

## State Laws and Published Ordinances – Pennsylvania

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Bethel Township (Delaware County)	North Codorus Township (York County)
Bethlehem Township (Northampton County)	North Lebanon Township (Lebanon County)
Bonneauville Borough (Adams County)	North Strabane Township (Washington County)
Boyertown Borough (Berks County)	North York Borough (York County)
Bradford City (McKean County)	Oakmont Borough (Allegheny County)
Bridgeport Borough (Montgomery County)	Palmer Township (Northampton County)
Bridgeville Borough (Allegheny County)	Philadelphia
Carlisle Borough (Cumberland County)	Pittsburgh
Carroll Township (Washington County)	Plainfield Township (Northampton County)
Catasauqua Borough (Lehigh County)	Potter Township (Beaver County)
Charleroi Borough (Washington County)	Pottersville City (Schuylkill County)
Cheltenham Township (Montgomery County)	Riverside Borough (Northumberland County)
Chestnuthill Township (Monroe County)	Salisbury Township (Lehigh County)
Columbia Borough (Lancaster County)	Schwenksville Borough (Montgomery County)
Conshohocken Borough (Montgomery County)	Scranton City (Lackawanna County)
Coplay Borough (Lehigh County)	Shaler Township (Allegheny County)
Crafton Borough (Allegheny County)	South Strabane Township (Washington County)
Dover Township (York County)	Spring Grove Borough (York County)
East Goshen Township (Chester County)	Springettsbury Township (York County)
Economy Borough (Beaver County)	Springfield Township (Montgomery County)
Elizabethtown Borough (Lancaster County)	Stroud Township (Monroe County)
Emmaus Borough (Lehigh County)	Swatara Township (Dauphin County)
Ephrata Borough (Lancaster County)	Tobyhanna Township (Monroe County)
Forest Hills Borough (Lehigh County)	Towamencin Township (Montgomery County)
Harrisburg City (Dauphin County)	Trappe Borough (Montgomery County)
Hatfield Borough (Montgomery County)	Tyrone Borough (Blair County)
Haverford Township (Delaware County)	Upper Burrell Township (Westmoreland County)
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Huntingdon Borough (Huntingdon County)	Upper Southampton Township (Bucks County)
Irwin Borough (Westmoreland County)	Walnutport Borough (Northampton County)
Jacobus Borough (York County)	Warren City (Warren County)
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Lancaster City (Lancaster County)	Washington City (Washington County)
Leetsdale Borough (Allegheny County)	Watsontown Borough (Northumberland County)
Lewiston Borough (Mifflin County)	West Lampeter Township (Lancaster County)
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**Pennsylvania Consolidated Statutes**  
**Title 18 – Crimes and Offenses**  
**Part I – Preliminary Provisions**  
**Chapter 9 – Inchoate Crimes**

**Section 908. Prohibited offensive weapons.**

(a) Offense defined. A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

(b) Exceptions.

(1) It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that, with the exception of a bomb, grenade or incendiary device, he complied with the National Firearms Act (26 U.S.C. § 5801 et seq.), or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

(2) This section does not apply to police forensic firearms experts or police forensic firearms laboratories. Also exempt from this section are forensic firearms experts or forensic firearms laboratories operating in the ordinary course of business and engaged in lawful operation who notify in writing, on an annual basis, the chief or head of any police force or police department of a city, and, elsewhere, the sheriff of a county in which they are located, of the possession, type and use of offensive weapons.

(3) This section shall not apply to any person who makes, repairs, sells or otherwise deals in, uses or possesses any firearm for purposes not prohibited by the laws of this Commonwealth.

(c) Definitions.

As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Firearm."** Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

**"Offensive weapons."** Any bomb, grenade, machine gun, sawed-off shotgun with a barrel less than 18 inches, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, any stun gun, stun baton, taser or other electronic or electric weapon or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

**Section 912. Possession of weapon on school property.**

(a) Definition. Notwithstanding the definition of "weapon" in § 907 (relating to possessing instruments of crime), "weapon" for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nun-chuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(b) Offense defined. A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

(c) Defense. It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

**Part II – Definition of Specific Offenses**  
**Article G – Miscellaneous Offenses**  
**Chapter 61 – Firearms and Other Dangerous Articles**  
**Subchapter A – Uniform Firearms Act**

**Section 6102. Definitions.**

Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

**"Commissioner."** The Commissioner of the Pennsylvania State Police.

**"Commonwealth Photo Imaging Network."** The computer network administered by the Commonwealth and used to record and store digital photographs of an individual's face and any scars, marks, tattoos or other unique features of the individual.

**"Conviction."** A conviction, a finding of guilty or the entering of a plea of guilty or nolo contendere, whether or not judgment of sentence has been imposed, as determined by the law of the jurisdiction in which the prosecution was held. The term does not include a conviction which has been expunged or overturned or for which an individual has been pardoned unless the pardon expressly provides that the individual may not possess or transport firearms.

**"County Treasurer."** The county treasurer or, in home rule or optional plan counties, the person whose duties encompass those of a county treasurer.

**"Crime punishable by imprisonment exceeding one year."** The term does not include any of the following:

(1) Federal or State offenses pertaining to antitrust, unfair trade practices, restraints on trade or regulation of business.

(2) State offenses classified as misdemeanors and punishable by a term of imprisonment not to exceed 2 years.

**"Firearm."** Any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable.

**"Fund."** The Firearm Ownership Fund established in § 6111.3 (relating to Firearm Ownership Fund).

**"Law enforcement officer."** Any person employed by any police department or organization of the Commonwealth or political subdivision thereof who is empowered to effect an arrest with or without warrant and who is authorized to carry a firearm in the performance of that person's duties.

**"Loaded."** A firearm is loaded if the firing chamber, the nondetachable magazine or, in the case of a revolver, any of the chambers of the cylinder contain ammunition capable of being fired. In the case of a firearm which utilizes a detachable magazine, the term shall mean a magazine suitable for use in said firearm which magazine contains such ammunition and has been inserted in the firearm or is in the same container or, where the container has multiple compartments, the same compartment thereof as the firearm. If the magazine is inserted into a pouch, holder, holster or other protective device that provides for a complete and secure enclosure of the ammunition, then the pouch, holder, holster or other protective device shall be deemed to be a separate compartment.

**"Pennsylvania Sheriffs' Association."** The State association of sheriffs authorized by the act of June 14, 1923 (P.L.774, No.305), entitled "An act authorizing the sheriffs of the several counties of this Commonwealth to organize themselves into a State Association, for the purpose of holding annual meetings, to secure more uniformity and cooperation in the conduct of their offices, and providing for the payment of certain expenses in connection with such meetings by the various counties."

**"Safekeeping permit."** As defined in 23 Pa.C.S. § 6102 (relating to definitions).

**"Sheriff."**

(1) Except as provided in paragraph (2), the sheriff of the county.

(2) In a city of the first class, the chief or head of the police department.

**"State."** When used in reference to different parts of the United States, includes the District of Columbia, the Commonwealth of Puerto Rico and territories and possessions of the United States.

### **Section 6103. Crimes committed with firearms.**

If any person commits or attempts to commit a crime enumerated in § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) when armed with a firearm contrary to the provisions of this subchapter, that person may, in addition to the punishment provided for the crime, also be punished as provided by this subchapter.

### **Section 6104. Evidence of intent.**

In the trial of a person for committing or attempting to commit a crime enumerated in § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), the fact that that person was armed with a firearm, used or attempted to be used, and had no license to carry the same, shall be evidence of that person's intention to commit the offense.

### **Section 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.**

(a) Offense defined.

(1) A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

**(2)**

**(i)** Except as otherwise provided in this paragraph, a person who is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm under paragraph (1) or subsection (b) or (c) shall have a reasonable period of time, not to exceed 60 days from the date of the imposition of the disability under this subsection, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household.

**(ii)** This paragraph shall not apply to any person whose disability is imposed pursuant to subsection (c)(6).

**(iii)** A person whose disability is imposed pursuant to subsection (c)(9) shall relinquish any firearms and firearm licenses under that person's possession or control, as described in section 6105.2 (relating to relinquishment of firearms and firearm licenses by convicted persons).

**(iv)** A person whose disability is imposed pursuant to a protection from abuse order shall relinquish any firearms, other weapons, ammunition and firearm licenses under that person's possession or control, as described in 23 Pa.C.S. § 6108(a)(7) (relating to relief).

**(a.1) Penalty.**

**(1)** Except as provided under paragraph (1.1), a person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the second degree.

**(1.1)** The following shall apply:

**(i)** A person convicted of a felony enumerated under subsection (b) or a felony under The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the first degree if:

**(A)** at the time of the commission of a violation of subsection (a), the person has previously been convicted of an offense under subsection (a); or

**(B)** at the time of the commission of a violation of subsection (a), the person was in physical possession or control of a firearm, whether visible, concealed about the person or within the person's reach.

**(ii)** The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for a sentence imposed pursuant to this paragraph.

**(2)** A person who is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), is the subject of any other active protection from abuse order issued pursuant to 23 Pa. C.S. § 6107(b) (relating to hearings), which provided for the relinquishment of firearms or other weapons or ammunition during the period of time the order is in effect, or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful acts), commits a misdemeanor of the second degree if he intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to the sheriff or appropriate law enforcement agency as defined in 23 Pa.C.S. § 6102 (relating to definitions) as required by the order unless, in lieu of relinquishment, he provides an affidavit which lists the firearms or other weapons or ammunition to the sheriff in accordance with 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 (relating to relinquishment to third party for safekeeping).

**(3)**

**(i)** A person commits a misdemeanor of the third degree if he intentionally or knowingly accepts possession of a firearm, other weapon or ammunition from a person he knows is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of the firearm, other weapon or ammunition during the period of time the order is in effect.

**(ii)** This paragraph shall not apply to:

**(A)** a third party who accepts possession of a firearm, other weapon or ammunition relinquished pursuant to 23 Pa.C.S. § 6108.3; or

**(B)** a dealer licensed pursuant to § 6113 (relating to licensing of dealers) or subsequent purchaser from a dealer licensed pursuant to § 6113, who accepts possession of a firearm, other weapon or ammunition relinquished pursuant to 23 Pa.C.S. § 6108.2.

**(4)** It shall be an affirmative defense to any prosecution under paragraph (3) that the person accepting possession of a firearm, other weapon or ammunition in violation of paragraph (3):

**(i)** notified the sheriff as soon as practicable that he has taken possession; and

(ii) relinquished possession of any firearm, other weapon or ammunition possessed in violation of paragraph (3) as directed by the sheriff.

(5) A person who has accepted possession of a firearm, other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 commits a misdemeanor of the first degree if he intentionally or knowingly returns a firearm, other weapon or ammunition to a defendant or intentionally or knowingly allows a defendant to have access to the firearm, other weapon or ammunition prior to either of the following:

(i) The sheriff accepts return of the safekeeping permit issued to the party pursuant to 23 Pa.C.S. § 6108.3(d)(1)(i).

(ii) The issuance of a court order pursuant to subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to return of relinquished firearms, other weapons and ammunition and additional relief) which modifies a valid protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of the firearm, other weapon or ammunition by allowing the defendant to take possession of the firearm, other weapon or ammunition that had previously been ordered relinquished.

(b) Enumerated offenses. The following offenses shall apply to subsection (a):

Section 908 (relating to prohibited offensive weapons).

Section 911 (relating to corrupt organizations).

Section 912 (relating to possession of weapon on school property).

Section 2502 (relating to murder).

Section 2503 (relating to voluntary manslaughter).

Section 2504 (relating to involuntary manslaughter) if the offense is based on the reckless use of a firearm.

Section 2702 (relating to aggravated assault).

Section 2703 (relating to assault by prisoner).

Section 2704 (relating to assault by life prisoner).

Section 2709.1 (relating to stalking).

Section 2716 (relating to weapons of mass destruction).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 2910 (relating to luring a child into a motor vehicle or structure).

Section 3121 (relating to rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3125 (relating to aggravated indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3302 (relating to causing or risking catastrophe).

Section 3502 (relating to burglary).

Section 3503 (relating to criminal trespass) if the offense is graded a felony of the second degree or higher.

Section 3701 (relating to robbery).

Section 3702 (relating to robbery of motor vehicle).

Section 3921 (relating to theft by unlawful taking or disposition) upon conviction of the second felony offense.

Section 3923 (relating to theft by extortion) when the offense is accompanied by threats of violence.

Section 3925 (relating to receiving stolen property) upon conviction of the second felony offense.

Section 4906 (relating to false reports to law enforcement authorities) if the fictitious report involved the theft of a firearm as provided in § 4906(c)(2).

Section 4912 (relating to impersonating a public servant) if the person is impersonating a law enforcement officer.

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness, victim or party).

Section 5121 (relating to escape).

Section 5122 (relating to weapons or implements for escape).

Section 5501(3) (relating to riot).

Section 5515 (relating to prohibiting of paramilitary training).

Section 5516 (relating to facsimile weapons of mass destruction).

Section 6110.1 (relating to possession of firearm by minor).

Section 6301 (relating to corruption of minors).

Section 6302 (relating to sale or lease of weapons and explosives).

Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.

**(c)** Other persons. In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to the prohibition of subsection (a):

**(1)** A person who is a fugitive from justice. This paragraph does not apply to an individual whose fugitive status is based upon a nonmoving or moving summary offense under Title 75 (relating to vehicles).

**(2)** A person who has been convicted of an offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding 2 years.

**(3)** A person who has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or the former 75 Pa.C.S. § 3731, on three or more separate occasions within a 5-year period. For the purposes of this paragraph only, the prohibition of subsection (a) shall only apply to transfers or purchases of firearms after the third conviction.

**(4)** A person who has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under § 302, 303 or 304 of the provisions of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act. This paragraph shall not apply to any proceeding under § 302 of the Mental Health Procedures Act unless the examining physician has issued a certification that inpatient care was necessary or that the person was committable.

**(5)** A person who, being an alien, is illegally or unlawfully in the United States.

**(6)** A person who is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 is the subject of any other active protection from abuse order issued pursuant to 23 Pa. C.S. § 6107(b), which provided for the relinquishment of firearms during the period of time the order is in effect or is otherwise prohibited from possessing or acquiring a firearm under 18 I.S.C. § 922(g)(8). This prohibition shall terminate upon the expiration or vacation of the order or portion thereof relating to the relinquishment of firearms.

**(7)** A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense under §§ 2502, 2503, 2702, 2703 (relating to assault by prisoner), 2704, 2901, 3121, 3123, 3301, 3502, 3701 and 3923.

**(8)** A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in subsection (b) with the exception of those crimes set forth in paragraph (7). This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.

**(9)** A person who is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9). If the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9) was committed, as provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to definitions), by a person in any of the following relationships:

**(i)** the current or former spouse, parent or guardian of the victim;

**(ii)** a person with whom the victim shares a child in common;

**(iii)** a person who cohabits with or has cohabited with the victim as a spouse, parent or guardian; or

**(iv)** a person similarly situated to a spouse, parent or guardian of the victim;

then the relationship need not be an element of the offense to meet the requirements of this paragraph.

**(10)** A person who has been convicted of an offense under subsection (a.1)(2). The prohibition shall terminate five years after the date of conviction, final release from confinement or final release from supervision, whichever is later.

**(d)** Exemption. A person who has been convicted of a crime specified in subsection (a) or (b) or a person whose conduct meets the criteria in subsection (c)(1), (2), (5), (7) or (9) may make application to the court of common pleas of the county where the principal residence of the applicant is situated for relief from the disability imposed by this section upon the possession, transfer or control of a firearm. The court shall grant such relief if it determines that any of the following apply:

**(1)** The conviction has been vacated under circumstances where all appeals have been exhausted or where the right to appeal has expired.

**(2)** The conviction has been the subject of a full pardon by the Governor.

**(3)** Each of the following conditions is met:

**(i)** The Secretary of the Treasury of the United States has relieved the applicant of an applicable disability imposed by Federal law upon the possession, ownership or control of a firearm as a result of the applicant's prior conviction, except that the court may waive this condition if the court determines that the Congress of the United States has not appropriated sufficient funds to enable the Secretary of the Treasury to grant relief to applicants eligible for the relief.

**(ii)** A period of ten years, not including any time spent in incarceration, has elapsed since the most recent conviction of the applicant of a crime enumerated in subsection (b), a felony violation of The Controlled Substance, Drug, Device and Cosmetic Act or the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9).

**(d.1)** Concurrent jurisdiction to prosecute. The following apply in a city of the first class where the Attorney General has operated a joint local-State firearm task force:

**(1)** In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and institute criminal proceedings for a violation of this section.

**(2)** No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

**(3)** This subsection shall not apply to any case instituted two years after the effective date of this subsection.

**(e)** Proceedings.

**(1)** If a person convicted of an offense under subsection (a), (b) or (c)(1), (2), (5), (7) or (9) makes application to the court, a hearing shall be held in open court to determine whether the requirements of this section have been met. The commissioner and the district attorney of the county where the application is filed and any victim or survivor of a victim of the offense upon which the disability is based may be parties to the proceeding.

**(2)** Upon application to the court of common pleas pursuant to paragraph (1) by an applicant who is subject to the prohibition under subsection (c)(3), the court shall grant such relief if a period of 10 years, not including any time spent in incarceration, has passed since the applicant's most recent conviction under subsection (c)(3).

**(f)** Other exemptions and proceedings.

**(1)** Upon application to the court of common pleas under this subsection by an applicant subject to the prohibitions under subsection (c)(4), the court may grant such relief as it deems appropriate if the court determines that the applicant may possess a firearm without risk to the applicant or any other person.

**(2)** If application is made under this subsection for relief from the disability imposed under subsection (c)(6), notice of such application shall be given to the person who had petitioned for the protection from abuse order, and such person shall be a party to the proceedings. Notice of any court order or amendment to a court order restoring firearms possession or control shall be given to the person who had petitioned for the protection from abuse order, to the sheriff and to the Pennsylvania State Police. The application and any proceedings on the application shall comply with 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

**(3)** All hearings conducted under this subsection shall be closed unless otherwise requested to be open by the applicant.

**(4)**

**(i)** The owner of any seized or confiscated firearms or of any firearms ordered relinquished under 23 Pa.C.S. § 6108 shall be provided with a signed and dated written receipt by the appropriate law enforcement agency. This receipt shall include, but not limited to, a detailed identifying description indicating the serial number and condition

of the firearm. In addition, the appropriate law enforcement agency shall be liable to the lawful owner of said confiscated, seized or relinquished firearm for any loss, damage or substantial decrease in value of said firearm that is a direct result of a lack of reasonable care by the appropriate law enforcement agency.

(ii) Firearms shall not be engraved or permanently marked in any manner, including, but not limited to, engraving of evidence or other identification numbers. Unless reasonable suspicion exists to believe that a particular firearm has been used in the commission of a crime, no firearm shall be test fired. Any reduction in the value of a firearm due to test firing, engraving or permanently marking in violation of this paragraph shall be considered damage, and the law enforcement agency shall be liable to the lawful owner of the firearm for the reduction in value caused by the test firing, engraving or permanently marking.

(iii) For purposes of this paragraph, the term "**firearm**" shall include any scope, sight, bipod, sling, light, magazine, clip, ammunition or other firearm accessory attached to or seized, confiscated or relinquished with a firearm.

(g) Other restrictions. Nothing in this section shall exempt a person from a disability in relation to the possession or control of a firearm which is imposed as a condition of probation or parole or which is imposed pursuant to the provision of any law other than this section.

(h) License prohibition. Any person who is prohibited from possessing, using, controlling, selling, purchasing, transferring or manufacturing any firearm under this section shall not be eligible for or permitted to obtain a license to carry a firearm under § 6109 (relating to licenses).

(i) Firearm. As used in this section only, the term "**firearm**" shall include any weapons which are designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(j) Copy of order to State Police. If the court grants relief from the disabilities imposed under this section, a copy of the order shall be sent by the prothonotary within 10 days of the entry of the order to the Pennsylvania State Police and shall include the name, date of birth and Social Security number of the individual.

#### **Section 6105.1. Restoration of firearm rights for offenses under prior laws of this Commonwealth.**

(a) Restoration. A person convicted of a disabling offense may make application to the court of common pleas in the county where the principal residence of the applicant is situated for restoration of firearms rights. The court shall grant restoration of firearms rights after a hearing in open court to determine whether the requirements of this section have been met unless:

(1) the applicant has been convicted of any other offense specified in § 6105(a) or (b) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or the applicant's conduct meets the criteria in § 6105(c)(1), (2), (3), (4), (5), (6) or (7);

(2) the applicant has been convicted of any other crime punishable by imprisonment exceeding 1 year as defined in § 6102 (relating to definitions); or

(3) the applicant's character and reputation is such that the applicant would be likely to act in a manner dangerous to public safety.

(b) Notice and standing.

(1) Notice of an application for restoration of firearms rights shall be provided to the Pennsylvania State Police, the district attorney of the county where the disabling offense occurred and the district attorney of the county where the application is filed. The district attorney of the county where the application is filed, the district attorney of the county where the disabling offense occurred and the Pennsylvania State Police may, at their option, be parties to the proceeding.

(2) Notwithstanding paragraph (1), the standing of the Pennsylvania State Police as a party to a proceeding under this section shall be limited to determinations of whether the offense meets the definition of the phrase "disabling offense" or whether the provisions of subsection (a)(1) and (2) have been satisfied.

(c) Copy of order to Pennsylvania State Police. If the court grants restoration of firearms rights to an applicant, a copy of the order shall be sent by the prothonotary within 10 days of the entry of the order to the district attorneys and the Pennsylvania State Police, Firearms Division, and shall include the name, date of birth and Social Security number of the applicant.

(d) Expungement and pardon. A restoration of firearms rights under this section shall not result in the expungement of any criminal history record information nor will it constitute a gubernatorial pardon.

(e) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Disabling offense."** A conviction for any offense which:

(1) resulted in a Federal firearms disability and is substantially similar to either an offense currently graded as a crime punishable by a term of imprisonment for not more than 2 years or conduct which no longer constitutes a violation of law; and

(2) was a violation of either of the following:

(i) the former act of May 1, 1929 (P.L.905, No.403), known as The Vehicle Code, or the former act of April 29, 1959 (P.L.58, No.32), known as The Vehicle Code; or

(ii) the former act of June 24, 1939 (P.L.872, No.375), known as the Penal Code.

The definition shall not include any offense which, if committed under contemporary standards, would constitute a misdemeanor of the second degree or greater under § 2701 (relating to simple assault) and was committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian or by a person similarly situated to a spouse, parent or guardian of the victim.

**"Restoration of firearms rights."** Relieving any and all disabilities with respect to a person's right to own, possess, use, control, sell, purchase, transfer, manufacture, receive, ship or transport firearms, including any disabilities imposed pursuant to this subchapter. The phrase shall also mean the restoration of the right to vote, to hold public office and to serve on a jury.

### **Section 6105.2. Relinquishment of firearms and firearm licenses by convicted persons.**

(a) Procedure.

(1) A person subject to a firearms disability pursuant to section 6105(c)(9) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) shall relinquish any firearms under the person's possession or control to the appropriate law enforcement agency of the municipality as described in subsection (b) or to a dealer as described in subsection (c).

(2) The court of conviction shall order the relinquishment and the order shall be transmitted to the appropriate law enforcement agency of the municipality and to the sheriff of the county of which the person is a resident. The order shall contain a list of any firearm ordered relinquished.

(3) The person shall inform the court in what manner the person will relinquish the firearms.

(4) If the person is present in court at the time of the order, the person shall inform the court whether relinquishment will be made under subsection (b) or (c).

(b) Relinquishment to law enforcement agency.

(1) Relinquishment to an appropriate law enforcement agency shall be made within a period not longer than 24 hours following conviction, except for cause shown, in which case the court shall specify the time for relinquishment of any or all of the person's firearms.

(2) In securing custody of the person's relinquished firearms, the law enforcement agency shall provide the person subject to the relinquishment order with a signed and dated written receipt, which shall include a detailed description of each firearm and its condition.

(3) As used in this subsection, the term "cause" shall be limited to facts relating to the inability of the person to retrieve a specific firearm within a period not longer than 24 hours due to the then current location of the firearm.

(c) Relinquishment to dealer.

(1) In lieu of relinquishment to the local law enforcement agency, the person subject to a court order may, within 24 hours or within the time ordered by the court upon cause being shown as in subsection (b), relinquish firearms to a dealer licensed pursuant to section 6113 (relating to licensing of dealers).

(2) The dealer may charge the person a reasonable fee for accepting relinquishment.

(3) The person shall obtain an affidavit from the dealer on a form prescribed by the Pennsylvania State Police, which shall include, at a minimum, the following:

(i) The caption of the case in which the person was convicted.

(ii) The name, address, date of birth and Social Security number of the person.

(iii) A list of the firearms, including the manufacturer, model and serial number.

(iv) The name and license number of the dealer licensed pursuant to section 6113 and the address of the licensed premises.

(v) An acknowledgment that the firearms will not be returned to the person, unless the person is no longer prohibited from possessing a firearm under Federal or State law, or sold or transferred to a person the dealer knows is a member of the defendant's household.

(vi) An acknowledgment that the firearms, if transferred, will be transferred in compliance with this chapter.

(4) Any person relinquishing a firearm pursuant to this subsection shall, within the specified time frame, provide to the appropriate law enforcement agency or the sheriff's office, or both, the affidavit required by this subsection and relinquish to the law enforcement agency any firearm ordered to be relinquished that is not specified in the affidavit.

(d) Notice of noncompliance.

(1) If the person fails to relinquish any firearm within 24 hours or within the time ordered by the court upon cause being shown, the law enforcement agency shall, at a minimum, provide immediate notice to the court, the victim, the prosecutor and the sheriff.

(2) For purposes of this subsection, "victim" shall have the same meaning as "direct victim" in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

(e) Alternate relinquishment to dealer.

(1) If the person relinquishes firearms to the appropriate law enforcement agency pursuant to subsection (b), the person may request that the appropriate law enforcement agency make one transfer of any such firearm to a dealer licensed pursuant to section 6113 within six months of relinquishment.

(2) If requesting a subsequent transfer, the person shall provide the appropriate law enforcement agency with the dealer affidavit described in subsection (c).

(3) The appropriate law enforcement agency shall make the transfer, if the person complies with this subsection, and may charge the person for any costs associated with making the transfer.

(f) Recordkeeping. Any portion of an order or petition or other paper that includes a list of firearms ordered to be relinquished shall be kept in the files of the court as a permanent record and withheld from public inspection, except upon an order of the court granted upon cause shown, after redaction of information relating to the firearms, or as necessary, by law enforcement and court personnel.

(g) Relinquishment of licenses.

(1) A person convicted of a crime resulting in a firearm disability pursuant to section 6105(c)(9) shall also relinquish to the sheriff any firearm license issued under section 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) or 23 Pa.C.S. § 6108.3 (relating to relinquishment to third party for safekeeping).

(2) The provisions of subsections (a)(2) and (3), (b), (d) and (f) shall also apply to firearm licenses of the person.

(h) Penalty. A person convicted of a crime resulting in a firearm disability pursuant to section 6105(c)(9) commits a misdemeanor of the second degree if the person intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to an appropriate law enforcement agency or a dealer in accordance with this section.

(i) Definition. As used in this section, the term "**firearm**" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

#### **Section 6110.1. Possession of firearm by minor.**

(a) Firearm. Except as provided in subsection (b), a person under 18 years of age shall not possess or transport a firearm anywhere in this Commonwealth.

(b) Exception. Subsection (a) shall not apply to a person under 18 years of age:

(1) who is under the supervision of a parent, grandparent, legal guardian or an adult acting with the expressed consent of the minor's custodial parent or legal guardian and the minor is engaged in lawful activity, including safety training, lawful target shooting, engaging in an organized competition involving the use of a firearm or the firearm is unloaded and the minor is transporting it for a lawful purpose; or

(2) who is lawfully hunting or trapping in accordance with 34 Pa.C.S. (relating to game).

(c) Responsibility of adult. Any person who knowingly and intentionally delivers or provides to the minor a firearm in violation of subsection (a) commits a felony of the third degree.

(d) Forfeiture. Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited or, if stolen, returned to the lawful owner.

#### **Section 6110.2. Possession of firearm with altered manufacturer's number.**

**(a)** General rule. No person shall possess a firearm which has had the manufacturer's number integral to the frame or receiver altered, changed, removed or obliterated.

**(b)** Penalty. A person who violates this section commits a felony of the second degree.

**(c)** Definition. As used in this section, the term "**firearm**" shall have the same meaning as that term is defined in § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), except that the term shall not include antique firearms as defined in § 6118 (relating to antique firearms).

### **Section 6111. Sale or transfer of firearms.**

**(a)** Time and manner of delivery.

**(1)** Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

**(2)** Thirty days after publication in the Pennsylvania Bulletin that the Instantaneous Criminal History Records Check System has been established in accordance with the Brady Handgun Violence Prevention Act (Public Law 103-159, 18 U.S.C. § 921 et seq.), no seller shall deliver a firearm to the purchaser thereof until the provisions of this section have been satisfied, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

**(b)** Duty of seller. No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the conditions of subsection (a) have been satisfied and until he has:

**(1)** For purposes of a firearm as defined in § 6102 (relating to definitions), obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and one copy to be provided to the purchaser or transferee. The form of this application/record of sale shall be no more than 1 page in length and shall be promulgated by the Pennsylvania State Police and provided by the licensed importer, licensed manufacturer or licensed dealer. The application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee, the date of the application and the caliber, length of barrel, make, model and manufacturer's number of the firearm to be purchased or transferred. The application/record of sale shall also contain the following question:

Are you the actual buyer of the firearm(s), as defined under 18 Pa.C.S. § 6102 (relating to definitions), listed on this application/record of sale? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person, unless you are legitimately acquiring the firearm as a gift for any of the following individuals who are legally eligible to own a firearm: (1) spouse; (2) parent; (3) child; (4) grandparent; or (5) grandchild.

**(1.1)** On the date of publication in the Pennsylvania Bulletin of a notice by the Pennsylvania State Police that the instantaneous records check has been implemented, all of the following shall apply:

**(i)** In the event of an electronic failure under § 6111.1(b)(2) (relating to Pennsylvania State Police) for purposes of a firearm which exceeds the barrel and related lengths set forth in § 6102, obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of sale, 1 copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and 1 copy to be provided to the purchaser or transferee.

**(ii)** The form of the application/record of sale shall be no more than 1 page in length and shall be promulgated by the Pennsylvania State Police and provided by the licensed importer, licensed manufacturer or licensed dealer.

**(iii)** For purposes of conducting the criminal history, juvenile delinquency and mental health records background check which shall be completed within 10 days of receipt of the information from the dealer, the application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee and the date of application.

**(iv)** No information regarding the type of firearm need be included other than an indication that the firearm exceeds the barrel lengths set forth in § 6102.

**(v)** Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), no information on the application/record of sale provided pursuant to this subsection shall be retained as precluded by § 6111.4 (relating to registration of firearms) by the Pennsylvania State Police either through retention of the application/record of sale or by entering the information onto a computer, and, further, an application/record of

sale received by the Pennsylvania State Police pursuant to this subsection shall be destroyed within 72 hours of the completion of the criminal history, juvenile delinquency and mental health records background check.

**(1.2)** Fees collected under paragraph (3) and § 6111.2 (relating to firearm sales surcharge) shall be transmitted to the Pennsylvania State Police within 14 days of collection.

**(1.3)** In addition to the criminal penalty under § 6119 (relating to violation penalty), any person who knowingly and intentionally maintains or fails to destroy any information submitted to the Pennsylvania State Police for purposes of a background check pursuant to paragraphs (1.1) and (1.4) or violates § 6111.4 shall be subject to a civil penalty of \$250 per violation, entry or failure to destroy.

**(1.4)** Following implementation of the instantaneous records check by the Pennsylvania State Police on or before December 1, 1998, no application/record of sale shall be completed for the purchase or transfer of a firearm which exceeds the barrel lengths set forth in § 6102. A statement shall be submitted by the dealer to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, containing the number of firearms sold which exceed the barrel and related lengths set forth in § 6102, the amount of surcharge and other fees remitted and a list of the unique approval numbers given pursuant to paragraph (4), together with a statement that the background checks have been performed on the firearms contained in the statement. The form of the statement relating to performance of background checks shall be promulgated by the Pennsylvania State Police.

**(2)** Inspected photo identification of the potential purchaser or transferee, including, but not limited to, a driver's license, official Pennsylvania photo identification card or official government photo identification card. In the case of a potential buyer or transferee who is a member of a recognized religious sect or community whose tenets forbid or discourage the taking of photographs of members of that sect or community, a seller shall accept a valid-without-photo driver's license or a combination of documents, as prescribed by the Pennsylvania State Police, containing the applicant's name, address, date of birth and the signature of the applicant.

**(3)** Requested by means of a telephone call that the Pennsylvania State Police conduct a criminal history, juvenile delinquency history and a mental health record check. The purchaser and the licensed dealer shall provide such information as is necessary to accurately identify the purchaser. The requester shall be charged a fee equivalent to the cost of providing the service but not to exceed \$2 per buyer or transferee.

**(4)** Received a unique approval number for that inquiry from the Pennsylvania State Police and recorded the date and the number on the application/record of sale form.

**(5)** Issued a receipt containing the information from paragraph (4), including the unique approval number of the purchaser. This receipt shall be prima facie evidence of the purchaser's or transferee's compliance with the provisions of this section.

**(6)** Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to § 6105, no information received via telephone following the implementation of the instantaneous background check system from a purchaser or transferee who has received a unique approval number shall be retained by the Pennsylvania State Police.

**(7)** For purposes of the enforcement of 18 U.S.C. § 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in the event the criminal history or juvenile delinquency background check indicates a conviction for a misdemeanor that the Pennsylvania State Police cannot determine is or is not related to an act of domestic violence, the Pennsylvania State Police shall issue a temporary delay of the approval of the purchase or transfer. During the temporary delay, the Pennsylvania State Police shall conduct a review or investigation of the conviction with courts, local police departments, district attorneys and other law enforcement or related institutions as necessary to determine whether or not the misdemeanor conviction involved an act of domestic violence. The Pennsylvania State Police shall conduct the review or investigation as expeditiously as possible. No firearm may be transferred by the dealer to the purchaser who is the subject of the investigation during the temporary delay. The Pennsylvania State Police shall notify the dealer of the termination of the temporary delay and either deny the sale or provide the unique approval number under paragraph (4).

**(c)** Duty of other persons. Any person who is not a licensed importer, manufacturer or dealer and who desires to sell or transfer a firearm to another unlicensed person shall do so only upon the place of business of a licensed importer, manufacturer, dealer or county sheriff's office, the latter of whom shall follow the procedure set forth in this section as if he were the seller of the firearm. The provisions of this section shall not apply to transfers between spouses or to transfers between a parent and child or to transfers between grandparent and grandchild.

**(d)** Defense. Compliance with the provisions of this section shall be a defense to any criminal complaint under the laws of this Commonwealth or other claim or cause of action under this chapter arising from the sale or transfer of any firearm.

**(d.1)** Concurrent jurisdiction to prosecute. The following apply in a city of the first class where the Attorney General has operated a joint local-State firearm task force:

**(1)** In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and institute criminal proceedings for a violation of this section.

**(2)** No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

**(3)** This subsection shall not apply to any case instituted two years after the effective date of this subsection.

**(e)** Nonapplicability of section. This section shall not apply to the following:

**(1)** Any firearm manufactured on or before 1898.

**(2)** Any firearm with a matchlock, flintlock or percussion cap type of ignition system.

**(3)** Any replica of any firearm described in paragraph (1) if the replica:

**(i)** is not designed or redesigned to use rimfire or conventional center fire fixed ammunition; or

**(ii)** uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

**(f)** Application of section.

**(1)** For the purposes of this section only, except as provided by paragraph (2), "firearm" shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

**(2)** The provisions contained in subsections (a) and (c) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.

**(3)** The provisions contained in subsection (a) shall not apply to any law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm or any person who possesses a valid license to carry a firearm under § 6109 (relating to licenses).

**(i)** The provisions of subsection (a) shall not apply to any person who presents to the seller or transferor a written statement issued by the official described in subparagraph (iii) during the 10-day period ending on the date of the most recent proposal of such transfer or sale by the transferee or purchaser stating that the transferee or purchaser requires access to a firearm because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

**(ii)** The issuing official shall notify the applicant's local police authority that such a statement has been issued. In counties of the first class the chief of police shall notify the police station or substation closest to the applicant's residence.

**(iii)** The statement issued under subparagraph (ii) shall be issued by the district attorney, or his designee, of the county of residence if the transferee or purchaser resides in a municipality where there is no chief of police. Otherwise, the statement shall be issued by the chief of police in the municipality in which the purchaser or transferee resides.

**(g)** Penalties.

**(1)** Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm in violation of this section commits a misdemeanor of the second degree.

**(2)** Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm under circumstances intended to provide a firearm to any person, purchaser or transferee who is unqualified or ineligible to control, possess or use a firearm under this chapter commits a felony of the third degree and shall in addition be subject to revocation of the license to sell firearms for a period of 3 years.

**(3)** Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally requests a criminal history, juvenile delinquency or mental health record check or other confidential information from the Pennsylvania State Police under this chapter for any purpose other than compliance with this chapter or knowingly and intentionally disseminates any criminal history, juvenile delinquency or mental health record or other confidential information to any person other than the subject of the information commits a felony of the third degree.

**(3.1)** Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally obtains or furnishes information collected or maintained pursuant to § 6109 for any purpose other than compliance with this chapter or who knowingly or intentionally disseminates, publishes or otherwise makes available such information to any person other than the subject of the information commits a felony of the third degree.

**(4)** Any person, purchaser or transferee commits a felony of the third degree if, in connection with the purchase, delivery or transfer of a firearm under this chapter, he knowingly and intentionally:

**(i)** makes any materially false oral statement;

**(ii)** makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or

**(iii)** willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer.

**(5)** Notwithstanding § 306 (relating to liability for conduct of another; complicity) or any other statute to the contrary, any person, licensed importer, licensed dealer or licensed manufacturer who knowingly and intentionally sells, delivers or transfers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be criminally liable for such crime or attempted crime.

**(6)** Notwithstanding any act or statute to the contrary, any person, licensed importer, licensed manufacturer or licensed dealer who knowingly and intentionally sells or delivers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be liable in the amount of the civil judgment for injuries suffered by any person so injured by such crime or attempted crime.

**(h)** Subsequent violation penalty.

**(1)** A second or subsequent violation of this section shall be a felony of the second degree. A person who at the time of sentencing has been convicted of another offense under this section shall be sentenced to a mandatory minimum sentence of imprisonment of 5 years. A second or subsequent offense shall also result in permanent revocation of any license to sell, import or manufacture a firearm.

**(2)** Notice of the applicability of this subsection to the defendant and reasonable notice of the Commonwealth's intention to proceed under this section shall be provided prior to trial. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine by a preponderance of the evidence if this section is applicable.

**(4)** If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this subsection.

**(5)** For the purposes of this subsection, a person shall be deemed to have been convicted of another offense under this section whether or not judgment of sentence has been imposed for that violation.

**(i)** Confidentiality. All information provided by the potential purchaser, transferee or applicant, including, but not limited to, the potential purchaser, transferee or applicant's name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by § 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of \$1,000 per occurrence or 3 times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.

**(j)** Exemption.

**(1)** The provisions of subsections (a) and (b) shall not apply to:

**(i)** sales between Federal firearms licensees; or

**(ii)** the purchase of firearms by a chief law enforcement officer or his designee, for the official use of law enforcement officers.

**(2)** For the purposes of this subsection, the term "chief law enforcement officer" shall include the Commissioner of the Pennsylvania State Police, the chief or head of a police department, a county sheriff or any equivalent law enforcement official.

#### **Section 6111.1. Pennsylvania State Police.**

**(a)** Administration. The Pennsylvania State Police shall have the responsibility to administer the provisions of this chapter.

**(b)** Duty of Pennsylvania State Police.

**(1)** Upon receipt of a request for a criminal history, juvenile delinquency history and mental health record check of the potential purchaser or transferee, the Pennsylvania State Police shall immediately during the licensee's call or by return call forthwith:

- (i)** review the Pennsylvania State Police criminal history and fingerprint records to determine if the potential purchaser or transferee is prohibited from receipt or possession of a firearm under Federal or State law;
- (ii)** review the juvenile delinquency and mental health records of the Pennsylvania State Police to determine whether the potential purchaser or transferee is prohibited from receipt or possession of a firearm under Federal or State law; and
- (iii)** inform the licensee making the inquiry either:
  - (A)** that the potential purchase or transfer is prohibited; or
  - (B)** provide the licensee with a unique approval number.

**(2)** In the event of electronic failure, scheduled computer downtime or similar event beyond the control of the Pennsylvania State Police, the Pennsylvania State Police shall immediately notify the requesting licensee of the reason for and estimated length of the delay. If the failure or event lasts for a period exceeding 48 hours, the dealer shall not be subject to any penalty for completing a transaction absent the completion of an instantaneous records check for the remainder of the failure or similar event, but the dealer shall obtain a completed application/record of sale following the provisions of § 6111(b)(1) and (1.1) (relating to sale or transfer of firearms) as if an instantaneous records check has not been established for any sale or transfer of a firearm for the purpose of a subsequent background check.

**(3)** The Pennsylvania State Police shall fully comply, execute and enforce the directives of this section as follows:

- (i)** The instantaneous background check for firearms as defined in § 6102 (relating to definitions) shall begin on July 1, 1998.
- (ii)** The instantaneous background check for firearms that exceed the barrel lengths set forth in § 6102 shall begin on the later of:
  - (A)** the date of publication of the notice under § 6111(a)(2); or
  - (B)** December 31, 1998.

**(4)** The Pennsylvania State Police and any local law enforcement agency shall make all reasonable efforts to determine the lawful owner of any firearm confiscated or recovered by the Pennsylvania State Police or any local law enforcement agency and return said firearm to its lawful owner if the owner is not otherwise prohibited from possessing the firearm. When a court of law has determined that the Pennsylvania State Police or any local law enforcement agency have failed to exercise the duty under this subsection, reasonable attorney fees shall be awarded to any lawful owner of said firearm who has sought judicial enforcement of this subsection.

**(c)** Establish a telephone number. The Pennsylvania State Police shall establish a telephone number which shall be operational 7 days a week between the hours of 8 a.m. and 10 p.m. local time for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers and licensed dealers. The Pennsylvania State Police shall employ and train such personnel as are necessary to administer expeditiously the provisions of this section.

**(d)** Distribution. The Pennsylvania State Police shall provide, without charge, summaries of uniform firearm laws and firearm safety brochures pursuant to § 6125 (relating to distribution of uniform firearm laws and firearm safety brochures).

**(e)** Challenge to records.

**(1)** Any person who is denied the right to receive, sell, transfer, possess, carry, manufacture or purchase a firearm as a result of the procedures established by this section may challenge the accuracy of that person's criminal history, juvenile delinquency history or mental health record pursuant to a denial by the instantaneous records check by submitting a challenge to the Pennsylvania State Police within 30 days from the date of the denial.

**(2)** The Pennsylvania State Police shall conduct a review of the accuracy of the information forming the basis for the denial and shall have the burden of proving the accuracy of the record. Within 20 days after receiving a challenge, the Pennsylvania State Police shall notify the challenger of the basis for the denial, including, but not limited to, the jurisdiction and docket number of any relevant court decision and provide the challenger an opportunity to provide additional information for the purposes of the review. The Pennsylvania State Police shall communicate its final decision to the challenger within 60 days of the receipt of the challenge. The decision of the Pennsylvania State Police shall include all information which formed a basis for the decision.

**(3)** If the challenge is ruled invalid, the person shall have the right to appeal the decision to the Attorney General within 30 days of the decision. The Attorney General shall conduct a hearing de novo in accordance with the Administrative Agency Law. The burden of proof shall be upon the Commonwealth.

**(4)** The decision of the Attorney General may be appealed to the Commonwealth Court by an aggrieved party.

**(f)** Notification of mental health adjudication, treatment, commitment, drug use or addiction.

**(1)** Notwithstanding any statute to the contrary, judges of the courts of common pleas shall notify the Pennsylvania State Police, on a form developed by the Pennsylvania State Police, of:

**(i)** the identity of any individual who has been adjudicated as an incompetent or as a mental defective or who has been involuntarily committed to a mental institution under the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, or who has been involuntarily treated as described in § 6105(c)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or as described in 18 U.S.C. § 922(g)(4) (relating to unlawful acts) and its implementing Federal regulations; and

**(ii)** any finding of fact or court order related to any person described in 18 U.S.C. § 922(g)(3).

**(2)** The notification shall be transmitted by the judge to the Pennsylvania State Police within seven days of the adjudication, commitment or treatment.

**(3)** Notwithstanding any law to the contrary, the Pennsylvania State Police may disclose, electronically or otherwise, to the United States Attorney General or a designee, any record relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under 18 U.S.C. § 922 (g)(3) or (4) or an applicable state statute

**(g)** Review by court.

**(1)** Upon receipt of a copy of the order of a court of competent jurisdiction which vacates a final order or an involuntary certification issued by a mental health review officer, the Pennsylvania State Police shall, after disclosing relevant records under subsection (f)(3), expunge all records of the involuntary treatment received under subsection (f).

**(2)** A person who is involuntarily committed pursuant to § 302 of the Mental Health Procedures Act may petition the court to review the sufficiency of the evidence upon which the commitment was based. If the court determines that the evidence upon which the involuntary commitment was based was insufficient, the court shall order that the record of the commitment submitted to the Pennsylvania State Police be expunged. A petition filed under this subsection shall toll the 60-day period set forth under § 6105(a)(2).

**(3)** The Pennsylvania State Police, after disclosing relevant records under subsection (f)(3), shall expunge all records of an involuntary commitment of an individual who is discharged from a mental health facility based upon the initial review by the physician occurring within 2 hours of arrival under § 302(b) of the Mental Health Procedures Act and the physician's determination that no severe mental disability existed pursuant to § 302(b) of the Mental Health Procedures Act. The physician shall provide signed confirmation of the determination of the lack of severe mental disability following the initial examination under § 302(b) of the Mental Health Procedures Act to the Pennsylvania State Police.

**(h)** Juvenile registry.

**(1)** The contents of law enforcement records and files compiled under 42 Pa.C.S. § 6308 (relating to law enforcement records) concerning a child shall not be disclosed to the public except if the child is 14 years of age or older at the time of the alleged conduct and if any of the following apply:

**(i)** The child has been adjudicated delinquent by a court as a result of an act or acts which constitute any offense enumerated in § 6105.

**(ii)** A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which constitute an offense enumerated in § 6105 and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

**(2)** Notwithstanding any provision of this subsection, the contents of law enforcement records and files concerning any child adjudicated delinquent for the commission of any criminal activity described in paragraph (1) shall be recorded in the registry of the Pennsylvania State Police for the limited purposes of this chapter.

**(j.1)** Delinquency and mental health records. The provisions of this section which relate to juvenile delinquency and mental health records checks shall be applicable when the data has been made available to the Pennsylvania State Police but not later than October 11, 1999.

**(j.2)** Records check. The provisions of this section which relate to the instantaneous records check conducted by telephone shall be applicable 30 days following notice by the Pennsylvania State Police pursuant to § 6111(a)(2).

**(j.3)** Immunity. The Pennsylvania State Police and its employees shall be immune from actions for damages for the use of a firearm by a purchaser or for the unlawful transfer of a firearm by a dealer unless the act of the Pennsylvania State Police or its employees constitutes a crime, actual fraud, actual malice or willful misconduct.

**(k) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Firearm."** The term shall have the same meaning as in § 6111.2 (relating to firearm sales surcharge).

**"Physician."** Any licensed psychiatrist or clinical psychologist as defined in the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

#### **Section 6111.2. Firearm sales surcharge.**

**(a) Surcharge imposed.** There is hereby imposed on each sale of a firearm subject to tax under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an additional surcharge of \$3. This shall be referred to as the Firearm Sale Surcharge. All moneys received from this surcharge shall be deposited in the Firearm Instant Records Check Fund.

**(b) Definition.** As used in this section only, the term **"firearm"** shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosion or the frame or receiver of any such weapon.

#### **Section 6112. Retail dealer required to be licensed.**

No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm as defined in § 6113(d) (relating to licensing of dealers) without being licensed as provided in this chapter.

#### **Section 6113. Licensing of dealers.**

**(a) General rule.** The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for 3 years from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in § 6111 (relating to sale or transfer of firearms), for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this subchapter:

**(1)** The business shall be carried on only upon the premises designated in the license or at a lawful gun show or meet.

**(2)** The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

**(3)** No firearm shall be sold in violation of any provision of this subchapter.

**(4)** No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of the purchaser's identity.

**(5)** A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the information required by § 6111. The record shall be maintained by the licensee for a period of 20 years.

**(6)** No firearm as defined in § 6102 (relating to definitions) shall be displayed in any part of any premises where it can readily be seen from the outside. In the event that the Commissioner of the Pennsylvania State Police shall find a clear and present danger to public safety within this Commonwealth or any area thereof, firearms shall be stored and safeguarded pursuant to regulations to be established by the Pennsylvania State Police by the licensee during the hours when the licensee is closed for business.

**(7)** The dealer shall possess all applicable current revenue licenses.

**(b) Fee.** The fee for issuing said license shall be \$30, which fee shall be paid into the county treasury.

**(c) Revocation.** Any license granted under subsection (a) of this section may be revoked for cause by the person issuing the same, upon written notice to the holder thereof.

**(d) Definitions.** For the purposes of this section and § 6112 (relating to retail dealer required to be licensed) only unless otherwise specifically provided, the term **"firearm"** shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

#### **Section 6114. Judicial review.**

The action of the chief of police, sheriff, county treasurer or other officer under this subchapter shall be subject to judicial review in the manner and within the time provided by 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action). A judgment sustaining a refusal to grant a license shall not bar, after 1 year, a new application; nor shall a judgment in favor of the petitioner prevent the defendant from thereafter revoking or refusing to renew such license for any proper cause which may thereafter occur.

**Section 6115. Loans on, or lending or giving firearms prohibited.**

(a) Offense defined. No person shall make any loan secured by mortgage, deposit or pledge of a firearm, nor, except as provided in subsection (b), shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

(b) Exception.

(1) Subsection (a) shall not apply if any of the following apply:

(i) The person who receives the firearm is licensed to carry a firearm under § 6109 (relating to licenses).

(ii) The person who receives the firearm is exempt from licensing.

(iii) The person who receives the firearm is engaged in a hunter safety program certified by the Pennsylvania Game Commission or a firearm training program or competition sanctioned or approved by the National Rifle Association.

(iv) The person who receives the firearm meets all of the following:

(A) Is under 18 years of age.

(B) Pursuant to § 6110.1 (relating to possession of firearm by minor) is under the supervision, guidance and instruction of a responsible individual who:

(I) is 21 years of age or older; and

(II) is not prohibited from owning or possessing a firearm under § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(v) The person who receives the firearm is lawfully hunting or trapping and is in compliance with the provisions of Title 34 (relating to game).

(vi) A bank or other chartered lending institution is able to adequately secure firearms in its possession.

(2) Nothing in this section shall be construed to prohibit the transfer of a firearm under 20 Pa.C.S. Ch. 21 (relating to intestate succession) or by bequest if the individual receiving the firearm is not precluded from owning or possessing a firearm under § 6105.

(3) Nothing in this section shall be construed to prohibit the loaning or giving of a firearm to another in one's dwelling or place of business if the firearm is retained within the dwelling or place of business.

(4) Nothing in this section shall prohibit the relinquishment of firearms to a third party in accordance with 23 Pa.C.S. § 6108.3 (relating to relinquishment to third party for safekeeping).

**Section 6116. False evidence of identity.**

In addition to any other penalty provided in this chapter, the furnishing of false information or offering false evidence of identity is a violation of § 4904 (relating to unsworn falsification to authorities).

**Section 6117. Altering or obliterating marks of identification.**

(a) Offense defined. No person shall change, alter, remove, or obliterate the manufacturer's number integral to the frame or receiver of any firearm which shall have the same meaning as provided in § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(b) Presumption. (Deleted by amendment).

(c) Penalty. A violation of this section constitutes a felony of the second degree.

(d) Appellate review. (Deleted by amendment).

**Section 6118. Antique firearms.**

(a) General rule. This subchapter shall not apply to antique firearms.

(b) Exception. Subsection (a) shall not apply to the extent that such antique firearms, reproductions or replicas of firearms are concealed weapons as provided in § 6106 (relating to firearms not be carried without a license), nor shall it apply to the provisions of § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) if such antique firearms, reproductions or replicas of firearms are suitable for use.

(c) Definition. As used in this section, the term "antique firearm" means:

(1) Any firearm with a matchlock, flintlock or percussion cap type of ignition system.

(2) Any firearm manufactured on or before 1898.

(3) Any replica of any firearm described in paragraph (2) if such replica:

(i) is not designed or redesigned for using rimfire or conventional center fire fixed ammunition; or

(ii) uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

**Section 6119. Violation penalty.**

Except as otherwise specifically provided, an offense under this subchapter constitutes a misdemeanor of the first degree.

**Section 6121. Certain bullets prohibited.**

(a) Offense defined. It is unlawful for any person to possess, use or attempt to use a KTW teflon-coated bullet or other armor-piercing ammunition while committing or attempting to commit a crime of violence as defined in § 6102 (relating to definitions).

(b) Grading. An offense under this section constitutes a felony of the third degree.

(c) Sentencing. Any person who is convicted in any court of this Commonwealth of a crime of violence and who uses or carries, in the commission of that crime, a firearm loaded with KTW ammunition or any person who violates this section shall, in addition to the punishment provided for the commission of the crime, be sentenced to a term of imprisonment for not less than 5 years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a crime subject to this subsection nor place him on probation nor shall the term of imprisonment run concurrently with any other term of imprisonment including that imposed for the crime in which the KTW ammunition was being used or carried. No person sentenced under this subsection shall be eligible for parole.

(d) Definition. As used in this section the term "armor-piercing ammunition" means ammunition which, when or if fired from any firearm as defined in § 6102 that is used or attempted to be used in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD- 0101.01 as formulated by the United States Department of Justice and published in December of 1978.

**Section 6123. Waiver of disability or pardons.**

A waiver of disability from Federal authorities as provided for in 18 U.S.C. § 925 (relating to exceptions; relief from disabilities), a full pardon from the Governor or an overturning of a conviction shall remove any corresponding disability under this subchapter except the disability under § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

**Section 6125. Distribution of uniform firearm laws and firearm safety brochures.**

It shall be the duty of the Pennsylvania State Police beginning January 1, 1996, to distribute to every licensed firearm dealer in this Commonwealth firearms safety brochures at no cost to the dealer. The brochures shall be written by the Pennsylvania State Police, with the cooperation of the Pennsylvania Game Commission, and shall include a summary of the major provisions of this subchapter, including, but not limited to, the duties of the sellers and purchasers and the transferees of firearms. The brochure or a copy thereof shall be provided without charge to each purchaser.

**Subchapter B – Firearms Generally**

**Section 6141.1. Purchase of rifles and shotguns outside this Commonwealth.**

Nothing in this chapter shall be construed to prohibit a person in this Commonwealth who may lawfully purchase, possess, use, control, sell, transfer or manufacture a firearm which exceeds the barrel and related lengths set forth in § 6102 (relating to definitions) from lawfully purchasing or otherwise obtaining such a firearm in a jurisdiction outside this Commonwealth.

**Section 6142. Locking device for firearms.**

(a) Offense defined. It shall be unlawful for any licensee to sell, deliver or transfer any firearm as defined in § 6102 (relating to definitions), other than an antique firearm as defined in § 6118 (relating to antique firearms), to any other person, other than another licensee, unless the transferee is provided with or purchases a locking device for that firearm or the design of the firearm incorporates a locking device.

(b) Exceptions. Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer are not subject to the provisions of this section.

(c) Penalties. A violation of the provisions of this section shall be a summary offense.

**(d) Good faith compliance.** A licensee who in good faith complies with this section shall not be civilly liable as a result of such compliance with this section, except for any acts or omissions intentionally designed to harm or for grossly negligent acts or omissions which result in harm.

**(e) Admissibility of evidence.** A transferee's purchase or receipt of a locking device in conjunction with the purchase of a firearm pursuant to this section shall not be admissible as evidence in any civil action brought against the transferee.

**(f) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Licensee."** Any licensed manufacturer, importer or dealer of firearms.

**"Locking device."** Either of the following:

(1) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(2) a device that is incorporated into the design of a firearm and that is designed to prevent the operation of the firearm by anyone not having access to the device.

### **Chapter 63 – Minors**

#### **Section 6302. Sale or lease of weapons and explosives.**

**(a) Offense defined.** A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

**(b) Exception.** The provisions of subsection (a) shall not prohibit hunting by minors under 18 years of age permitted under Title 34 (relating to game).

#### **Section 6303. Sale of starter pistols.**

**(a) Offense defined.** A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

**(b) Exception.** Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

### **Title 23 – Domestic Relations**

#### **Part VII – Abuse of Family**

#### **Chapter 61– Protection from Abuse**

#### **Section 6102. Definitions.**

**(a) General rule.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Appropriate law enforcement agency.”** The duly constituted municipal law enforcement agency that regularly provides primary police services to a political subdivision or, in the absence of any such municipal law enforcement agency, the Pennsylvania State Police installation that regularly provides primary police services to the political subdivision.

**“Commercial armory.”** A for-profit entity which holds the appropriate Federal and State licenses to possess and secure firearms of third persons.

**“Firearm.”** Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

**“Safekeeping permit.”** A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

**“Sheriff.”**

(1) Except as provided in paragraph (2), the sheriff of the county.

(2) In a city of the first class, the chief or head of the police department.

**“Weapon.”** Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other

components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

**Section 6108.1. Return of relinquished firearms, other weapons and ammunition and additional relief.**

**(a)** General rule. Any court order requiring the relinquishment of firearms, other weapons or ammunition shall provide for the return of the relinquished firearms, other weapons or ammunition to the defendant upon expiration of the order or dismissal of a petition for a protection from abuse order. The defendant may take custody of the firearms, other weapons and ammunition provided that the defendant is otherwise eligible to lawfully possess the relinquished items. The defendant shall not be required to pay any fees, costs or charges associated with the returns, whether those fees, costs or charges are imposed by the Pennsylvania State Police, any local law enforcement agency or any other entity, including a licensed importer, licensed manufacturer or licensed dealer in order to secure return of the relinquished firearms, other weapons or ammunition. The sheriff's or the appropriate law enforcement agency's office shall maintain a weapons return form that the defendant may fill out and return to the office once a temporary or final protection from abuse order has been dismissed or expires.

**(a.1)** Conditions for return. The following conditions must be satisfied prior to the firearms, other weapons or ammunition being returned to the defendant:

**(1)** The firearms, other weapons or ammunition relinquished must not be evidence of a crime.

**(2)** The defendant or owner must not be otherwise prohibited by applicable Federal or State law, or another condition, including, but not limited to, bail, from taking possession of the firearms, other weapons or ammunition seized.

**(3)** The defendant or owner must have been given a clearance by the Pennsylvania State Police Instant Check System Unit or through the National Instant Criminal Background Check System (NICS), requested by the sheriff's office.

**(a.2)** Notice to plaintiff. The plaintiff of the protection from abuse order shall be notified of the defendant's request to return the firearms, other weapons or ammunition.

**(a.3)** Petition for return. If there is a determination under subsection (a.1) that the defendant is ineligible to regain possession of the firearms, other weapons or ammunition, the defendant or owner may file a petition appealing that determination and seeking their return. A copy of the petition must be served upon the plaintiff, sheriff and the district attorney.

**(a.4)** Abandonment. Any firearms, other weapons or ammunition shall be deemed abandoned when the conditions under 18 Pa.C.S. § 6128(a) (relating to abandonment of firearm, weapon or ammunition) are satisfied and may then be disposed of in accordance with 18 Pa.C.S. § 6128.

**(b)** Modification of court's order providing for return of relinquished firearm, other weapon or ammunition.

Any other person may petition the court to allow for the return of that other person's firearms, other weapons and ammunition prior to the expiration of the court's order. The petition shall be served upon the plaintiff, and the plaintiff shall be given notice and an opportunity to be heard regarding that petition.

**(c)** Modification of court's order to provide for alternative means of relinquishing firearms, other weapons or ammunition. The defendant may petition the court for modification of the order to provide for an alternative means of relinquishment in accordance with this chapter. The petition shall be served upon the plaintiff, and the plaintiff shall have an opportunity to be heard at the hearing as provided in subsection (d). Where the court orders a modification pursuant to this subsection providing for alternative means of relinquishment, the sheriff shall proceed as directed by the court.

**(d)** Hearing. Within 10 business days of the filing of any petition under this section, a hearing shall be held before the court.

**(e)** Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Other person."** Any person, except the defendant, who is the lawful owner of a firearm, other weapon or ammunition relinquished pursuant to this chapter.

**"Safekeeping."** The secure custody of a firearm, other weapon or ammunition ordered relinquished by an active protection from abuse order.

**Section 6108.2. Relinquishment for consignment sale, lawful transfer or safekeeping.**

**(a)** General rule. Notwithstanding any other provision of law, a defendant who is the subject of a final protection from abuse order, which order provides for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect, may, within the time frame specified in the order and in lieu of relinquishment to the sheriff or the appropriate law enforcement agency, relinquish to a dealer licensed pursuant to 18 Pa.C.S. § 6113 (relating to licensing of dealers) any firearms, other weapons or ammunition for consignment sale, lawful transfer or safekeeping. The

dealer may charge the defendant a reasonable fee for accepting relinquishment and for storage of any firearms, other weapons or ammunition.

**(b) Affidavit.** A defendant relinquishing firearms, other weapons or ammunition to a dealer pursuant to subsection (a) shall obtain an affidavit from the dealer on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:

**(1)** The caption of the case in which the protection from abuse order was issued.

**(2)** The name, address, date of birth and Social Security number of the defendant.

**(3)** A list of the firearms, other weapons or ammunition, including, if applicable, the manufacturer, model and serial number.

**(4)** The name and license number of the dealer licensed pursuant to 18 Pa.C.S. § 6113 and the address of the licensed premises.

**(5)** An acknowledgment that the firearms, other weapons or ammunition will not be returned to the defendant or sold or transferred to a person the dealer knows is a member of the defendant's household, while the defendant is the subject of an active protection from abuse order pursuant to § 6108, which order provides for the relinquishment of the firearm, other weapon or ammunition being returned, sold or transferred.

**(6)** An acknowledgment that the firearms, other weapons or ammunition, if sold or transferred, will be sold or lawfully transferred in compliance with 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).

**(c) Failure to provide affidavit.** A defendant relinquishing firearms, other weapons or ammunition to a dealer pursuant to subsection (a) shall, within the time frame specified in the order for relinquishing firearms, other weapons or ammunition, provide to the sheriff the affidavit obtained pursuant to subsection (b) and relinquish to the sheriff any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, in an affidavit provided in accordance with § 6108(a)(7)(i)(B) (relating to relief) or in an acknowledgment of receipt from a third party provided to the sheriff pursuant to § 6108.3 (relating to relinquishment to third party for safekeeping). If the defendant fails to comply with this subsection, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

**(d) Form.** The Pennsylvania State Police shall develop and make available a form to be used by dealers to accept possession of firearms, other weapons and ammunition for consignment sale, lawful transfer or safekeeping pursuant to this section.

**(e) Transfer upon entry of final order.** Upon entry of a final protection from abuse order issued pursuant to § 6108, a defendant who had relinquished firearms, other weapons or ammunition to the sheriff pursuant to a temporary order may request that the firearms, other weapons or ammunition be relinquished to a dealer for consignment sale, lawful transfer or safekeeping pursuant to this section. If the defendant can identify a licensed dealer willing to accept the firearms, other weapons or ammunition in compliance with this section, the court shall order the sheriff to transport the firearms, other weapons or ammunition to the licensed dealer at no cost to the defendant or the licensed dealer.

