

**ORDINANCE 2016-20 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, REVISING, AMENDING AND/OR SUPPLEMENTING
THE CODE OF THE TOWNSHIP OF BERLIN BY ESTABLISHING AND ADOPTING
A NEW CHAPTER 192 ENTITLED, "IMITATION WEAPONS"**

WHEREAS, there has been a recent proliferation across the United States of police encounters involving individuals brandishing imitation weapons; and

WHEREAS, there is a general public concern about the safety of persons who either knowingly or unwittingly carry imitation weapons for legitimate or illicit purposes; and

WHEREAS, the safety of both the police and of any individual carrying an imitation firearm, whether same is an adult, juvenile or child, is compromised by the ease of access to imitation weapons that too closely resemble the real weapon which the imitation weapons is designed to replicate; and

WHEREAS, for the above reasons the Mayor and Township Council of the Township of Berlin find it to be in the best interests of the health, safety and general welfare of the the residents of the Township of Berlin and the police serving same to prohibit the sale of certain replica and/or imitation weapons as further defined herein; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin, as follows:

SECTION 1: The Code of the Township of Berlin is hereby revised, amended and/or supplemented by enacting and adopting a new Chapter 192, entitled "Imitation Weapons," which shall read as follows:

CHAPTER 192 IMITATION WEAPONS

§192-1 Definitions

IMITATION FIREARM

A facsimile or reproduction of a firearm that is marketed as a children's toy and is substantially similar in appearance, size and shape to a genuine firearm, including any imitation of an original firearm which was manufactured, designed and produced since 1898. An imitation firearm includes but is not limited to toy guns, water guns, replica nonguns and air-soft guns firing nonmetallic projectiles. The term "imitation weapon" does not include any look-alike, non-firing collector replica of an antique firearm developed prior to 1898, or traditional B-B, paint-ball or pellet-firing air guns that expel a projectile through the force of air pressure.

§192-2 Prohibited Sales

It shall be unlawful for any person to sell or offer to sell or possess, use or attempt to use or give away any imitation firearm which substantially duplicates or can reasonably be perceived to be an actual firearm unless:

- A. The exterior surface of such imitation firearm is a color other than black, blue, silver or aluminum; and
- B. The imitation weapon is marked with a non-removable orange stripe that is at least one inch in width and runs the entire length of the barrel on each side of the barrel; and
- C. The barrel of such imitation firearm, other than the barrel of any such imitation firearm that is a water gun, is closed with the same material of which the imitation firearm is made for a distance of not less than one-half (1/2) inch from the front end of said barrel; and
- D. The imitation firearm has legibly stamped thereon the name of the manufacturer or such trade name, mark or brand by which the manufacturer can be readily identified; and
- E. The imitation firearm does not have attached thereto a laser pointer.

§192-3 Exceptions

The prohibition against the sale of imitation weapons set forth in Section 1 of this Chapter shall not apply to the following:

- A. The sale or disposal of what are known as "firecracker pistols" or such pistols as are used for the explosion of paper caps.

- B. The possession or display of imitation firearms by a manufacturer or dealer solely for the purposes of sales that are accompanied by delivery to a point outside the jurisdictional limits of the Township of Berlin.
- C. Any imitation firearm that will be used solely for or in the production of television programs or theatrical or motion picture presentations; provided, however, that such use of any imitation firearm complies with all applicable laws, regulations or rules concerning request and receipt of waivers authorizing such use.
- D. Non-firing collector replica antique firearms, which look authentic and may be a scale model but are not intended as toys, and which are molded on real firearms manufactured and/or produced prior to 1898.

§192-4 Violations and penalties

Any person who shall willfully violate any provisions of this Chapter shall, upon conviction, be punished by a fine of not more than \$500 of a first offense and not more than \$1,000 for each subsequent offense as same may be determined by the municipal court.

SECTION 2: Except as set forth in Section 1 above, the balance of the Code of the Township of Berlin shall not be affected by this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Introduced: September 26, 2016

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on September 26, 2016 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on October 24, 2016 at 5:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk

