:55D-43 and which surrounds such a facility operated by an organization formed in accordance with N.J.S.A. 40:55D-43 but which is not actively devoted to the above purposes is not a playground.

### § 86-2. Prohibited acts.

- A. In order to alleviate the risk and danger posed by the carrying and discharge of firearms within the Township of West Windsor, the Township Council hereby determines and ordains that no person, except as noted herein, shall fire or discharge any firearm or carry or transport any loaded firearm, as defined herein in § 86-1, within 450 feet of any occupied building, church, barn or airport nor within 1,000 feet of any public or school playground or day-care facility or any schoolhouse or school grounds or publicly owned open space or park, as defined herein in § 86-1.

- B. No person shall fire or discharge any firearm from or across any state, county, municipal or publicly traveled road or highway.

**§ 86-3. Exceptions.**

The prohibitions of § 86-2 and N.J.S.A. 2C:39-6 et seq. (as exist or may be amended to exist) shall apply but not be solely limited to the following:

- A. Law enforcement officers of any governmental agency, federal, state, county and/or municipal, at all times (N.J.S.A. 2C:39-6).
- B. Members of any legally recognized military organization while in the performance of their official duties (N.J.S.A. 2C:39-6).
- C. Privately employed security personnel who are authorized by law to carry firearms while in the performance of their official duties (N.J.S.A. 2C:39-6).
- D. Persons lawfully using firearms in the protection of their person or property for self-defense (N.J.S.A. 2C:39-6).
- E. Persons engaged in the discharge of firearms loaded only with blanks for commemorative events or historic pageants; provided, however, that such persons shall obtain a special permit from the Township Police Division upon application prescribed by the Director of the Department of Public Safety or designee (N.J.S.A. 2C:39-6).
- F. Members of any full-time paid or part-time paid Fire Department or force assigned full-time or part-time to a municipal or county arson investigation unit (N.J.S.A. 2C:39-6).
- G. Civilian employees of the state and federal government while in the performance of their official duties (N.J.S.A. 2C:39-6).
- H. Any representative of the Division of Fish, Game and Wildlife, Department of Environmental Protection (DEP), State of New Jersey, or deputy state conservation officer or full-time employee of the State Division of Parks and Forestry or a New Jersey transit police officer while in the performance of their official duties (N.J.S.A. 2C:39-6).
- I. A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of the State of New Jersey while in the actual performance of official duties (N.J.S.A. 2C:39-6).
- J. A campus police officer appointed pursuant to law at all times. (N.J.S.A. 2C:39-6).
- K. An owner, tenant or lessee of a tract of land, including farmers, in excess of five acres while hunting in and upon said tract. Said tract shall not include any public lands owned and/or controlled by the Township of West Windsor or other designated open spaces controlled by a homeowners/condominium association (N.J.S.A. 2C:39-6).
- L. Owner, tenant or lessee, the latter two having express written and dated permission of the owner, on file with the Township Police Division, when controlling woodchuck or other pests as legally defined, authorized and allowed by the hunting regulations promulgated by the Division of Fish, Game and Wildlife, Department of Environmental Protection, State of New Jersey. This subsection shall also apply to farmers (N.J.S.A. 2C:39-6).
- M. Persons lawfully participating in the New Jersey State Division of Fish, Game and Wildlife special permit shotgun season and/or regularly scheduled bow and firearm hunting season, either sex, provided that said persons meet the following criteria:
  - (1) Have a valid firearm hunting license, a special shotgun deer permit and/or other permit as required by law pertaining to those seasons mentioned above.
  - (2) Have received written permission from a landowner or landowner's agent to hunt said

property and have said written permission in the person's possession at the time of hunting.