**(f) Nondisclosure.** The affidavit obtained under subsection (c) shall not be subject to access under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

**(g) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Safekeeping."** The secure custody of firearms, other weapons or ammunition ordered relinquished by an active protection from abuse order.

**"Sale or lawful transfer."** Any sale or transfer to a person other than the defendant or a member of the defendant's household which is conducted in accordance with 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).

### **Section 6108.3. Relinquishment to third party for safekeeping.**

**(a) General rule.** A defendant who is the subject of a protection from abuse order, which order provides for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect, may, within the time frame specified in the order and in lieu of relinquishment to the sheriff, relinquish any firearms, other weapons or ammunition for safekeeping to a third party who meets the requirements of a third party under subsection (b)(3).

**(b) Transfer to third party.**

**(1)** A defendant wishing to relinquish firearms, other weapons or ammunition to a third party pursuant to subsection (a) shall, within the time frame specified in the order for relinquishing firearms, other weapons and ammunition, report to the sheriff's office in the county where the order was entered along with the third party.

**(2)** Upon determination by the sheriff that the third party is not prohibited from possessing firearms, other weapons or ammunition pursuant to any Federal or State law and after the defendant and third party have executed the affidavits required under paragraph (3), the sheriff shall issue a safekeeping permit to the third party, which shall include, at a minimum, a list of the firearms, other weapons and ammunition which will be relinquished to the third party. The permit shall be issued at no cost to the third party or defendant. The permit shall require the third party to possess the defendant's firearms, other weapons and ammunition until the time that:

- (i)** the sheriff revokes the safekeeping permit pursuant to subsection (c)(1); or
- (ii)** the sheriff accepts return of the safekeeping permit pursuant to subsection (d).

**(3)**

**(i)** A defendant wishing to relinquish firearms, other weapons or ammunition to a third party pursuant to subsection (a) shall, in the presence of the sheriff or the sheriff's designee, execute an affidavit on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:

- (A)** The caption of the case in which the protection from abuse order was issued.
- (B)** The name, address, date of birth and the Social Security number of the defendant.
- (C)** The name, address and date of birth of the third party.
- (D)** A list of the firearms, other weapons and ammunition which will be relinquished to the third party, including, if applicable, the manufacturer, model and serial number.
- (E)** An acknowledgment that the defendant will not take possession of any firearm, other weapon or ammunition relinquished to the third party until the sheriff accepts return of the safekeeping permit pursuant to subsection (d).
- (F)** A plain-language summary of 18 Pa.C.S. § 6105(a.1)(2) and (c)(6) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).
- (G)** A plain-language summary of 18 U.S.C. § 922(g)(8) (relating to unlawful acts).

**(ii)** A third party who will be accepting possession of firearms, other weapons and ammunition pursuant to subsection (a) shall, in the presence of the sheriff or the sheriff's designee, execute an affidavit on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:

- (A)** The caption of the case in which the protection from abuse order was issued.
- (B)** The name, address and date of birth of the defendant.
- (C)** The name, address, date of birth and the Social Security number of the third party.
- (D)** A list of the firearms, other weapons and ammunition which will be relinquished to the third party, including, if applicable, the manufacturer, model and serial number.
- (E)** An acknowledgment that no firearm, other weapon or ammunition relinquished to the third party will be returned to the defendant until the sheriff accepts return of the safekeeping permit pursuant to subsection (d).
- (F)** A plain-language summary of 18 Pa.C.S. §§ 6105(a.1)(5) and (c)(6), 6111(c) (relating to sale or transfer of firearms) and 6115 (relating to loans on, or lending or giving firearms prohibited).
- (G)** A plain-language summary of this section.
- (H)** An acknowledgment that the third party is not prohibited from possessing firearms, other weapons or ammunition pursuant to any Federal or State law.
- (I)** An acknowledgment that the third party is not subject to an active protection from abuse order.
- (J)** An acknowledgment that the defendant has never been the subject of a protection from abuse order issued on behalf of the third party.
- (K)** An acknowledgment that any firearms, other weapons and ammunition relinquished to the third party will be stored using a locking device as defined in paragraph (1) of the definition of "locking device" in 18 Pa.C.S. § 6142(f) (relating to locking device for firearms) or in a secure location to which the defendant does not have access.
- (L)** A detailed description of the third party liability pursuant to this section relating to civil liability.
- (M)** An acknowledgment that the third party shall inform the sheriff of any change of address for the third party within seven days of the change of address.
- (N)** An acknowledgment that the third party and the defendant are not family or household members.

**(O)** An acknowledgment that the third party is one of the following:

**(I)** An attorney at law, and further acknowledgment that the attorney at law and the defendant are in an attorney-client relationship. The attorney at law and the defendant shall sign a written agreement stating in substantially the following form: "Firearm(s) can be relinquished to the attorney at law upon the express, written condition that firearm(s) will be returned to the defendant, or otherwise transferred, only if in strict conformance with applicable law."

**(II)** A commercial armory, and further acknowledgment that the owner or operator or operator of the commercial armory is not a family or household member of the defendant; the commercial armory is a secure storage facility designed to store firearms; the commercial armory possesses all Federal and State licenses to store firearms; and a form stating substantially the following: "Firearms can be relinquished to the commercial armory upon the express, written condition that firearm(s) will be returned, or transferred, to the defendant only in strict conformance with applicable law."

**(4)** The defendant shall, within the time frame specified in the order and in lieu of relinquishment to the sheriff, relinquish the firearms, other weapons and ammunition specified in the affidavits provided to the sheriff pursuant to paragraph (3) to the third party who has been issued a safekeeping permit pursuant to paragraph (2). Upon relinquishment of the firearms to the third party, the third party shall sign an acknowledgment of receipt on a form prescribed by the Pennsylvania State Police, which shall include, at a minimum, an acknowledgment that the firearms were relinquished to the third party within the time frame specified in the order.

**(5)** Within 24 hours of the issuance of the safekeeping permit issued to the third party pursuant to paragraph (2) or by close of the next business day as necessary due to the closure of the sheriff's office, the defendant shall return the signed acknowledgment of receipt required under paragraph (4) to the sheriff in the county where the order was entered.

**(6)** If the defendant fails to provide the acknowledgment of receipt to the sheriff as required under paragraph (5), an affidavit prepared in accordance with § 6108(a)(7)(i)(B) (relating to relief), an affidavit under § 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or fails to relinquish any firearms, other weapons or ammunition, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

**(c)** Revocation of safekeeping permit.

**(1)** The sheriff shall revoke a third party's safekeeping permit and require the third party to relinquish to the sheriff any firearms, other weapons or ammunition which were relinquished to the third party by a defendant pursuant to subsection (a) upon determining or being notified that any of the following apply:

**(i)** A protection from abuse order has been entered against the third party.

**(ii)** The third party is prohibited from possessing firearms, other weapons or ammunition pursuant to any Federal or State law.

**(iii)** The defendant has been convicted of a violation of 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or any other offense involving the use of a firearm.

**(iv)** The defendant has been held in indirect criminal contempt for violating a provision of the protection from abuse order consistent with § 6108(a)(1), (2), (6), (7) or (9) (relating to relief).

**(2)** Upon revocation of a safekeeping permit, the sheriff shall seize the safekeeping permit and all of the defendant's firearms, other weapons and ammunition which were relinquished to the third party. If revocation of the safekeeping permit was:

**(i)** Required pursuant to paragraph (1)(i) or (ii), the sheriff shall notify the defendant that the firearms, other weapons and ammunition which were relinquished to the third party are in the sheriff's possession and that the defendant may report to the sheriff's office in order to relinquish the firearms, other weapons and ammunition to a subsequent third party pursuant to this section or to a licensed dealer pursuant to § 6108.2.

**(ii)** Required pursuant to paragraph (1)(iii) or (iv), the sheriff shall maintain possession of the firearms, other weapons and ammunition until the defendant is no longer prohibited from possessing firearms, other weapons and ammunition pursuant to any Federal or State law unless:

**(A)** the defendant has the firearms, other weapons and ammunition relinquished to a licensed dealer pursuant to § 6108.2; or

**(B)** the sheriff is directed to relinquish the firearms, other weapons and ammunition pursuant to a court order.

**(d)** Return of safekeeping permit.

(1) Following expiration of a protection from abuse order, which order provided for the relinquishment of firearms, other weapons or ammunition, the defendant and the third party shall report to the sheriff's office to return the safekeeping permit. Upon a determination by the sheriff that the defendant is:

(i) Not prohibited from possessing firearms, other weapons and ammunition, the sheriff shall accept the return of the safekeeping permit, and the third party shall relinquish to the defendant all of the defendant's firearms, other weapons and ammunition which were relinquished to the third party pursuant to this section.

(ii) Prohibited from possessing a firearm, other weapon or ammunition pursuant to any Federal or State law, the sheriff shall accept return of the permit and seize from the third party all of the defendant's firearms, other weapons and ammunition which were relinquished to the third party pursuant to this section. The sheriff shall return to the defendant any firearm, other weapon or ammunition which the defendant is lawfully entitled to possess.

(2) Upon issuance of a court order pursuant to 18 Pa.C.S. §§ 6105(f)(2) or 6108.1(b) (relating to return of relinquished firearms, other weapons and ammunition and additional relief) which modifies a valid protection from abuse order by allowing the defendant to take possession of a firearm, other weapon or ammunition that had previously been ordered relinquished, the defendant and the third party shall report to the sheriff's office to return the safekeeping permit. The sheriff shall proceed as directed by the court order.

(3) If a third party wishes to relinquish the defendant's firearms, other weapons and ammunition prior to return of the safekeeping permit pursuant to paragraph (1), the sheriff shall accept return of the safekeeping permit and shall seize all of the defendant's firearms, other weapons and ammunition from the third party. The sheriff shall notify the defendant that the firearms, other weapons and ammunition which were relinquished to the third party are in the sheriff's possession and that the defendant may relinquish the firearms, other weapons and ammunition to a subsequent third party pursuant to this section or to a licensed dealer pursuant to § 6108.2.

(e) Civil liability. A third party who intentionally or knowingly violates any of the provisions of this section shall, in addition to any other penalty prescribed in this chapter or 18 Pa.C.S. Ch. 61, be civilly liable to any person for any damages caused thereby and, in addition, shall be liable to any person for punitive damages in an amount not to exceed \$5,000, and the court shall award a prevailing plaintiff a reasonable attorney fee as part of the costs.

(f) Forms. The Pennsylvania State Police shall develop and make available:

(1) Forms to be used by sheriffs to issue safekeeping permits pursuant to subsection (b)(2).

(2) Affidavit forms and receipt forms to be used by defendants and third parties as required under subsection (b)(3) and (4).

(g) Transfer upon final entry. A defendant who has previously relinquished firearms, other weapons or ammunition to the sheriff pursuant to a temporary order shall be permitted to have the firearms, other weapons and ammunition relinquished to a third party pursuant to this section following entry of a final protection from abuse order, which order provides for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect.

(h) Nondisclosure. All copies of the safekeeping permit issued under subsection (b)(2) retained by the sheriff and the affidavits and forms obtained under subsection (b)(3) and (4) shall not be subject to access under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(i) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"**Safekeeping.**" The secure custody of firearms, other weapons or ammunition which were ordered relinquished by an active protection from abuse order.

"**Third party.**" A person, other than the defendant, who:

(1) Is not a member of the defendant's household.

(2) Is not prohibited from possessing firearms pursuant to any Federal or State law.

#### **Section 6108.6. Penalty for failure to secure firearms.**

In addition to any other penalty provided by 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act), a commercial armory which violates the provisions of this chapter regarding safekeeping shall forfeit all Federal and State licenses related to firearms.

## **Firearms and Fireworks**

### **Section 16582. Manufacture in the built-up portion**

It shall not be lawful for any person or association or corporation to manufacture any species of pyrotechnic or fireworks, cartridges, nor any kind of fixed ammunition, in the built-up portions of the city of Philadelphia.

### **Title 18 – Crimes and Offenses Part II – Definition of Specific Offenses**

#### **Article G – Miscellaneous Offenses**

#### **Chapter 61 – Firearms and Other Dangerous Articles**

### **Subchapter A – Uniform Firearms Act Section 6120. Limitation on the regulation of firearms and ammunition.**

**(a)** General rule. No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

**(a.1)** No right of action.

**(1)** No political subdivision may bring or maintain an action at law or in equity against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement, injunctive relief or any other relief or remedy resulting from or relating to either the lawful design or manufacture of firearms or ammunition or the lawful marketing or sale of firearms or ammunition to the public.

**(2)** Nothing in this subsection shall be construed to prohibit a political subdivision from bringing or maintaining an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision.

**(b)** Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Dealer."** The term shall include any person engaged in the business of selling at wholesale or retail a firearm or ammunition.

**"Firearms."** This term shall have the meaning given to it in § 5515 (relating to prohibiting of paramilitary training) but shall not include air rifles as that term is defined in § 6304 (relating to sale and use of air rifles).

**"Political subdivision."** The term shall include any home rule charter municipality, county, city, borough, incorporated town, township or school district.

### **Abington Township (Montgomery County) Code of Ordinances**

Current through May 10, 2018.

#### **Chapter 83 – Firearms and Other Weapons**

#### **Article IV – Rifles and Air Rifles**

### **Section 83-11. Sale to certain minors prohibited; penalty.**

Whoever knowingly and willfully sells or causes to be sold or supplies or furnishes to any person under 18 years of age any rifle, air rifle or air gun of any description in the Township of Abington shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding \$50, and in default of the payment of such fine and costs shall be sentenced to imprisonment in the county jail not exceeding 10 days.

### **Amity Township (Berks County) Code of Ordinances**

Current through February 6, 2019

#### **Chapter 7 – Conduct**

### **Section 7-108. Firearms.**

No person shall sell, offer to sell or discharge any air rifle, pistol, revolver, shotgun, rifle or any long gun within the geographic limits of the Township of Amity unless the sale, offer of sale or discharge of such a firearm is in strict compliance with the applicable laws of the Commonwealth of Pennsylvania.

### **Bethel Township (Delaware County) Code of Ordinances**

Current through December 21, 2016.

#### **Chapter 372 – Special Events**

### **Section 372-1. Definitions.**

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

**Special Event.** Any outdoor activity, show, carnival, gathering, or meeting, other than regularly conducted church and school activities, which occur upon public property, roads or rights-of-way, including but not limited to social gatherings, special appearances, promotional activities, foot races, block party and bicycle races.

**Section 372-5. Prohibited.**

H. Any possession, sale or use of firearms.

**Bethlehem Township (Northampton County) Code of Ordinances**

Current through April 16, 2018.

**Chapter 275 – Zoning**

**Article XI – OB Office/Business District**

**Section 275-89. Specifically prohibited uses.**

B. All of the following uses are prohibited:

(4) Explosives, fireworks, ammunition and gunpowder manufacture or bulk storage (except storage within a U.S. military or state-owned facility).

**Article XII. GI General Industrial District**

**Section 275-97. Specifically prohibited uses.**

B. All of the following uses are prohibited:

(4) Explosives, fireworks, ammunition and gunpowder manufacture or bulk storage (except storage within a U.S. military or state-owned facility).

**Bonneauville Borough (Adams County) Code of Ordinances**

Current through December 18, 2018.

**Chapter 255 – Zoning**

**Attachment 3. Table of Allowable Uses**

Key:

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Borough Council)

N = Not permitted

**Primarily Business Zoning Districts**

Types of Uses	Zoning Districts	
(See definitions in Article II)	V	C
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:		
Explosives, fireworks or ammunition	N	N

**Boyertown Borough (Berks County) Code of Ordinances**

Current through December 26, 2018.

**Chapter 196 – Zoning**

**Article 3 – Districts**

**Section 306.B.2. Allowed uses in primarily business zoning districts.**

Types of Uses	Zoning Districts				Page No.
	TC	VC	LI & GI/Q	GC	
(See definitions in Article 2)					4-18
e. Industrial Uses					
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
Explosives, fireworks or ammunition	N	N	SE in GI/Q	N	

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Borough Council/Board of Supervisors/Board of Commissioners)

N – Not permitted

**Bradford City (McKean County) Code of Ordinances**  
Current though June 25, 2019.

**Chapter 22 – Zoning**  
**Article XIII – Granting Uses by Special Exception**

**Section 220-90. Standards for specific uses.**

P. Home occupation, subject to:

(16) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:

(I) Sale of guns, firearms and ammunition;

**Bridgeport Borough (Montgomery County) Code of Ordinances**  
Current through June 11, 2019.

**Chapter 560 – Zoning**  
**Article III – Districts**

**Section 560-24. Table of permitted uses by district.**

Key:

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (decision by Zoning Hearing Board)

C = Conditional use

N = Not permitted

560 Attachment 2  
Primarily Nonresidential Districts

Types of Uses (See definitions in Article II)	Zoning Districts			
	NC	GC	LIC AND LIC(R)	GIC
b. Commercial uses				
Firearms Sales	N	N	N	P
c. Industrial uses				
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:				
Explosives and ammunition	N	N	N	N

**Section 560-27. Mixed use Riverfront District.**

Table 1  
Types of Uses in the Mixed Use Riverfront District

Types of Uses (See definitions in Article II)	Permitted Use	Conditional Use
Commercial uses		
Retail store (not including individual uses such as firearms sales and adult uses)	Y	

**Bridgeville Borough (Allegheny County) Code of Ordinances**  
Current through December 14, 2015.

**Chapter 27 – Zoning**  
**Part 9 – Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception**

**Section 903. Standards for specific uses.**

**903.18** Home Occupations, subject to:

R. The following uses shall not be considered home occupations and shall be limited to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:

(14) Sale of guns, firearms and ammunition;

**Carlisle Borough (Cumberland County) Code of Ordinances**  
Current through June 13, 2019.

**Chapter 255 – Zoning**  
**Article XIV – I-1 General Industrial District**

**Section 255-100. Prohibited uses.**

All of the following uses are specifically prohibited:

- D. Explosives, fireworks, ammunition and gunpowder manufacture.

**Carroll Township (Washington County) Code of Ordinances**  
Current through July 5, 2016.

**Chapter 260 – Zoning**  
**Article XI – C-1 General Commercial District**

**Section 260-38. Special exception provisions.**

The following special exceptions may be authorized by the Zoning Hearing Board, pursuant to the standards and criteria specified herewith:

- D. Retail sales of firearms and associated equipment.

- (1) Applicant must file, receive and present to the Zoning Hearing Board a valid license for the sale of firearms, under 18 U.S.C. § 923, prior to commencement of business.
- (2) Advertisement and location signage shall be limited to one sign not exceeding 12 square feet in area.
- (3) On-site activity shall be limited to display and sale of firearms and associated equipment only. No firing of firearms shall be permitted on site.

**Catasauqua Borough (Lehigh County) Code of Ordinances**  
Current through September 3, 2019.

**Chapter 280 – Zoning**  
**Article III – Establishment of Regulation of Districts**

**Section 280-25. Table of permitted uses by district.**

P = Permitted-by-right use (zoning decision by Zoning Officer).  
SE = Special exception use (zoning decision by Zoning Hearing Board).  
N = Not permitted.

280 Attachment 2  
Primarily Nonresidential Districts

Types of Uses (See definitions in Article II)	Zoning Districts							
	DC	CG	TC	IO & A	O	INS-1	INS-2	W
Industrial uses								
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:								
Explosives, fireworks or ammunition	N	N	N	N	N	N	N	N

**Charleroi Borough (Washington County) Code of Ordinances**  
Current through December 27, 2018.

**Chapter 300 – Streets and Sidewalks**  
**Article IV – Display of Goods on Sidewalks**

**Section 300-29. Display requirements.**

A person and/or entity intending to display goods on sidewalks within the C-3 Community Business Zoning District shall:

- L. Not display firearms, long guns, rifles and/or prohibited offensive weapons, as defined in the Pennsylvania Crimes Code

**Cheltenham Township (Montgomery County) Code of Ordinances**

Current through December 19, 2018

**Chapter 143 – Firearms**

**Section 143-1. Definitions.**

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

**Firearm** Shall have the definition given to it by 18 Pa.C.S.A. § 6102. If the definition of “firearm” set forth in 18 Pa.C.S.A. § 6102 is amended after the effective date of this chapter, this definition shall be automatically amended to reflect the definition of “firearm” in 18 Pa.C.S.A. § 6102.

**Report** Verbal or written communication to the Cheltenham Township Police Department that a firearm is lost or stolen and which results in a written report prepared by the Police Department.

**Section 143-2. Reporting of lost or stolen firearms required.**

Any person who is the owner of a firearm, last known to be located within Cheltenham Township, which is lost or stolen is required to report the loss or theft of the firearm to the Cheltenham Township Police Department within 72 hours after discovery of the loss or theft. Failure to so report a lost or stolen firearm is a violation of this section subject to the penalties set forth under this chapter.

**Section 143-3. Violations and penalties.**

Any person who shall violate any of the provisions of this chapter shall be liable, upon conviction therefor for each firearm, to a penalty not exceeding \$1,000 for each count and every offense, and in default of payment, to imprisonment for a term not to exceed 30 days. Such penalties shall be prosecuted and collected before any Magisterial District Judge as like penalties are now by law prosecuted and collected.

**Chestnuthill Township (Monroe County) Code of Ordinances**

Current through July 16, 2019.

**Chapter 119 – Zoning**

**Article III – Establishment and Regulation of Districts**

**Section 119-27. Table of permitted uses by district.**

A. For the purposes of this § 119-27, the following abbreviations shall have the following meanings:

- P = Permitted by right (zoning decision by Zoning Officer).
- SE = Special exception use (zoning decision by Zoning Hearing Board).
- C = Conditional use (zoning decision by Board of Supervisors).
- N = Not permitted.

119 Attachment 2

Types of Uses (See definitions in Article II)	Zoning Districts											
Manufacturing, industrial and similar uses	CR	RR	R-1	R-S	R-2	R-3	VC	GC	LIC	GI	BP	I
Explosives, fireworks or ammunition production	N	N	N	N	N	N	N	N	N	C	N	N

**Columbia Borough (Lancaster County) Code of Ordinances**

Current through April 9, 2019.

**Chapter 220 – Zoning**

**Article III – District Regulations**

**Section 220-25. Table of permitted uses by district.**

A. For the purposes of this section, the following abbreviations shall have the following meanings:

- P = Permitted by right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not Permitted



**Crafton Borough (Allegheny County) Code of Ordinances**  
Current through August 12, 2019.

**Chapter 109 – Firearms and Other Weapons**

**Section 109-4. Copy of Borough regulations to be issued with weapons sale.**

Every person, firm or corporation engaged in selling or offering for sale within the limits of the Borough any rifle, shotgun, revolver, flobert rifle or air gun shall issue a copy of this chapter with each sale.

**Section 109-5. Violations and penalties.**

**A.** Any person, firm or corporation who violates a provision of this chapter, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$300 nor more than \$1,000 for each violation, plus costs, and, in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.

**B.** A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this chapter found to have been violated. All fines and penalties for the violation of this chapter shall be paid to the Borough Treasurer.

**C.** The Borough may also commence appropriate actions in equity, at law or other to prevent, restrain, correct, enjoin, or abate violations of this chapter.

**D.** The initial determination of chapter violation and the service of notice of violation are hereby delegated to the Borough Manager, Police Chief, Building Inspector, the Code Enforcement Officer and their designees and to any other officer or agent that the Borough Manager or the Borough Council shall deem appropriate.

**Dover Township (York County) Code of Ordinances**

Current through 2019 S-4.

**Chapter 27 – Zoning**

**Part 6 – Specific Standards for Uses**

**Section 27-632. Home occupations.**

... Firearm sales are allowed in all zones except residential.

**East Goshen Township (Chester County) Code of Ordinances**

Current through June 18, 2019.

**Chapter 240 – Zoning**

**Article V – Supplemental Regulations**

**Section 240-32. Accessory uses.**

**J.** Home occupation.

(7) Uses not permitted. The following occupations/businesses are expressly not allowed as a home occupation and such uses will not be granted a permit or conditional use approval as a home occupation:

(v) Sale, manufacture or transfer of firearms.

**Economy Borough (Beaver County) Code of Ordinances**

Current through May 24, 2016.

**Chapter 180 – Zoning**

**Article XI – Express Standards and Criteria for Granting conditional Uses and Uses by Special Exception**

**Section 180-66. Standards for specific uses.**

**T.** Home occupation, subject to:

(17) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:

(n) Sale of guns, firearms and ammunition.

**Elizabethtown Borough (Lancaster County) Code of Ordinances**  
Current through December 20, 2018.

**Chapter 27 – Zoning**  
**Part 14 – Special Exception Uses**

**Section 1410. Home occupation.**

8. A home occupation shall under no circumstances be interpreted to include ..., weapons sales or repairs, restaurant, funeral parlor or animal hospital.

**Emmaus Borough (Lehigh County) Code of Ordinances**  
Current through August 19, 2019.

**Chapter 27 – Zoning**  
**Part 3 – Districts**

**Section 27-306. Table of permitted uses by zoning district.**

1. For the purposes of this § 27-306, the following abbreviations shall have the following meanings:

- P = Permitted by right (zoning decision by Zoning Officer)
- C = Conditional use (zoning decision by Borough Council with review by Planning Commission)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not Permitted

27 Attachment 2

Types of Uses (See Definitions in Part 2)	Business Districts			
	B-L	B-H	I-L	B-C
Industrial Uses				
Manufacture and/or bulk processing of the following provided manufacturing occurs only indoors:				
Explosives, fireworks, ammunition or gunpowder or bulk storage of (except government owned facility)	N	N	N	N

**Ephrata Borough (Lancaster County) Code of Ordinances**  
Current through August 12, 2019.

**Chapter 319 – Zoning**  
**Article IV - Allowed Uses in Primarily Non-Residential Districts**

**Section 319-14. Allowed Uses in Primarily Non-Residential Districts.**

Types of Uses (See definitions in Article XV)	Zoning Districts				
	HCD	CBD****	NCD*** & NCD2	LCI	GIC
e. Industrial Uses					
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
Explosives, Fireworks or Ammunition	N	N	N	N	SE

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(See 319-26.A.\_\_\_\_ or 319-27.D.\_\_\_\_) = See Additional Requirements in Sections 319-26 or 319-27

\*\*\* = See limits on hours of operation in Section 319-18.

\*\*\*\* = See additional requirements in Section 319-14.B. for areas that are also within the Retail Overlay District.

**Forest Hills Borough (Lehigh County) Code of Ordinances**

Current through January 16, 2019.

**Chapter 6 – Conduct**

**Part 4 – Discharge of Firearms**

**Section 6-404. Copy of borough regulations to be issued with weapons sale.**

Every person, firm or corporation engaged in selling or offering for sale within the limits of the Borough any rifle, shotgun, revolver, flobert rifle or air gun shall issue a copy of this Part with each sale.

**Section 6-405. Penalties.**

1. Any individual, firm, corporation or entity who violates, causes or permits the violation of any provision of this chapter, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs, and to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and for each section of this Part found to have been violated. In addition to any other remedy available under law, the Borough may enforce this Part by an action in equity. All fines and penalties collected for violation of this Part shall be paid to the Borough Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Borough Manager, Police Chief, Code Enforcement Officer and their designees and to any other officer or agent that the Borough Manager or the Borough Council shall deem appropriate.

2. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

**Harrisburg City (Dauphin County) Code of Ordinances**

Current through July 3, 2018.

**Chapter 3-345 – Weapons and Explosives**

**Section 3-345.1. Possession of firearms by minors.**

It shall be unlawful for any minor under the age of 18 years to have in his or her possession, except in his or her place of residence, any firearm, flobert rifle, air gun, spring gun or any implement which impels with force a metal pellet of any kind, unless said minor is accompanied by an adult.

**Section 3-345.4. Lost and stolen firearms.**

**A.** Any person who is the owner of a firearm that is lost or stolen shall report the loss or theft of that firearm to an appropriate local law enforcement official within 48 hours after discovery of the loss or theft

**B.** For the purpose of this section, the term "**firearm**" shall be defined as any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt, or cylinder, whichever is applicable.

**Hatfield Borough (Montgomery County) Code of Ordinances**

Current through June 12, 2019.

**Chapter 27 – Zoning**

**Part 9 – Supplemental Regulations**

**Section 27-904. Home occupations.**

1. The following home occupations shall be permitted within single-family detached and twin dwellings within any zoning district, in compliance with the standards in Subsection 2 and all other applicable requirements of this chapter.

**J.** Home occupations shall not include any of the following: ..., firearm sales, retail sales other than of custom arts and crafts produced on the premises, and similar uses.

**Haverford Township (Delaware County) Code of Ordinances**  
Current through July 8, 2019.

**Chapter 83 – Firearms, Fireworks and Other Weapons**  
**Article I – Discharge of Firearms**

**Section 83-1. Discharge prohibited; reporting of lost or stolen firearms; exceptions.**

**A. Definition.** The definition of "firearm," for purposes of this section, shall be as stated in 18 Pa.C.S.A. § 6102, as amended.

**C. Duty to report.** An owner or other person lawfully in possession of a firearm within Haverford Township who suffers the loss or theft of a firearm shall, within 24 hours of the discovery of the loss or theft, report the loss or theft, including the facts and circumstances of the loss or theft, to the Haverford Township Police Department or to the Pennsylvania State Police.

**Article IV – Rifles and Air Rifles**

**Section 83-11. Sale to certain minors prohibited; penalty.**

Whoever knowingly and willfully sells or causes to be sold or supplies or furnishes to any person under 18 years of age any rifle, air rifle or air gun of any description in the Township of Haverford shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding \$1,000 and, in default of the payment of such fine and costs, shall be sentenced to imprisonment in the county jail for not exceeding 30 days.

**Hellertown Borough (Northampton County) Code of Ordinances**  
Current through January 7, 2019.

**Chapter 450 – Zoning**  
**Article III - Definitions**

**Section 450-7. Definitions; word usage.**

**H. Definition of terms.** As used in this chapter, the following terms shall have the meanings indicated:

**Gun Shop.** An establishment which sells/trades/exchanges any weapon which is designed to or may readily be converted to expel, release or propel any projectile by the action of an explosive; or the frame or receiver of any such weapon. The term "weapon" includes shotgun, airgun, air pistol, spring gun, spring pistol, rifle and pistol of any caliber or any implement which impels with force a pellet, pellets or single projectile of any kind.

**Appendix A. Summary Table of Uses by District**

Key:

- P – Permitted Use
- SE – Special Exception Use
- A – Accessory Use
- C – Conditional Use
- Not Permitted

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	Residential	Residential	Mixed	Town Center	Shopping Center	Industrial	Conservation	Highway Commercial
Uses	R-1	R-2	M	TC	SC	I	C	HC
Commercial								
Gun shop				P				

**Honey Brook Borough (Chester County) Code of Ordinances**  
Current through October 7, 2019.

**Chapter 27 – Zoning**  
**Part 10 – Supplemental Use Regulations**

**Section 27-1045. Outdoor farm market.**

**A.** An Outdoor Farm Market shall meet the following standards and regulations:

5. Items to be sold at the outdoor market shall exclude any products of a national chain or franchise, alcoholic beverages, firearms, tobacco, motor vehicles, antiques, collectables, adult toys or novelties, or any other product or item that is not consistent with the definition of outdoor farmers market contained in Part 2. of this Chapter.

**Honey Brook Township (Chester County) Code of Ordinances**  
Current through June 12, 2019.

**Chapter 27 – Zoning**  
**Part 10 – Supplemental Use Regulations**

**Section 27-1030. Outdoor farm market.**

A. An outdoor farm market shall meet the following standards and regulations:

5. Items to be sold at the outdoor market shall exclude any products of a national chain or franchise, alcoholic beverages, firearms, tobacco, motor vehicles, antiques, collectables, adult toys or novelties, or any other product or item that is not consistent with the definition of outdoor farmers market contained in Part 2. of this Chapter.

**Hughesville Borough (Lycoming County) Code of Ordinances**  
Current through September 9, 2019.

**Chapter 6 – Conduct**  
**Part 3 - Sale, Possession and Use of Offensive Weapons**

**Section 61. Sale of Weapons Prohibited to Minors.**

1. Except as hereinafter provided, it shall be unlawful for any person, copartnership, association or corporation to offer for sale or sell or cause to be sold to any person under 18 years of age any deadly weapons, prohibited offensive weapon, cartridge, gunpowder, or other similar dangerous explosives, nunchucks (pieces of wood or other substance attached to chain, cable or cord,) shirekins (throwing stars) or butterfly knives.
2. Exception. The provisions of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of the Game Law.

**Section 62. Prohibited Offensive Weapons.**

1. It shall be unlawful for any person, copartnership, association or corporation, except as authorized by law, to make, repair, sell or otherwise deal in, use or possess any offensive weapon as herein defined.
2. Exception. It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

**Section 63. Definitions.**

1. **Deadly Weapons.** Means anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful use which it may have. The term includes a firearm which is not loaded or lacks a clip or other component to render it immediately operable, and components which can readily be assembled into a weapon.
2. **Prohibited Offensive Weapon.** Means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

**Section 65. Penalty for Violation.**

Any person, copartnership, association or corporation violating the provisions of this Part shall be guilty of a summary offense, and upon conviction thereof, shall be punished by a fine not exceeding \$100 or in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, by imprisonment in the county jail not exceeding 30 days or by other such fine and imprisonment.

**Huntingdon Borough (Huntingdon County) Code of Ordinances**  
Current through September 9, 2018.

**Chapter 13 – Licenses, Permits and General Business Regulations**  
**Part 1 – Alarm Systems for Firearms Vendors**

**Section 13-101. Alarm system required.**

Any person, firm or corporation selling firearms within the Borough of Huntingdon shall be required to install an alarm system which, at a minimum, shall have an audible outside alarm.

**Section 13-102. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

**Chapter 27 – Zoning  
Part 3 – Districts**

**Attachment 2**

Table of Allowed Uses in Primarily Business Zoning Districts

Types of Uses (See Definitions in Part 2)	Zoning Districts			
	C-D	C-N	I-C	C-P
(5) Industrial Uses				
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:				
Explosives, fireworks or ammunition	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)  
 SE = Special exception use (zoning decision by Zoning Hearing Board)  
 C = Conditional use (zoning decision by Borough Council)  
 N = Not Permitted

**Irwin Borough (Westmoreland County) Code of Ordinances**  
 Current through June 13, 2018.

**Chapter 260 – Zoning  
Part 3 – Development Standards  
Article XVIII – General and Express Standards for Special Exceptions**

**Section 260-153. Standards applicable to specific special exceptions.**

**O.** Home occupations. ... Every home-based occupation shall be subject to the following regulations:

- (14) Prohibited home-based businesses are as follows:
  - (h) Firearms manufacturing or sales.
  - (i) Gunsmith.

**Jacobus Borough (York County) Code of Ordinances**  
 Current through December 5, 2018.

**Chapter 250 – Zoning  
Article III – District Regulations**

**Section 250-28. Use regulations.**

**D.** Allowed uses in primarily business zoning districts.

Key:  
 P = Permitted by right use (zoning decision by Zoning Officer).  
 SE = Special exception use (zoning decision by Zoning Hearing Board).  
 C = Conditional use (zoning decision by Borough Council).  
 N = Not permitted.

Types of Uses (See definitions in Article II.)	Zoning Districts		
	C-N	C-G	I-C
Industrial Uses			
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:			
Explosives, fireworks or ammunition	N	N	N

**Jenkintown Borough (Montgomery County) Code of Ordinances**

Current through December 11, 2017.

**Chapter 106 – Lost or Stolen Guns**

**Section 106-2. Required conduct.**

Any person who is the owner of a firearm that is lost or stolen within the Borough shall report the loss or theft of the firearm to the Jenkintown Borough Police Department within 72 hours after discovery of the loss or theft firearm. Failure to so report a lost or stolen firearm is a violation subject to the penalties set forth under this chapter.

**Section 106-3. Definition of firearm.**

For purposes of this chapter, the term "**firearm**" shall mean any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the close action, bolt or cylinder, whichever is applicable. This chapter shall be deemed automatically amended at any time that the definition of "firearm" provided under 18 Pa.C.S.A. § 6102 is amended after the effective date of this chapter, and the definition of "firearm" set forth under 18 Pa.C.S.A. § 6102 shall be deemed the definition controlling the enforcement of this chapter.

**Section 106-5. Penalties for violation.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine not more than \$600 plus all costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

**Lancaster City (Lancaster County) Code of Ordinances**

Current through December 18, 2018.

**Chapter 140 – Firearms and Weapons  
Article I – Reporting of Lost or Stolen Firearms**

**Section 140-1. Requirement for reporting loss or theft.**

Any person who is the owner of a firearm that is lost or stolen shall report the loss or theft to the City of Lancaster Bureau of Police within 72 hours after discovery of the loss or theft.

**Section 140-2. Violation and penalties.**

Any person who violates this chapter shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both.

**Section 140-3. Definition of firearm.**

For purposes hereof, "**firearm**" shall have the definition given to it by 18 Pa.C.S.A. § 6102, as may be amended from time to time.

**Chapter 300 – Zoning**

**Attachment 2. Table of Permitted Uses**

Key:

x = Permitted by right

S = Permitted by special exception

C = Permitted by conditional use

**Commercial - Retail**

Use	R1	R2	R3	R4	RO	MU	CB1	CB	C1	C2	C3	CM	SM
Firearms and accessories store											X		

**Manufacturing and Industrial (1)**

Use	MU	CB1	CB	C3	CM	SM
Weaponry, small arms, artillery, ammunition, and related products manufacturing	S				S	S

Notes:

**(1)** A special exception for any manufacturing or industrial use in the MU District shall not be approved unless the following conditions are met:

- a. The use shall not generate any dust, obnoxious odors, vibration, glare, or unreasonable noise;

- b. The use does not require the storage of any hazardous materials, chemicals or other substances determined by the Bureau of Fire of the City of Lancaster to be of a hazardous or highly flammable nature;
- c. The hours of operation shall be compatible with adjacent uses;
- d. All refuse areas shall be screened from view; and
- e. All outdoor storage areas shall be screened or buffered in accordance with §300-36, Outdoor storage areas.

**Leetsdale Borough (Allegheny County) Code of Ordinances**  
Current through December 13, 2018.

**Chapter 154 – Firearms and Other Weapons**  
**Article II – Reporting of Lost or Stolen Firearms**

**Section 154-6. Prohibited conduct.**

Any person who is the owner of a firearm which is lost or stolen shall report the loss or theft to the Leetsdale Borough Police within 72 hours after discovery of the loss or theft.

**Section 154-7. Definition of "firearms."**

For purposes of this article, a "firearm" shall have the meaning given to it by 18 Pa.C.S.A. § 6102, as may be amended from time to time.

**Section 154-8. Violations and penalties.**

Any person who is found to be in violation of this article shall be subject to a fine of not more than \$1,000, or imprisonment for not more than 90 days, or both.

**Lewiston Borough (Mifflin County) Code of Ordinances**  
Current through December 27, 2018.

**Chapter 240 Zoning**  
**Article VIII – M Manufacturing and Industrial Districts**

**Section 240-43. Buildings or uses.**

E. Prohibited uses. No building and no lot may be used for any of the following types of establishments or uses:

- (4) Ammunition, dynamite, gunpowder or fireworks manufacture or bulk storage.

**Lower Paxton Township (Dauphin County)**  
Current through May 1, 2019.

**Chapter 203 - Zoning**

**Attachment 2. Table 306B(2) allowed uses in primarily business zoning districts.**

Types of Uses (See definitions in Article II)	Districts					
	V <sup>2</sup>	CN	CG	LI and GI	BC <sup>3</sup>	ON
(e) Industrial Uses						
Manufacture or bulk processing of the following, provided manufacturing occurs only indoors:						
Explosives, fireworks or ammunition	N	N	N	N in LI; SE in GI	N	N

P=Permitted use by right (zoning decision by Zoning Officer)  
SE=Special exception use (zoning decision by Zoning Hearing Board)  
C=Conditional use (zoning decision by Board of Supervisors)  
N=Not permitted

**Lower Pottsgrove Township (Montgomery County) Code of Ordinances**  
Current through July 1, 2019.

**Chapter 27 – Zoning**  
**Article XXII – LI Limited Industrial District**

**Section 250-160. Permitted uses; use regulations.**

C. The following uses shall not be permitted:

(5) Ammunition manufacture and/or storage.

**Manchester Township (York County) Code of Ordinances**  
Current through April 2018.

**Chapter 27 – Zoning**  
**Part 9 – I-Industrial District**

**Section 27-908. Prohibited uses.**

1. Any use that is not listed as being permitted by right, a special exception use or a conditional use in § 27-904 shall be prohibited within the I District. In addition, the following uses are specifically prohibited within the I District:

**B.** The manufacture of ammunition, rockets, projectiles, shells, gunpowder, fireworks or similar explosives; provided, however, that the manufacture of component parts that do not include the explosive or propellant components shall be permitted.

**Middletown Township (Bucks County) Code of Ordinances**  
Current through September 4, 2018.

**Chapter 500 – Zoning**  
**Article XXIV – Accessory Uses and Structures**

**Section 500-2408. Accessory home occupation.**

(1) Repair services. A repair shop for ..., guns, bicycles, locks, small business machines and other goods, but not including automobile, truck and motorcycle repairs.

(a) A repair shop shall be permitted when authorized by the Zoning Hearing Board as a special exception.

(b) A minimum lot area of one acre shall be required for a repair shop.

(c) No additional people other than resident members of the immediate family may be employed.

(d) In addition to the off-street parking spaces required in this chapter for the single-family detached dwelling, this accessory use shall provide one off-street space per 200 square feet of total floor area used for the home occupation.

**Monaca Borough (Beaver County) Code of Ordinances**  
Current through March January 8, 2019.

**Chapter 245 – Zoning**  
**Article IX – Criteria for Conditional Uses, and Uses by Special Exception**

**Section 245-61. Standards for specific uses.**

**O.** Home occupation, subject to:

(23) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, uses by special exception or conditional uses, including, but not limited to:

(m) Sale of guns, firearms and ammunition;

**Monessen City (Westmoreland County) Code of Ordinances**  
Current through December 28, 2015.

**Chapter 375 – Zoning**

**Section 375a. Table of uses by zoning district.**

Type of Uses ( See definitions in Article II)	S	R1	R2	R3	C1	C2	M1	M2
Industrial Uses								
Manufacture or bulk processing for resale of the following, provided that manufacturing occurs only indoors (other than a home occupation):	N	N	N	N	N	N	N	N
Explosives, fireworks, ammunition or gunpowder, or bulk storage of (except government-owned facility)								

Key:  
N= Not permitted

**Monroeville Municipality (Allegheny County) Code of Ordinances**

Current through October 9, 2018.