- (3) Said persons agree to hunt from a standing tree or structure as permitted by the New Jersey State Game Code, if requested by a landowner.
  - (4) Agree to hunt only within the deer management zone designated by the New Jersey State Division of Fish, Game and Wildlife.
  - (5) Agree to park their motor vehicles in areas designated by the landowner. (N.J.S.A. 2C:39-6). *Editor's Note: An unnumbered paragraph immediately following this section, which pertained to discharge of a firearm within 450 feet of any occupied building, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*
- N. The discharge of firearms at indoor and outdoor ranges, as provided in § 86-4. **[Amended 4-25-1994 by Ord. No. 94-10]**
- O. Any type of pistols capable of exploding only paper caps containing 35 grains or less explosive composition, including starter pistols used in sporting or athletic events.
- P. The firing of blanks from a firearm during the course of and as part of a community parade or memorial service with the prior approval of the Township Chief of Police by special permit upon application prescribed by the Director of the Department Public Safety.
- Q. In the event that the County of Mercer shall have a deer hunt within its park within the township, then valid New Jersey hunters shall have the right and opportunity to participate, pursuant to N.J.S.A. 23:4-16, as may be amended, as well as rules and regulations established by the County of Mercer.
- R. The firing of bow and arrow (otherwise known as archery) under the auspices of a physical education program conducted by and/or supervised by the West Windsor - Plainsboro Board of Education.

#### **§ 86-4. Exceptions for shotgun, rifle and pistol ranges/clubs.**

Pursuant to the conditions set forth in this section, any shotgun, rifle or pistol range (hereafter referred to as "club" or "range") that was in existence as of January 1, 1979, shall continue to operate even if said establishment is within the geographic boundaries established herein for the prohibition of discharge of firearms. However, in order to operate indoor and/or outdoor pursuant to this section, any such range shall be governed by the following conditions:

- A. The discharge of firearms at an indoor range which meets the following standards shall be permitted under the following conditions: **[Amended 4-25-1994 by Ord. No. 94-10]**
- (1) The range(s) must be so constructed as to preclude a bullet fired in accordance with the range rules incorporated by reference and on file in the Clerk's office from departing the confines of the outdoor range. The range shall be designed using the technical guidance and applicable examples provided by the National Rifle Association (NRA) Range Department in the Range Manual, 1989 Edition, as amended and supplemented from time to time. Any changes in the range rules must be approved by the West Windsor Township Council.
  - (2) The range management must provide documentation, including range safety rules and engineering sketches and schematics, in sufficient detail, to permit the Township Division of Engineering and/or township designee to review the range for conformance with NRA design guidelines.
- B. The discharge of firearms at an indoor range which meets the following standards shall be permitted under the following conditions: **[Amended 4-25-1994 by Ord. No. 94-10]**

- (1) The range(s) shall be so constructed as to preclude a bullet or shotgun pellet or other projectile fired in accordance with the range rules incorporated by reference and on file in the Clerk's office from departing the confines of the range property as described herein. The range shall be designed in accordance with the range design and operating guidelines provided by the National Rifle Association (NRA) Range Department in the Range Manual, 1989 Edition, as amended and supplemented from time to time. Any changes in the range rules must be approved by the West Windsor Township Council.
  - (2) The pistol and small-bore/air rifle range must be designed so that no shooter shall have open sky showing while at the firing line. Berming and backstops shall be provided so that no projectile fired from the firing line in accordance with the range rules can depart from the confines of the range property (pistol and small-bore/air rifle range). Sandbagging, horizontal wood berms and other barriers to projectile escape shall be used to prevent ricochet.
  - (3) A shotgun (trap) range shall be designed so that shotgun pellets, fired from the designated trap firing position in accordance with the range rules cannot depart from the confines of the range property.
  - (4) The high power rifle range shall be designed with an overhead baffle system, backstops and side berms so as to preclude any projectile from any rifle fired in accordance with the range rules, whether from a prone, kneeling, offhand or bench rest position, from escaping the confines of the range property (high-power rifle range).
  - (5) The range management shall provide documentation, including range safety rules and engineering sketches and schematics, in sufficient detail, to permit the Township Division of Engineering and/or township designee to review the range for conformance with NRA design guidelines.
  - (6) The range management shall arrange for inspection of the range design on a three-year cycle. The range inspection shall be conducted by the National Rifle Association Range Department, and copies of the inspection reports shall be filed with the Division of Engineering.
  - (7) All ranges are available for inspection by the township engineering, firearm safety and/or law enforcement personnel at any time, with reasonable notification provided by the township engineering and/or firearm safety personnel, so as to arrange access and documentation as requested.
  - (8) The officers of an approved range shall provide the names and telephone numbers of at least two emergency contact persons to the Township Police Division. That list shall be updated at least annually.
- C. Outdoor shooting at any range/club shall be permitted on those days and/or hours set forth herein: **[Amended 6-20-1994 by Ord. No. 94-18]**
- (1) Outdoor shooting at any pistol and rifle ranges shall not take place during the months of December, January and February. A trap range may operate year-round, but, during the months of December, January and February, trapshooting may take place only on Sundays during the hours between 12:00 noon and 6:00 p.m.
  - (2) Outdoor shooting may take place during the period of March 1 through November 30 each year, as follows:
    - (a) Sundays: 12:00 noon to 6:00 p.m.
    - (b) Mondays: No outdoor shooting permitted.
    - (c) Tuesdays: Outdoor shooting may take place between the hours of 12:00 noon and 9:00 p.m. from April 1 through October 31; between the hours of 12:00 noon and 8:00 p.m. from March 1 through March 31; and between the hours of 12:00 noon