**Chapter 210 – Flea Markets**

**Section 210-5. Unlawful acts.**

No person, firm, corporation or entity at any flea market, whether he or it is the operator or an exhibitor or any other person or entity, shall sell, exchange, display, offer for sale or exchange or barter at any flea market any of the following items of personal property:

**B.** Any handgun, rifle, shotgun or other type of firearm, by whatever name, or any deadly or dangerous weapon.

**C.** Any flammable gas or dangerous substance, including but not limited to the following: ... ammunition, blasting agents, liquid petroleum gases or other combustible gases; any type of fireworks, explosives, acids, caustics or oxidizing agents; or any other kind of material or substance regulated or contemplated for regulation by the BOCA Fire Prevention Code.

**Mount Joy Borough (Lancaster County) Code of Ordinances**

Current through April 2, 2018.

**Chapter 270 – Zoning**

**Attachment 2. Table of permitted uses: primarily nonresidential districts.**

Key:

P = Permitted by right (zoning decision by Zoning Officer)

CU = Conditional use (zoning decision by Borough Council)

SE = Special exception use (decision by Zoning Hearing Board)

N = Not permitted

Type of Uses ( See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
<b>C. Industrial Uses</b>						
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
Explosives or ammunition	N	N	N	N	N	N

**Myerstown Borough (Lebanon County) Code of Ordinances**

Current through September 17, 2018.

**Part 4 – Allowed Uses in Primarily Non-residential Districts**

**Section 27-401. Allowed uses in primarily non-residential districts.**

Types of Uses (See definitions in Part 15)	Zoning Districts				
	TMN***	GB	TC	LI	GI
<b>E. Industrial Uses</b>					
Explosives, fireworks or ammunition	N	N	N	N	SE

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

**New Wilmington Borough (Lawrence County) Code of Ordinance**

Current through March 4, 2019.

**Chapter 149 – Fire Prevention**

**Section 149-4. Modifications to standards.**

**H.** Paragraph a of Section 53 of the code is hereby amended to read as follows: "a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, as herein defined, is hereby prohibited within the borough. This prohibition shall not apply to hand loading of small arms ammunition for personal use when not for resale."

**Norristown Borough (Montgomery County) Code of Ordinances**  
Current through March 5, 2019.

**Chapter 155 – Firearms and Weapons**

**Section 155-2. Required conduct.**

Anyone who is the owner of a firearm that is lost or stolen within the Municipality shall report the loss or theft of the firearm to the Norristown Police Department within 72 hours after discovery of the loss or theft of the firearm. Failure to so report a lost or stolen firearm is a violation subject to the penalties set forth under this chapter.

**Section 155-3. Definitions.**

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

**Firearm** Any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable. If the definition of the term "firearm" set forth in 18 Pa.C.S.A. § 6102 is amended after the effective date of this chapter, then this definition shall be automatically amended to reflect the definition of a "firearm" found therein.

**Section 155-5. Violations and penalties.**

Any who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

**North Codorus Township (York County) Code of Ordinances**  
Current through October 15, 2019.

**Chapter 195 – Zoning**

**Attachment 1. Allowed Uses in Primarily Business Zoning Districts**

Key:

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not permitted

Table of Allowed Uses

Types of Uses (See definitions in Article II)	Zoning Districts			
	VC <sup>1</sup>	MU	HC	I
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:				
Ammunition	N	N	N	SE

**North Lebanon Township (Lebanon County) Code of Ordinances**  
Current through September 11, 2018.

**Chapter 6 – Conduct**  
**Part 4 – Firearms**

**Section 6-401. discharging and possession of firearms.**

1. .... No person, being under the age of 18, shall possess any firearm, air rifle, rifle, shotgun, spring gun, paintball gun, paintball marker, potato gun, slingshot or any other device capable of propelling an object which can cause serious bodily injury or death, unless the said minor is accompanied by his parent, legal guardian or responsible person 21 years of age or older and with the approval of the minor's parents or guardian. A person under the age 18 may be in possession of a paintball gun or paintball marker, with the permission of the minor's parent or legal guardian, so long as the propellant canister has been emptied of its gas or air propellant and the encapsulated gelatin paintballs.

2. If any person under the age of 18 is found to be in violation of the possession provisions of this Part, the said weapon will be confiscated by the North Lebanon Township Police, and at the discretion of the Chief of Police of North Lebanon Township, the weapon will be returned to the parent or guardian of the person under the age of 18 or destroyed by the Police Department in accordance with Pennsylvania State guidelines.

**Section 6-403. Penalty.**

Any person who violates or permits a violation of this provision of the Code of Ordinances of North Lebanon Township shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, and/or to be imprisoned for a period not to exceed 90 days. A separate offense shall arise for each day or portion thereof in which a violation is found to exist.

**North Strabane Township (Washington County) Code of Ordinances**  
Current through June 25, 2019.

**Chapter 27 – Zoning**

**Part 13 – Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception**

**Section 1303. Standards for Specific Uses.**

**26.** Home occupation, subject to:

**P.** The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including but not limited to:

- (13)** Sale of guns, firearms and ammunition.

**North York Borough (York County) Code of Ordinances**  
Current through July 1, 2018.

**Title XV – Land Usage**  
**Chapter 154 – Zoning**

**Section 154.050. Table of permitted uses by district.**

**(A)** Generally. For the purposes of this section, the following abbreviations shall have the following meanings:

- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Borough Council)
- N = Not permitted

**(B)** Table of uses. Unless otherwise provided by law or specifically stated in this chapter (including § 154.005(C)), any land or structure shall only be used or occupied for a use specifically listed in the following table under residential uses and commercial uses as allowed in the zoning district where the land or structure is located. Except as provided in § 154.005(B), any use that is not specifically listed as P, C or SE in the applicable district in this section is prohibited in that district. Any use shall only be permitted if it complies with all other requirements of this chapter.

Uses Allowed in Each Zoning District					
Types of Uses (See definitions in § 154.031)	Zoning Districts				
	R1	R2	NC	MU	LIC
<b>(B) Industrial Uses</b>					
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
Explosives or ammunition	N	N	N	N	N

**Oakmont Borough (Allegheny County) Code of Ordinances**  
Current through February 18, 2019.

**Chapter 205 – Zoning**  
**Article VII – General Regulations**

**Section 205-710. Display or manufacture of arms.**

The display or manufacture of arms for sale or the operation of gun shops is not permitted in any residential zoning district within the Borough of Oakmont.

**Palmer Township (Northampton County) Code of Ordinances**  
Current through November 11, 2016.

**Chapter 190 – Zoning**  
**Article XI – Light Industrial District**

**Section 190-104. Specifically prohibited uses.**

**B.** The following uses are specifically prohibited:

- (5) Explosives, fireworks, ammunition and gunpowder manufacture or storage (except within a U.S. military facility).

**Article XXVII – NEB North End Business Overlay District**

**Section 190-277. Prohibited uses.**

**A.** All uses are prohibited that would have a serious threat of future inability to meet the environmental preservation standards of the Zoning Ordinance, as stated in Article XVI, including but not limited to the following:

- (5) Explosives, fireworks, ammunition and gunpowder manufacture or storage (except within a United States military facility).

**Philadelphia Code of Ordinances**  
Current through October 29, 2019.

**Title 9 – Regulation of Businesses, Trades and Professions**  
**Chapter 9-600 – Service and Other Businesses**

**Section 9-607. Firearms.** <sup>812</sup>

**(2) Definitions.**

(a) Firearms means any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

(b) Dealer means any individual, firm, association, partnership or corporation engaged in the business of selling firearms, purchasing firearms for resale, or conducting a gunsmith or firearms repair business. Whenever used in any clause prescribing and imposing a penalty, the term "dealer" as applied to any partnership or association shall mean the partners or members thereof, and as applied to any corporation, shall include the officers thereof. 813

**(3) Security Measures.**

(a) During the hours they are not regularly open for business, dealers shall store all firearms in accordance with the following requirements.

(.1) No firearms shall be displayed in windows.

(.2) All firearms must be placed in an approved safe, vault or properly secured storeroom.

(b) Before promulgating any regulations designed to carry out the intent and purpose of this Chapter, the Department shall consult with the Police Department.

**(4) Safes.** Any dealer may comply with the requirements of this Section by providing an approved steel safe wherein any firearms may be stored and locked during non-business hours.

**(5) Permits.** No dealer shall receive a permit to store firearms unless he:

(a) Complies with the provisions of this Section, and regulations issued pursuant thereto;

(b) Pays an annual fee of \$75.

**(6) Notice of Violation.**

(a) Any dealer who violates the provisions of this Chapter shall be advised in writing by the Department of Licenses and Inspections of the nature of the violation, and shall be required to comply with the provisions of this Chapter within the period indicated in such notice, provided that in no case shall the time permitted for such compliance exceed 60 days.

(b) Each day that any dealer fails to comply with the requirements of this Chapter, or to make the changes indicated in any notice of violation, after the period allowed for such compliance has expired, shall constitute a separate violation of this ordinance.

<sup>812</sup> Added, 1956 Ordinances, p. 442; amended by deleting subsection (7), 1990 Ordinances, p. 715. Bill No. 140904 (approved February 18, 2015) provides that this section shall not be effective until the enactment of authorizing legislation by the Pennsylvania General Assembly.

**Title 10 – Regulation of Individual Conduct and Activity**  
**Chapter 10-800 – Safety**

**Section 10-814. Acquisition or transfer of firearms.<sup>224</sup>**

**(1) Definitions.**

- (a) Firearm.** Any rifle, pistol, revolver, gun or shotgun.
- (b) Department.** Department of Licenses and Inspections.

**(2) Prohibited Conduct.** No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

**(3) Application.** The applicant for a license shall pay a fee of two (2) dollars, for each transaction of acquisition or transfer regardless of the number of firearms transferred or acquired at that time, and supply the following information on forms provided by the Department: 225

- (a)** the name, and any other names by which applicant has been known;
- (b)** the home address, and any other addresses at which applicant resided within five (5) years immediately prior to application;
- (c)** the present business or occupation, and any business or occupation, in which applicant has engaged for five (5) years immediately prior to the application;
- (d)** the date and place of birth of applicant;
- (e)** the caliber, length of barrel, make, model and, if known, manufacturer's number of the firearm;
- (f)** a statement by applicant indicating the date, place, nature and disposition of any criminal proceedings brought against the applicant for any offense other than traffic violations;
- (g)** name, address and occupation, of the person from whom the firearm is to be acquired or transferred; and
- (h)** a copy of applicant's fingerprints and his photograph.

**(4) License.**

**(a)** No license shall be issued unless the Police Department, after due investigation, approves the application. The Police Department shall not approve the application if it finds that applicant is either:

- (.1)** under eighteen (18) years of age;
- (.2)** a person convicted of either a crime of violence, any violation of the Uniform Firearms Act or carrying a concealed deadly weapon;
- (.3)** a person convicted of selling, using or possessing narcotics; or
- (.4)** an habitual drunkard.

**(b)** A license shall be issued or refused within thirty (30) days after the filing of an application.

**(c)** The license shall bear applicant's name, age, place of residence, and a full description of the firearm; and shall also have affixed thereto applicant's photograph, signature, and a copy of his fingerprints.

**(d)** All persons licensed hereunder carrying a firearm on or about their persons shall carry the license for that firearm on their person as provided herein with the exception of:

- (.1)** Employees of common carriers, banks or business firms whose duties require them both to protect moneys, valuables or other property in the discharge of such duties, and to carry firearms owned and supplied by their employers, but such employees shall carry a copy of said license; and
- (.2)** persons less than eighteen (18) years of age accompanied by the parent or guardian licensed to acquire or transfer that firearm.

**(e)** The Department shall revoke the license of any person who, subsequent to obtaining a license, has either:

- (.1)** been convicted of a crime of violence, a violation of the Uniform Firearms Act or carrying a concealed deadly weapon;
- (.2)** been convicted of selling, using or possessing narcotics; or
- (.3)** become an habitual drunkard.

**(5) Duty of Transferor or Vendor.**

**(a)** No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

**(b)** If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

**(6) Exclusions.** No license shall be required under this Section:

**(a)** by any governmental agency which owns or acquires firearms; or

**(b)** for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

**(c)** for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

**(7) Penalty.** The penalty for violation of this Section shall be a fine of not more than three hundred (300.00) dollars, or imprisonment of not more than ninety (90) days, or both.

<sup>224</sup> Added, 1965 Ordinances, p. 237. Bill No. 140904 (approved February 18, 2015) provides that this section shall not be effective until the enactment of authorizing legislation by the Pennsylvania General Assembly.

**Section 10-814a. Acquisition or transfer of firearms.** <sup>226</sup>

**(1) Definitions.**

**(a) Firearm.** Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

**(b) Department.** The Philadelphia Police Department.

**(2) Prohibited Conduct.** No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City that is brought into the City, unless application has been submitted to, and license obtained from, the Department.

**(3) Application.** The applicant for a license shall pay a fee of two (2) dollars, for each transaction of acquisition or transfer regardless of the number of firearms transferred or acquired at that time, and supply the following information on forms provided by the Department:

**(a)** the name, and any other names by which applicant has been known;

**(b)** the home address, and any other addresses at which applicant resided within five (5) years immediately prior to application;

**(c)** the present business or occupation, and any business or occupation, in which applicant has engaged in the five (5) years immediately prior to the application;

**(d)** the date and place of birth of applicant;

**(e)** the caliber, length of barrel, make, model and, if known, manufacturer's number of the firearm;

**(f)** a statement by applicant indicating the date, place, nature and disposition of any criminal proceedings brought against the applicant for any offense other than traffic violations;

**(g)** name, address and occupation, of the person from whom the firearm is to be acquired or transferred; and

**(h)** a copy of applicant's fingerprints and his photograph.

**(4) License.**

**(a)** No license shall be issued unless the Department, after due investigation, approves the application. The Department shall not approve the application if it finds that applicant is either:

**(.1)** under eighteen (18) years of age;

**(.2)** a person convicted of either a crime of violence, any violation of the Uniform Firearms Act or carrying a concealed deadly weapon;

**(.3)** a person convicted of selling, using or possessing narcotics;

(.4) An unlawful abuser of any controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. § 802); or

(.5) unable to demonstrate knowledge of firearms safety.

(b) A license shall be deemed refused if it is not issued within thirty (30) days after the filing of an application.

(c) The license shall bear applicant's name, age, place of residence, and a full description of the firearm; and shall also have affixed thereto applicant's photograph, signature, and a copy of his or her fingerprints.

(d) All persons licensed hereunder carrying a firearm on or about their persons shall carry the license for that firearm on their person as provided herein with the exception of:

(.1) Employees of common carriers, banks or business firms whose duties require them both to protect moneys, valuables or other property in the discharge of such duties, and to carry firearms owned and supplied by their employers, but such employers shall maintain a copy of said license at their principal place of business; and

(.2) persons less than eighteen (18) years of age accompanied by the parent or guardian licensed to acquire or transfer that firearm.

(e) The Department shall revoke the license of any person who, subsequent to obtaining a license, has either:

(.1) been convicted of a crime of violence, a violation of the Uniform Firearms Act or carrying a concealed deadly weapon;

(.2) been convicted of selling, using or possessing narcotics;

(.3) been an unlawful abuser of any controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. § 902); or

(.4) lost ability to demonstrate knowledge of firearms safety.

(5) Duty of Transferor or Vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Department of the sale or transfer of the particular firearm and advise the Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section:

(a) for any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

(7) Safety Training.

(a) The requirement that all applicants shall demonstrate knowledge of firearms safety training shall be fully satisfied if the applicant:

(.1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection (b) of this subsection signed by a qualified firearms safety instructor as defined in subsection (e) of this subsection;

(.2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, 227 or federal law enforcement agency; or

(.3) Is a licensed, qualified firearm safety instructor.

(b) Any qualified firearms safety instructor may issue a certificate of firearm safety training course completion to any applicant. On the certificate of course completion the qualified firearms safety instructor shall 228 affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(.1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(.2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both;

(.3) The basic principles of marksmanship 229 ;

(.4) Care and cleaning of concealable 230 firearms;

(.5) Safe handling and storage of firearms at home;

(.6) The laws relating to firearms promulgated by the federal government, the Commonwealth of Pennsylvania and the City of Philadelphia;

(.7) The laws relating to the justifiable use of force;

(.8) A live firing exercise of sufficient duration for each applicant to fire a handgun, from a standing position or its equivalent, a minimum of fifty rounds at a distance of seven yards from a B-27 silhouette target or an equivalent target; and

(.9) A live fire test administered to the applicant while the instructor was present of twenty rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

(c) A qualified firearms safety instructor shall not give a grade of "passing" to anyone who:

(.1) Does not follow the orders of the qualified firearms instructor or cognizant range officer;

(.2) Handles a firearm in a manner that, in the judgment of the qualified 231 firearm safety instructor, poses a danger to the applicant or to others; or

(.3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds.

(d) Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry endorsement shall:

(.1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;

(.2) Maintain 232 all course records on students for a period of no less than four years from course completion date; and

(.3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.

(e) A firearms safety instructor shall be considered to be a qualified firearms safety instructor if the instructor:

(.1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor;

(.2) Submits a photocopy of a certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency;

(.3) Submits a photocopy of a certificate from a firearms safety instructor course approved by the department of public safety;

(.4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal or federal law enforcement agency; or

(.5) Is a certified police officer firearms safety instructor.

(8) Penalty. The penalty for violation of this section shall be a fine of not more than three hundred (300.00) dollars, or imprisonment of not more than ninety (90) days, or both.

<sup>226</sup> Added, Bill No. 040136-A (approved May 9, 2007). Section 2 of Bill No. 040136-A provides: "This Ordinance shall become effective upon the enactment of authorizing legislation by the Pennsylvania General Assembly. Upon becoming effective, this Ordinance shall repeal Section 10-814 of the Philadelphia Code entitled 'Acquisition or Transfer of Firearms.' "

### **Section 10-816. Incendiary devices.**

(1) Definition.

(a) **Incendiary Device.** Any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

(2) Prohibited Conduct. No person or groups of persons shall own, manufacture, sell, transfer, use or possess any incendiary device or similar device or parts thereof including, but not limited to, a "Molotov cocktail".

**(3) Exception.** This ordinance shall not apply to authorized personnel of the United States government or of the Commonwealth of Pennsylvania who use incendiary devices as part of their duties.

**(4) Penalties.** The penalty for violation of this Section shall be a fine of not less than one hundred (100) dollars and not more than three hundred (300) dollars, together with imprisonment of not less than thirty days and not more than ninety (90) days.

**Section 10-821a. Contraband weapons, accessories and ammunition.**<sup>242</sup>

**(1) Legislative Findings.**

**(a)** The Council finds that the use of offensive weapons as implements of serious crime in Philadelphia represents an increasing danger to the lives and safety of all the residents thereof. In particular, certain paramilitary assault weapons have become the weapons of choice of those engaged in drug trafficking and other enterprises of organized crime. The threat to the lives of Philadelphia police officers has become particularly acute as a result of this on-going trend.

**(b)** The Council finds that it would be useful for law enforcement purposes to enhance prohibitions of certain offensive weapons by making possession, manufacture, transfer, delivery, sale and use of such weapons a violation of The Philadelphia Code, subject to certain exceptions. In so doing the Council finds that it would be useful to specifically include within the ban a variety of weapons and devices that are expressly recognized as offensive weapons. And that they should include, but not be limited to, paramilitary assault weapons, and the ammunition and accessories for such weapons, as well as a variety of other devices that have created special problems for local law enforcement.

**(c)** The statutory limitations of municipalities to regulate the possession, sale and transfer of firearms, as upheld by the Pennsylvania Supreme Court, has been duly considered and incorporated within the body of this legislation. And, we take into account the paramount interests of the public safety of the citizens of our City and Commonwealth.

**(2) Definitions.**

**(a) "Assault Weapon."** The term includes the following:

**(.1)** Any semiautomatic pistol or semiautomatic or pump-action rifle that is capable of accepting a detachable magazine and that also possesses any of the following:

**(i)** If the firearm is a rifle, a pistol grip located at the rear of the trigger.

**(ii)** If the firearm is a rifle, a stock in any configuration, including, but not limited to, a thumbhole stock, a folding stock or a telescoping stock, that allows the bearer of the firearm to grasp the firearm with the trigger hand such that the web of the trigger hand, between the thumb and forefinger, can be placed below the top of the external portion of the trigger during firing.

**(iii)** If the firearm is a pistol, a shoulder stock of any type or configuration, including, but not limited to, a folding stock or a telescoping stock.

**(iv)** A barrel shroud.

**(v)** A muzzle break or muzzle compensator.

**(vi)** Any feature capable of functioning as a protruding grip that can be held by the hand that is not the trigger hand.

**(.2)** Any pistol that is capable of accepting a detachable magazine at any location outside of the pistol grip.

**(.3)** Any semiautomatic, center-fire rifle with a fixed magazine that has the capacity to accept more than ten rounds of ammunition.

**(.4)** Any shotgun capable of accepting a detachable magazine.

**(.5)** Any shotgun with a revolving cylinder.

**(.6)** Any conversion kit or other combination of parts from which a firearm described in paragraphs (.1) through (.5) can be assembled if the parts are in the possession or under the control of any person.

**(b) "Barrel Shroud."** A covering, other than a slide, that is attached to or that substantially or completely encircles the barrel of a firearm and that allows the bearer of the firearm to hold the barrel with the nonshooting hand while firing the firearm, without burning that hand. The term does not include an extension of the stock along the bottom of the barrel that does not substantially or completely encircle the barrel.

**(c) "Contraband Weapons, Accessories and/or Ammunition."** Any assault weapon, bazooka, recoilless rifle, grenade, rifle grenade launcher, anti-tank gun, flame-thrower, rocket, mortar, bomb, mine, booby trap, large capacity magazine, large capacity ammunition belt, weapon silencer, expanding type conical bullet available in handgun chamberings, or other weapon, device, accessory or ammunition, designed or intended to cause injury or death to persons or damage to property for which no common lawful purpose exists, any item defined as an "offensive

weapon" under the Act of December 6, 1972, P.L. 1482, No. 334, § 1, as amended, 18 Pa. C.S. § 908(c) or any other military style weapon from which a projectile, harmful fluid or gas may be propelled.

**(d) "Conversion Kit."** Any part or combination of parts designed and intended for use in converting a firearm into an assault weapon.

**(e) "Detachable Magazine."** A magazine the function of which is to deliver one or more ammunition cartridges into the firing chamber of a firearm and which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

**(f) "Inoperable."** The alteration of an assault weapon, or its ammunition, in such a manner that it cannot be fired and that the owner or possessor of the weapon does not possess or have control over the parts necessary to make the weapon operable.

**(g) "Large Capacity Ammunition Belt."** A belt or strip which holds more than sixteen (16) rounds of ammunition to be fed continuously into a semi-automatic weapon, or an ammunition belt which can be readily converted into a large-capacity ammunition belt.

**(h) "Large Capacity Magazine."** Any box, drum or other container which holds more than sixteen (16) rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic weapon, or a magazine which can be readily converted into such a device.

**(i) "Muzzle Brake."** A device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

**(j) "Muzzle Compensator."** A device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

**(k) "Pistol Grip."** A well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

**(l) "Semi-Automatic."** A weapon which fires a single projectile for each single pull of the trigger and its self-reloading or automatically chambers a round, cartridge, or bullet without additional slide, bolt or other manual action.

**(m) "Weapon Silencer."** Any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver pistol or other weapon to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other weapon.

**(3) Prohibited Conduct.** No person shall own, use, possess or transfer any contraband weapon, accessory or ammunition; provided however, that any person who, prior to the effective date of this section, was legally in possession of a weapon or device prohibited by this section shall have thirty (30) days from the effective date of this section to do any of the following without being subject to prosecution hereunder:

- (a)** remove said contraband weapon, accessory and/or ammunition from within the City limits of Philadelphia; or
- (b)** modify said contraband weapon, accessory and/or ammunition to either render it permanently inoperable or to permanently make it a device no longer defined as contraband under this section; or
- (c)** surrender it to the Police Department.

**(4) Exceptions.**

**(a)** This section shall not apply to employees of the Philadelphia Police Department, and the Philadelphia Sheriff's Department when conduct otherwise prohibited by this section is authorized by rules promulgated by such Department.

**(b)** The Police Department shall, by regulation, specify procedures whereby persons permitted to own, possess, transfer, deliver, or manufacture contraband weapons, accessories and/or ammunition notwithstanding the provisions of this section may obtain certification of such exempt status, upon proving the basis of their exemption, and upon payment of a reasonable fee set by the Department to defray the cost of such certification process.

**(5) Penalties.** Any person violating any provision of this section shall be subject to a fine of not more than three hundred (300) dollars and to imprisonment for not more than ninety (90) days or both. Prosecution under this section shall be subject to the defenses and exemptions set forth in 18 Pa. C.S. § 908(b), as amended.

<sup>242</sup> Added, Bill No. 040315 (approved May 9, 2007). Section 2 of Bill No. 040315 provides: "This Ordinance shall become effective upon the enactment of authorizing legislation by the Pennsylvania General Assembly. Upon becoming effective, this Ordinance shall repeal Section 10-821 of the Philadelphia Code, entitled 'Contraband Weapons, Accessories and Ammunition.' "

**Section 10-821b. Contraband weapons, accessories and ammunition.** <sup>243</sup>

**(1) Legislative Findings.**

(a) The Council finds that the use of offensive weapons as implements of serious crime in Philadelphia represents an increasing danger to the lives and safety of all the residents thereof. In particular, certain paramilitary assault weapons have become the weapons of choice of those engaged in drug trafficking and other enterprises of organized crime. The threat to the lives of Philadelphia police officers has become particularly acute as a result of this on-going trend.

(b) The Council finds that it would be useful for law enforcement purposes to enhance prohibitions of certain offensive weapons by making possession, manufacture, transfer, delivery, sale and use of such weapons a violation of The Philadelphia Code, subject to certain exceptions. In so doing the Council finds that it would be useful to specifically include within the ban a variety of weapons and devices that are expressly recognized as offensive weapons. And that they should include, but not be limited to, paramilitary assault weapons, and the ammunition and accessories for such weapons, as well as a variety of other devices that have created special problems for local law enforcement.

(c) The statutory limitations of municipalities to regulate the possession, sale and transfer of firearms, as upheld by the Pennsylvania Supreme Court, has been duly considered and incorporated within the body of this legislation. And, we take into account the paramount interests of the public safety of the citizens of our City and Commonwealth.

(2) Definitions.

(a) "**Assault weapon.**" The term includes the following:

(.1) Any semiautomatic pistol or semiautomatic or pump-action rifle that is capable of accepting a detachable magazine and that also possesses any of the following:

(i) If the firearm is a rifle, a pistol grip located at the rear of the trigger.

(ii) If the firearm is a rifle, a stock in any configuration, including, but not limited to, a thumbhole stock, a folding stock or a telescoping stock, that allows the bearer of the firearm to grasp the firearm with the trigger hand such that the web of the trigger hand, between the thumb and forefinger, can be placed below the top of the external portion of the trigger during firing.

(iii) If the firearm is a pistol, a shoulder stock of any type or configuration, including, but not limited to, a folding stock or a telescoping stock.

(iv) A barrel shroud.

(v) A muzzle break or muzzle compensator.

(vi) Any feature capable of functioning as a protruding grip that can be held by the hand that is not the trigger hand.

(.2) Any pistol that is capable of accepting a detachable magazine at any location outside of the pistol grip.

(.3) Any semiautomatic, center-fire rifle with a fixed magazine that has the capacity to accept more than ten rounds of ammunition.

(.4) Any shotgun capable of accepting a detachable magazine.

(.5) Any shotgun with a revolving cylinder.

(.6) Any conversion kit or other combination of parts from which a firearm described in paragraphs (.1) through (.5) can be assembled if the parts are in the possession or under the control of any person.

(b) "**Barrel Shroud.**" A covering, other than a slide, that is attached to or that substantially or completely encircles the barrel of a firearm and that allows the bearer of the firearm to hold the barrel with the nonshooting hand while firing the firearm, without burning that hand. The term does not include an extension of the stock along the bottom of the barrel that does not substantially or completely encircle the barrel.

(c) "**Contraband Weapons, Accessories and/or Ammunition.**" Any assault weapon, bazooka, recoilless rifle, grenade, rifle grenade launcher, anti-tank gun, flame-thrower, rocket, mortar, bomb, mine, booby trap, large capacity magazine, large capacity ammunition belt, weapon silencer, expanding type conical bullet available in handgun chamberings, or other weapon, device, accessory or ammunition, designed or intended to cause injury or death to persons or damage to property for which no common lawful purpose exists, any item defined as an "offensive weapon" under the Act of December 6, 1972, P.L. 1482, No. 334, § 1, as amended, 18 Pa. C.S. § 908(c) or any other military style weapon from which a projectile, harmful fluid or gas may be propelled.

(d) "**Conversion Kit.**" Any part or combination of parts designed and intended for use in converting a firearm into an assault weapon.

(e) "**Detachable Magazine.**" A magazine the function of which is to deliver one or more ammunition cartridges into the firing chamber of a firearm and which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

**(f) "Inoperable."** The alteration of an assault weapon, or its ammunition, in such a manner that it cannot be fired and that the owner or possessor of the weapon does not possess or have control over the parts necessary to make the weapon operable.

**(g) "Large Capacity Ammunition Belt."** A belt or strip which holds more than sixteen (16) rounds of ammunition to be fed continuously into a semi-automatic weapon, or an ammunition belt which can be readily converted into a large-capacity ammunition belt.

**(h) "Large Capacity Magazine."** Any box, drum or other container which holds more than sixteen (16) rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic weapon, or a magazine which can be readily converted into such a device.

**(i) "Muzzle Brake."** A device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

**(j) "Muzzle Compensator."** A device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

**(k) "Pistol Grip."** A well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

**(l) "Semi-Automatic."** A weapon which fires a single projectile for each single pull of the trigger and its self-reloading or automatically chambers a round, cartridge, or bullet without additional slide, bolt or other manual action.

**(m) "Weapon Silencer."** Any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver pistol or other weapon to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other weapon.

**(3) Prohibited Conduct.** No person shall own, use, possess or transfer any contraband weapon, accessory or ammunition; provided however, that any person who, prior to the effective date of this Section, was legally in possession of a weapon or device prohibited by this Section shall have thirty (30) days from the effective date of this Section to do any of the following without being subject to prosecution hereunder;

**(a)** remove said contraband weapon, accessory and/or ammunition from within the City limits of Philadelphia; or

**(b)** modify said contraband weapon, accessory and/or ammunition to either render it permanently inoperable or to permanently make it a device no longer defined as contraband under this Section; or

**(c)** surrender it to the Police Department.

**(4) Exceptions.**

**(a)** This Section shall not apply to employees of the Philadelphia Police Department, and the Philadelphia Sheriff's Department when conduct otherwise prohibited by this Section is authorized by rules promulgated by such Department.

**(b)** The Police Department shall, by regulation, specify procedures whereby persons permitted to own, possess, transfer, deliver, or manufacture contraband weapons, accessories and/or ammunition notwithstanding the provisions of this Section may obtain certification of such exempt status, upon proving the basis of their exemption, and upon payment of a reasonable fee set by the Department to defray the cost of such certification process.

**(5) Penalties.** Any person violating any provision of this Section shall be subject to a fine of not more than three hundred (300) dollars and to imprisonment for not more than ninety (90) days or both. Prosecution under this Section shall be subject to the defenses and exemptions set forth in 18 Pa. C.S. § 908(b), as amended.

<sup>243</sup> Added, Bill No. 080033 (approved April 10, 2008). Section 2 of Bill No. 080033 provides: "Upon becoming effective, this Ordinance shall repeal Section 10-821 of The Philadelphia Code, entitled 'Contraband Weapons, Accessories and Ammunition.'" Enrolled bill numbered this as Section 10-821a; renumbered by Code editor. Bill No. 140904 (approved February 18, 2015) provides that this section shall not be effective until the enactment of authorizing legislation by the Pennsylvania General Assembly.

### **Section 10-831. Straw and multiple handgun purchase reduction.<sup>256</sup>**

**(1) Definitions.**

**(a) Collector.** Any person who acquires, holds, or disposes of firearms as curios or relics, as the United States Attorney General shall by regulation define, and the term "licensed collector" 257 means any such person licensed under the provisions of Chapter 44 of Title 18 of the United States Code.

**(b) Handgun.** Any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle, or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to 258 the face of the closed action bolt or cylinder – whichever is applicable.

**(c) Straw Purchaser.** Any person who conducts or attempts to conduct a gun purchase on behalf of another person.

**(2) Limitation on Purchases.**

**(a) Prohibited Conduct by Prospective Buyers.**

**(1)** No prospective firearm purchaser or other transferee shall be allowed to purchase or receive more than one handgun in any 30-day period.

**(2)** No one shall act as a straw purchaser in any handgun transaction in order to evade the provisions of this section.

**(b) Prohibited Conduct by Prospective Sellers.** No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, unless he has:

**(1)** obtained a 30 day eligibility report from the City of Philadelphia Police Department; and

**(2)** forwarded a copy of the completed application/record of sale from the potential buyer or transferee to the City of Philadelphia Police Department, postmarked via first class mail, within 14 days of the sale.

**(c) Exceptions.** This section shall not apply to sales or transfers to:

**(1)** Law enforcement agencies or agencies authorized to perform law enforcement duties.

**(2)** State and local correctional facilities.

**(3)** Licensed firearms dealers, importers, manufacturers and collectors.

**(4)** Private security companies licensed to do business within this Commonwealth.

**(5)** A person whose handgun is stolen or irretrievably lost, provided that person has, within 72 hours of learning of such theft or loss, filed a report with the City of Philadelphia Police Department or the Pennsylvania State Police, in a form and specifying such information as the City of Philadelphia Police Department or the Pennsylvania State Police shall require.

**(6)** A person exchanging a handgun at its original place of purchase.

**(7)** A person who presents to the seller or transferor a written statement issued by the City of Philadelphia Police Department dated within the past thirty days stating that the transferee or purchaser requires access to a handgun because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

**(8)** A person who presents to the seller or transferor a written statement issued by the Adjutant General of Pennsylvania, or his designee, dated within the past thirty days, stating that the transferee or purchaser requires access to a handgun because of a threat to the citizens of this Commonwealth which the purchaser or transferee seeks to defend against as directed by law.

**(3) 30 Day Report of Eligibility.**

**(a) Nature of Report.** A 30 day eligibility report prepared by the City of Philadelphia Police Department shall indicate only whether the prospective purchaser or transferee is eligible or ineligible. Anyone who received another handgun within the immediately preceding 30 days shall be deemed ineligible and shall be deemed eligible again 30 days from the date of the prior transaction.

**(b) Method of Compiling Report.** Prior to the expiration of the 48 hour period from the time of the application for the purchase or transfer of the handgun, the seller or transferor shall request that the City of Philadelphia Police Department conduct a 30 Day eligibility inquiry. Such request shall be made by means of a telephone call, or by means of an electronic query via e-mail or via a website, so long as e-mail or web-based communications are available and fully operational. The purchaser and the licensed dealer shall provide such information as is necessary to accurately identify the purchaser. The requester shall be charged a fee equivalent to the cost of providing the service but not to exceed \$2 per buyer or transferee.

Upon receipt of such a request, the City of Philadelphia Police Department shall immediately issue a request to the Pennsylvania State Police to conduct a review of all firearms transactions processed via the Instantaneous Criminal History Records Check System within the past 30 days to determine whether the prospective purchaser or transferee has received another handgun within the immediately preceding 30 days.

Upon receipt of the results of the Pennsylvania State Police inquiry, if the prospective purchaser or transferee is eligible to obtain a handgun under this section, the City of Philadelphia Police Department shall issue a unique approval number and transmit a receipt containing the date and approval number to the prospective seller. If the prospective purchaser or transferee is ineligible to obtain a handgun under this section, the City of Philadelphia Police

Department shall issue a letter of denial, recorded with the date on which the prospective purchaser will become eligible to obtain an additional handgun under this section and transmit this letter of denial to the prospective seller.

**(4) Investigations of Multiple Handgun Purchasers.** The receipt of applications/records of sale which indicate that a purchaser or transferee has obtained more than one handgun in any 30 day period shall constitute prima facie evidence that the multiple handgun purchaser is involved in the trafficking of handguns. The City of Philadelphia Police Department shall thereafter commence a criminal investigation to determine the extent, if any, of criminal activities committed by the multiple handgun purchaser.

**(5) Penalty.** The penalty for violation of this section shall be a fine of not more than three hundred (\$300.00) dollars, or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally obtained handgun by the City of Philadelphia Police Department, said handgun to be melted down or rendered inoperable thereafter.

<sup>256</sup> Added, Bill No. 040117-A (approved May 9, 2007). Section 3 of Bill No. 040117-A provides: "This Ordinance shall become effective upon the enactment of authorizing legislation by the Pennsylvania General Assembly."

**Section 10-831a. Straw and multiple handgun purchase reduction.<sup>259</sup>**

**(1) Definitions.**

**(a) Collector:** Any person who acquires, holds, or disposes of firearms as curios or relics, as the United States Attorney General shall by regulation define, and the term "licensed collector" means any such person licensed under the provisions of Chapter 44 of Title 18 of the United States Code.

**(b) Handgun:** Any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle, or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action bolt or cylinder – whichever is applicable.

**(c) Straw Purchaser:** Any person who conducts or attempts to conduct a gun purchase on behalf of another person.

**(2) Limitation on Purchases.**

**(a) Prohibited Conduct by Prospective Buyers.**

**(1)** No prospective firearm purchaser or other transferee shall be allowed to purchase or receive more than one handgun in any 30 day period.

**(2)** No one shall act as a straw purchaser in any handgun transaction in order to evade the provisions of this Section.

**(b) Prohibited Conduct by Prospective Sellers.** No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, unless he has:

**(1)** obtained a 30 day eligibility report from the City of Philadelphia Police Department; and

**(2)** forwarded a copy of the completed application/record of sale from the potential buyer or transferee to the City of Philadelphia Police Department, postmarked via first class mail, within 14 days of the sale.

**(c) Exceptions.** This Section shall not apply to sales or transfers to:

**(1)** Law enforcement agencies or agencies authorized to perform law enforcement duties.

**(2)** State and local correctional facilities.

**(3)** Licensed firearms dealers, importers, manufacturers and collectors.

**(4)** Private security companies licensed to do business within this Commonwealth.

**(5)** A person whose handgun is stolen or irretrievably lost, provided that person has, within 72 hours of learning of such theft or loss, filed a report with the City of Philadelphia Police Department or the Pennsylvania State Police, in a form and specifying such information as the City of Philadelphia Police Department or the Pennsylvania State Police shall require.

**(6)** A person exchanging a handgun at its original place of purchase.

**(7)** A person who presents to the seller or transferor a written statement issued by the City of Philadelphia Police Department dated within the past thirty days stating that the transferee or purchaser requires access to a handgun because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

**(8)** A person who presents to the seller or transferor a written statement issued by the Adjutant General of Pennsylvania, or his designee, dated within the past thirty days, stating that the transferee or purchaser requires access to a handgun because of a threat to the citizens of this Commonwealth which the purchaser or transferee seeks to defend against as directed by law.

**(9)** A person who presents to the seller or transferor a written statement issued by the City of Philadelphia Police Department dated within the past thirty days stating that the transferee or purchaser, if all other eligibility requirements are met, may purchase or otherwise obtain a handgun regardless of the results of the 30 day eligibility report, because the Police Department is satisfied that the person is not a straw purchaser.

**(3)** 30 Day Report of Eligibility.

**(a)** Nature of Report. A 30 day eligibility report prepared by the City of Philadelphia Police Department shall indicate only whether the prospective purchaser or transferee is eligible or ineligible. Anyone who received another handgun within the immediately preceding 30 days shall be deemed ineligible and shall be deemed eligible again 30 days from the date of the prior transaction.

**(b)** Method of Compiling Report. Prior to the expiration of the 48 hour period from the time of the application for the purchase or transfer of the handgun, the seller or transferor shall request that the City of Philadelphia Police Department conduct a 30 Day eligibility inquiry. Such request shall be made by means of a telephone call, or by means of an electronic query via e-mail or via a website, so long as e-mail or web-based communications are available and fully operational. The purchaser and the licensed dealer shall provide such information as is necessary to accurately identify the purchaser. The requester shall be charged a fee equivalent to the cost of providing the service but not to exceed \$2 per buyer or transferee.

Upon receipt of such a request, the City of Philadelphia Police Department shall immediately issue a request to the Pennsylvania State Police to conduct a review of all firearms transactions processed via the Instantaneous Criminal History Records Check System within the past 30 days to determine whether the prospective purchaser or transferee has received another handgun within the immediately preceding 30 days.

Upon receipt of the results of the Pennsylvania State Police inquiry, if the prospective purchaser or transferee is eligible to obtain a handgun under this Section, the City of Philadelphia Police Department shall issue a unique approval number and transmit a receipt containing the date and approval number to the prospective seller. If the prospective purchaser or transferee is ineligible to obtain a handgun under this Section, the City of Philadelphia Police Department shall issue a letter of denial, recorded with the date on which the prospective purchaser will become eligible to obtain an additional handgun under this Section and transmit this letter of denial to the prospective seller.

**(4)** Investigations of Multiple Handgun Purchasers. The receipt of applications/records of sale which indicate that a purchaser or transferee has obtained more than one handgun in any 30 day period shall constitute prima facie evidence that the multiple handgun purchaser is involved in the trafficking of handguns. The City of Philadelphia Police Department shall thereafter commence a criminal investigation to determine the extent, if any, of criminal activities committed by the multiple handgun purchaser.

**(5)** Penalty. The penalty for violation of this Section shall be a fine of not more than three hundred dollars (\$300.00), or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally obtained handgun by the City of Philadelphia Police Department, said handgun to be melted down or rendered inoperable thereafter.

<sup>259</sup> Added, Bill No. 080035-A (approved April 10, 2008), effective October 10, 2008. Enrolled bill numbered this as Section 10-831; renumbered by Code editor. Bill No. 140904 (approved February 18, 2015) provides that this section shall not be effective until the enactment of authorizing legislation by the Pennsylvania General Assembly.

**Section 10-833. Possession of weapons on school property.** <sup>261</sup>

**(a)** Definitions.

**"Weapon."** For purposes of this Section the term shall include, but not be limited to, any firearm, shotgun, rifle, knife, cutting instrument, cutting tool, nun-chuck stick, and any other tool, instrument or implement capable of inflicting serious bodily injury.

**(b)** Prohibited Conduct. No person shall knowingly possess a weapon or knowingly cause a weapon to be present, whether openly or concealed, in the buildings of, within one hundred (100) feet of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Pennsylvania Department of Education or any elementary or secondary parochial school.