and 8:00 p.m. from November 1 through November 30.

- (d) Wednesdays through Fridays: Outdoor shooting may take place between the hours of 12:00 noon and 8:00 p.m.
  - (e) Saturdays: Outdoor shooting may take place on alternate Saturdays and, when permitted, may begin at 10:00 a.m. and must be completed by 6:00 p.m.
- (3) Special events. Any club having any outdoor shooting ranges may file a schedule of special events, where applicable, with the Township Clerk and Township Director of the Department of Public Safety not later than the 15th of April of each year or not more than one week before the first special event in a calendar year, whichever is earlier. That schedule shall list all special events, such as national, state and/or regional rifle and/or pistol matches, community-based fund-raising events and other special events which are sponsored by the club. No more than 12 hours per year may be added to the weekend times and hours permitted in Subsection B above. In no event, however, may any outdoor shooting begin before 9:00 a.m. nor continue after 6:00 p.m. on any weekend day. Furthermore, for every extra hour scheduled on a weekend day(s) for a special event, the club must close its outdoor ranges earlier by the same number of hours the following Wednesday. (For example: The club opens one extra hour on Saturday and one extra hour on Sunday; therefore, the club must close two hours early the following Wednesday.)
- D. Any members of such club(s) duly organized may be permitted to carry their weapons going to or from the club. Only those firearms, which must be carried unloaded, necessary for use at such facility as part of such practice will be allowed, provided that a copy of the charter for the range/club is filed with the Director of the Department of Public Safety or designee.
  - E. The club(s) shall, prior to each year of operation but no later than February 1 of each year, provide to the Director of the Department of Public Safety or designee and the Township Clerk a certificate of insurance from an insurance company authorized to do business in the State of New Jersey evidencing that the club(s) is insured against liability for personal injury and death and against liability for property damage arising from the operation of the club(s) in an amount sufficient to address possible liability for personal injury and/or death and/or damage. **[Amended 4-25-1994 by Ord. No. 94-10]**
  - F. Any club(s) so covered by this section shall be required to maintain fencing, with a minimum of four-foot-high fencing and with signs posted no less than one sign per 100 feet, which signs shall conform to the following: **[Amended 4-25-1994 by Ord. No. 94-10]**
    - (1) Signs shall be no less than 12 inches by 12 inches, of durable material, containing the words:  
WARNING: FIREARMS DISCHARGE AREA  
DANGER: DO NOT ENTER!
    - (2) The lettering shall be of such size and coloring so as to be plainly legible for a person possessing 20/20 vision from a distance of at least 50 feet.
    - (3) Signage and fencing, including fence location and type, shall be approved by the Division of Engineering prior to installation.

**§ 86-5. Posting of signs; distributions of copies.**

On or before January 1 of each year, the Township Administrator shall arrange for the posting of appropriate signs on all major roads which provide access to the township advising the general public that there are zones within the Township of West Windsor where firearms shall not be discharged. The signs shall also indicate that it shall be necessary for any person(s) desiring to

discharge firearms or to hunt in this township to obtain a copy of this chapter at the West Windsor Township Police Headquarters. In addition, the Township Administrator and Township Clerk shall prepare and arrange for distribution of copies of this chapter in any appropriate manner so that any person(s) desiring to discharge firearms or hunt in this township shall be made aware of this chapter.

**§ 86-6. Violations and penalties; enforcement.**

Penalties for violations of this chapter shall be pursuant to Chapter 1, General Provisions, Article II, Penalty, § 1-3 and state law. The township or other applicable governmental agencies and law enforcement personnel, including the West Windsor Police Division, through their various authorized agents, will be responsible for enforcement of this chapter