**(c)** Exceptions. The prohibitions set forth in subsection (b) shall not apply to:

(1) The lawful performance of official duties by any full-time officer, agent or employee of the United States, the Commonwealth or a political subdivision who is authorized by law to engage in or supervise the prevention, detection, investigation or prosecution of any violation of law.

(2) The lawful performance of official duties by a school official.

(d) Penalties. The penalty for violation of this Section shall be a fine of not more than three hundred (\$300.00) dollars, or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally possessed weapon by the City of Philadelphia Police Department, said weapon to be melted down or rendered inoperable thereafter.

<sup>261</sup> Added, Bill No. 040114 (approved May 12, 2004). Section 2 of Bill No. 040114 provides: "This Ordinance shall become effective upon the enactment of authorizing legislation by the Pennsylvania Assembly."

**Section 10-834. Responsibility to avoid possession and discharge of firearms by children.**

(b) Definitions. As used in this Section the following words shall have the meanings ascribed herein:

1. **"Adult"** means any person who is 18 years of age or older.

2. **"Child"** means any person who is younger than 18 years of age.

3. **"Firearm"** means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosive or burning substance or any device readily convertible to that use.

4. **"Range"** means any public or private facility at which firearms training or practice, or both, is conducted under controlled circumstances intended to encourage the safe handling of firearms and at which procedures or facilities are in place that are intended to prevent the projectiles discharged from the firearms from causing any damage to persons or property.

(c)

(1) All firearms kept in a home in which one or more individuals younger than 18 years of age reside or regularly visit shall be kept unloaded and stored in a locked container, except when an authorized user is carrying it on his or her person or has the firearm under his or her immediate control.

(2) All ammunition kept in a home in which one or more individuals younger than 18 years of age reside or regularly visit shall be stored in a separate place from the firearm, except when an authorized user is carrying it on his or her person or has the firearm under his or her immediate control.

(d) It is unlawful for a child intentionally, knowingly, recklessly or with criminal negligence to discharge a firearm within the city.

(e) It is unlawful for any adult intentionally, knowingly, recklessly or with criminal negligence to facilitate, suffer or permit the discharge of a firearm by a child. If an adult intentionally, knowingly, recklessly or with criminal negligence allows a child to obtain unsupervised access to the firearm, such facilitation, sufferance or permission shall be inferred.

(f) It is unlawful for any adult intentionally, knowingly, recklessly or with criminal negligence to facilitate, suffer or permit the handling or physical possession of a firearm by a child by allowing the child to obtain unsupervised access to the firearm.

(g) It is a defense to prosecution under subsections (d), (e) or (f) that:

1. the firearm was handled, possessed or discharged upon a range and under the supervision of an adult; or

2. the child's access to firearms was obtained as a result of an unlawful entry; or

3. the discharge, handling or possession of the firearm was justified as provided under Pennsylvania law.

(h) It is additionally a defense to prosecution under subsection (e) or (f) that the actor had taken reasonable precautions under the attendant circumstances to ensure that a child would not have the ability to obtain access to the firearm without supervision. Such precautions could include, but need not be limited to:

1. storage of the firearm in a place where, at the time the access was obtained, an unsupervised child would not reasonably have been expected to have been able to gain access; or

2. storage of the firearm in a locked safe, locked rack, locked hard case, locked soft case, locked drawer, locked cabinet or other locked container; or

3. installation of a lock on the firearm to prevent its normal function and discharge.

(i) Violation of this Section is a Class III offense punishable by incarceration of not more than 30 days and a fine in an amount provided for in Section 1-109 of the Philadelphia Code. To the extent that any conduct in violation of this Section also constitutes a violation of state law, then the conduct shall be punishable under the applicable state law. Violation of

this Section by a child shall constitute a delinquent act as defined by the Juvenile Act, 42 Pa. C.S. § 6302 and shall be punishable according to the provisions of Subchapter D of the Juvenile Act, 42 Pa. C.S. §§ 6351-58.

**Section 10-835. Prohibited possession, sale and transfer of firearms by persons subject to protection from abuse orders.**<sup>263</sup>

**(a) Prohibitions Relating to Acquiring or Purchasing Firearms.** No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa. C.S. § 6108 (relating to relief), shall acquire or purchase any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order.

**(b) Prohibitions Relating to Possessing Firearms.** No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa. C.S. § 6108 (relating to relief), shall possess, use, control, manufacture or obtain a license to possess, use, control or manufacture any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order.

**(c) Permissible Transfers to Eligible Persons.** A person who is prohibited from possessing, using, controlling or manufacturing a firearm under paragraph (b) shall have a reasonable period of time, not to exceed 72 hours from the date such protection from abuse order takes effect, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household. All sales and transfers by prohibited persons under this subsection shall be reported to the Police Department within 24 hours of each sale or transfer.

**(d) Hearings.** Within seventy-two (72) hours after service of a temporary protection from abuse order arising out of an ex parte proceeding conducted pursuant to 23 Pa. C.S. § 6107(b), a person subject to such temporary order shall have the right to petition the Philadelphia Court of Common Pleas for an emergency hearing to challenge the application of this section to such person. The filing of a petition for an emergency hearing shall act to toll the time limitations imposed under subsection (c).

**(e) Penalties.** The penalty for violation of this section shall be a fine of not more than three hundred (\$300.00) dollars, or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally obtained or possessed firearm by the City of Philadelphia Police Department, said weapon to be melted down or rendered inoperable thereafter.

<sup>263</sup> Added, Bill No. 040132-A (approved May 9, 2007). Section 2 of Bill No. 040132-A provides: "This Ordinance shall become effective upon the enactment of authorizing legislation by the Pennsylvania General Assembly."

**Section 10-835a. Prohibited possession, sale and transfer of firearms by persons subject to protection from abuse orders.**<sup>264</sup>

**(a) Prohibitions Relating to Acquiring or Purchasing Firearms.** No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa. C.S. § 6108 (relating to relief), which order provides for the confiscation of firearms during its effective period, shall acquire or purchase any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order, or portion thereof relating to the confiscation of firearms.

**(b) Prohibitions Relating to Possessing Firearms.** No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa. C.S. § 6108 (relating to relief), shall possess, use, control, manufacture or obtain a license to possess, use, control or manufacture any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order.

**(c) Permissible Transfers to Eligible Persons.** A person who is prohibited from possessing, using, controlling or manufacturing a firearm under paragraph (b) shall have a reasonable period of time, not to exceed 72 hours from the date such protection from abuse order takes effect, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household. All sales and transfers by prohibited persons under this subsection shall be reported to the Police Department within 24 hours of each sale or transfer.

**(d) Hearings.** Within seventy-two (72) hours after service of a temporary protection from abuse order arising out of an ex parte proceeding conducted pursuant to 23 Pa. C.S. § 6107(b), a person subject to such temporary order shall have the right to petition the Philadelphia Court of Common Pleas for an emergency hearing to challenge the application of this section to such person. The filing of a petition for an emergency hearing shall act to toll the time limitations imposed under subsection (c).

**(e) Penalties.** The penalty for violation of this Section shall be a fine of not more than three hundred dollars (\$300.00), or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally obtained or possessed firearm by the City of Philadelphia Police Department, said weapon to be melted down or rendered inoperable thereafter.

<sup>264</sup> Added, Bill No. 080018-A (approved April 10, 2008). Enrolled bill numbered this as Section 10-835; renumbered by Code editor. Bill No. 140904 (approved February 18, 2015) provides that this section shall not be effective until the enactment of authorizing legislation by the Pennsylvania General Assembly.

**Section 10-836. Temporary Removal of Firearms of Persons Posing a Risk of Imminent Personal Injury to Self or Others.**<sup>265</sup>

(a) Upon complaint on oath by any Attorney for the Commonwealth or assistant Attorney for the Commonwealth or by any two police officers, to any judge of the Court of Common Pleas or an appellate court justice or judge, that such Attorney for the Commonwealth or police officers have probable cause to believe that:

- (.1) a person poses a risk of imminent personal injury to himself or herself or other individuals,
- (.2) such person possesses one or more firearms, and
- (.3) such firearm or firearms are within or upon any place, thing or person located within the City of Philadelphia, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or person and take into such officer's custody any and all firearms. Such commonwealth's attorney or police officers shall not make such complaint unless such commonwealth's attorney or police officers <sup>266</sup> have conducted an independent investigation and have determined that such probable cause exists and that there is not a reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.

(b) A warrant may be issued only on affidavit sworn by the complainant or complainants before the judge and establishing the grounds for issue the warrant, which affidavit shall be part of the temporary removal file. In determining whether good grounds for the application exists or whether there is probable cause to believe they exist, the judge shall consider:

- (.1) recent threats or acts of violence by such person directed toward other person or persons,
- (.2) recent threats or acts of violence by such person directed toward himself or herself, and
- (.3) recent acts of cruelty to animals as provided in 18 Pa. C.S. § 5511 by such person.

(c) In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to himself or herself or others, the judge may consider other factors, including, but not limited to:

- (.1) the reckless use, display or brandishing of a firearm by such person,
- (.2) a history of the use, attempted or threatened use of physical force by such person against another person, and
- (.3) the illegal use of controlled substances or abuse of alcohol, by such person.

If the judge is satisfied that the grounds for the application exists or that there is probable cause to believe that they exist, such judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department within the City of Philadelphia. It shall state the grounds or probable cause for its issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms. A copy of the warrant shall be given to the person named therein together with a notice informing the person that such person has the right to a hearing under this section and the right to be represented by counsel at such hearing.

(d) The applicant for the warrant shall file a copy of the application for a warrant and all affidavits upon which the warrant is based with the Court of Common Pleas for Philadelphia County no later than the next business day following the execution of the warrant. Prior to execution of the warrant, the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms temporarily removed. <sup>267</sup>

(e) Not later than seven days after the execution of a warrant under this section, the Court of Common Pleas of Philadelphia County shall hold a hearing to determine whether the temporarily removed firearms should be returned to the person named in the warrant or should continue to be held by the state. If, after such hearing, the court finds clear and convincing evidence that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it may order that the firearm or firearms temporarily removed pursuant to the warrant issued under subsection (a) of this section continue to be held by the Philadelphia Police Department until such time as the court finds the individual named in the warrant fit to possess the firearm or firearms which were temporarily removed from the individual's custody, otherwise the court shall order the temporarily removed firearm or firearms to be returned to the person named in the warrant. Notwithstanding any other provision, the Philadelphia Police Department may retain custody of the firearm for a period of not more than a year. Upon expiration of that time, the Philadelphia Police Department may return the firearm to the person named in the warrant, if deemed appropriate after a court hearing, or dispose of the firearm as deemed appropriate. If the court finds that the person poses a risk of imminent personal injury to himself or herself or to other

individuals, it shall give notice to the Department of Mental Health, which may take such action pursuant to section 302, 303, or 304 of the provisions of the act of July 9, 1976 (P.L. 817, No. 143), known as the Mental Health Procedure Act as it deems appropriate.

**(f)** Any person whose firearms have been ordered temporarily removed pursuant to subsection (d) of this section, or such person's legal representative, may transfer such firearm or firearms in accordance with this provision of 18 Pa. C.S. § 6111 or other applicable state or federal law, to any person eligible to possess such firearm or firearms. Upon notification in writing by such person, or such person's legal representative, and the transferee, the Commissioner of the Philadelphia Police Department shall within ten days deliver such firearm or firearms to the transferee.

<sup>265</sup> Added, Bill No. 040312 (approved May 9, 2007). Section 2 of Bill No. 040312 provides: "This Ordinance shall become effective upon the enactment of authorizing legislation by the Pennsylvania General Assembly."

**Section 10-836a. Temporary removal of firearms of persons posing a risk of imminent personal injury to self or others.**

**(a)** Upon complaint on oath by any Attorney for the Commonwealth or assistant Attorney for the Commonwealth or by any two police officers, to any judge of the Court of Common Pleas or an appellate court justice or judge, that such Attorney for the Commonwealth or police officers have probable cause to believe that:

**(.1)** a person poses a risk of imminent personal injury to himself or herself or other individuals,

**(.2)** such person possesses one or more firearms, and

**(.3)** such firearm or firearms are within or upon any place, thing or person located within the City of Philadelphia, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or person and take into such officer's custody any and all firearms. Such commonwealth's attorney or police officers shall not make such complaint unless such commonwealth's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that there is not a reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.

**(b)** A warrant may be issued only on affidavit sworn by the complainant or complainants before the judge and establishing the grounds for issue the warrant, which affidavit shall be part of the temporary removal file. In determining whether good grounds for the application exists or whether there is probable cause to believe they exist, the judge shall consider:

**(.1)** recent threats or acts of violence by such person directed toward other person or persons,

**(.2)** recent threats or acts of violence by such person directed toward himself or herself, and

**(.3)** recent acts of cruelty to animals as provided in 18 Pa. C.S. § 5511 by such person.

**(c)** In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to himself or herself or others, the judge may consider other factors, including, but not limited to:

**(.1)** the reckless use, display or brandishing of a firearm by such person,

**(.2)** a history of the use, attempted or threatened use of physical force by such person against another person, and

**(.3)** the illegal use of controlled substances or abuse of alcohol, by such person.

If the judge is satisfied that the grounds for the application exists or that there is probable cause to believe that they exist, such judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department within the City of Philadelphia. It shall state the grounds or probable cause for its issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms. A copy of the warrant shall be given to the person named therein together with a notice informing the person that such person has the right to a hearing under this Section and the right to be represented by counsel at such hearing.

**(d)** The applicant for the warrant shall file a copy of the application for a warrant and all affidavits upon which the warrant is based with the Court of Common Pleas for Philadelphia County no later than the next business day following the execution of the warrant. Prior to execution of the warrant, the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms temporarily removed. <sup>269</sup>

**(e)** Not later than seven days after the execution of a warrant under this Section, the Court of Common Pleas of Philadelphia County shall hold a hearing to determine whether the temporarily removed firearms should be returned to the person named in the warrant or should continue to be held by the state. If, after such hearing, the court finds clear and convincing evidence that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it

may order that the firearm or firearms temporarily removed pursuant to the warrant issued under subsection (a) of this Section continue to be held by the Philadelphia Police Department until such time as the court finds the individual named in the warrant fit to possess the firearm or firearms which were temporarily removed from the individual's custody, otherwise the court shall order the temporarily removed firearm or firearms to be returned to the person named in the warrant. Notwithstanding any other provision, the Philadelphia Police Department may retain custody of the firearm for a period of not more than a year. Upon expiration of that time, the Philadelphia Police Department may return the firearm to the person named in the warrant, if deemed appropriate after a court hearing, or dispose of the firearm as deemed appropriate. If the court finds that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it shall give notice to the Department of Mental Health, which may take such action pursuant to section 302, 303, or 304 of the provisions of the Act of July 9, 1976 (P.L. 817, No. 143), known as the Mental Health Procedure Act as it deems appropriate.

**(f)** Any person whose firearms have been ordered temporarily removed pursuant to subsection (d) of this Section, or such person's legal representative, may transfer such firearm or firearms in accordance with this provision of 18 Pa. C.S. § 6111 or other applicable state or federal law, to any person eligible to possess such firearm or firearms. Upon notification in writing by such person, or such person's legal representative, and the transferee, the Commissioner of the Philadelphia Police Department shall within ten days deliver such firearm or firearms to the transferee.

#### **Section 10-838. Failure to report lost or stolen firearm.<sup>271</sup>**

**(1) Prohibited Conduct.** No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to an appropriate local law enforcement official within 24 hours after the loss or theft is discovered.

**(2) Penalties.** Any person who violates the provisions of this section shall be subjected to a fine of not less than three hundred dollars (\$300) and not more than seven hundred dollars (\$700) for each violation committed during calendar year 2005; eleven hundred dollars (\$1,100) for each violation committed during calendar year 2006; fifteen hundred dollars (\$1,500) for each violation committed during calendar year 2007; nineteen hundred dollars (\$1,900) for each violation committed during calendar year 2008; and two thousand dollars (\$2,000) for each violation committed thereafter.

<sup>271</sup> Added, Bill No. 060700 (approved May 9, 2007). Section 2 of Bill No. 060700 provides: "This Ordinance shall become effective upon the enactment of authorizing legislation by the Pennsylvania General Assembly." Enrolled bill numbered this as Section 10-834; renumbered by Code editor.

#### **Section 10-838a. Failure to report lost or stolen firearm.**

**(1) Prohibited Conduct.** No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to an appropriate local law enforcement official within 24 hours after the loss or theft is discovered.

**(2) Penalties.** A violation of this Section shall be deemed a Class III Offense, subject to the penalties set forth in Section 1-109.

**(3) Repeat Offenders.** Any person who commits, on more than one occasion, a violation of this Section, shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of not more than one thousand nine hundred dollars (\$1,900) for any violation committed in 2008, and not more than two thousand dollars (\$2,000) for any violation committed in 2009 or thereafter, or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.

### **Chapter 10-2000 – Use of Three-Dimensional Printer to Manufacture Firearms**

#### **Section 10-2001. Definitions.**

**(1) Firearm.** Any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosive or burning substance or any device readily convertible to that use.

**(2) Three-dimensional printer.** A computer-driven machine capable of producing a three-dimensional object from a digital model.

#### **Section 10-2002. Restriction on use.**

No person shall use a three-dimensional printer to create any firearm, or any piece or part thereof, unless such person possesses a license to manufacture firearms under Federal law, 18 U.S.C. § 923(a).

#### **Section 10-2003. Penalties.**

A violation of this Chapter shall be a Class III offense and subject to a fine as set forth in § 1-109 of this Code.



**(5) Industrial Districts.**

Table 14-602-3: Uses Allowed in Industrial Districts

Previous District Name	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	
District Name	IRMX	ICMX	I-1	I-2	I-3	I-P	Use-Specific Standards
Retail Sales Use Category <sup>[4]</sup>							
Gun Shop	N	S	N	S	Y	N	§ 14-603(13)

**(6) Special Purpose Districts.**

Table 14-602-4: Uses Allowed in Special Purpose Districts

Previous District Name	IDD	CED	SSD	REC-P	REC	New	
District Name	SP-INS	SP-ENT	SP-STA	SP-PO-P	SP-PO-A	SP-AIR	Standards
Retail Sales Use Category							
Gun Shop	N	N	N	N	N	N	§ 14-603(13)

**Section 14-603. Use-specific standards.**

**(13) Regulated Uses.**

**(a) Designation of Regulated Uses.**

The following uses are designated as regulated uses:

**(.4) Gun shops;**

**(b) Regulations and Standards.**

**(.1) Separation Requirements.**

No regulated use may be located:

**(.a)** Within a zoning district where such use is not expressly allowed;

**(.b)** Within 1,000 ft. of any other existing regulated use;

**(.c)** Within 500 ft. of any Residential district or SP-INS district;

**(.d)** Within 1,000 ft. of any SP-ENT zoning district; or

**(.e)** Within 500 ft. of the nearest lot line of a lot containing any protected use (see § 14-203(249) (Protected Use)).

**(.2) Discontinuance of Operations.**

If a regulated use ceases or discontinues operation for a continuous period of 90 days or more, the regulated use may not resume, or be replaced by any other regulated use unless it complies with the regulated use requirements of this section.

**Pittsburgh Code of Ordinances**

Current through Ordinance 32-2019, September 19, 2019. (Supplement 34, Update 2)

**Title Six – Conduct**

**Article I – Regulated Rights and Actions**

**Chapter 624 – Lost and Stolen Firearms**

**Section 624.01. Failure to report lost or stolen firearm.**

No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to an appropriate local law enforcement official within twenty-four (24) hours after discovery of the loss or theft.

**Section 624.03. Penalty.**

**(1)** Any person who violates Section 623.01:

**(a)** For the first violation such person shall be subject to a fine of not more than five hundred dollars (\$500.00).

**(b)** For the second and subsequent violations thereafter such person shall be subject to a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than ninety (90) days, or both.

**Article XI – Weapons**  
**Chapter 695 – General Weapons Provisions**

**Section 695.02. Prohibition on weapons that are not firearms.**

**A.** It shall be unlawful to hold in one's possession within the City of Pittsburgh weapons designed or intended to cause injury or death to persons or damage to property for which no common lawful purpose exists, including, but not limited to the following:

1. An anti-tank gun;
2. A bazooka;
3. A bomb;
4. A booby trap;
5. A flamethrower;
6. A grenade;
7. A mine; and
8. A mortar shell.

**B.** Nothing in this Section shall be deemed to restrict a person's ability to possess a firearm or weapon in circumstances permitted by 18 Pa. C.S. 908.

**Section 695.05. Exemptions.**

**A.** In addition to the exemptions otherwise enumerated herein, the contents of this Chapter shall not apply to:

1. Any federal, state, county, or city agency, or any authorized agent or employee thereof, for use in the discharge of its official duties, including those charged with the enforcement of laws; and
2. Any federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the following conditions are met:
  - a. The firearm or item is housed appropriately;
  - b. The firearm or item is secured from handling by those unauthorized to do so; and
  - c. The firearm or device is unloaded, when and if possible.

**B.** Nothing in this Chapter shall be deemed to restrict a person's ability to use a lawfully possessed firearm for immediate and otherwise lawful protection of a person's or another person's person or property or for lawful hunting purposes.

**Section 695.06. Penalties for violations, failure to comply.**

**A.** Any person found in violation of this Chapter shall be fined up to one thousand dollars (\$1,000.00) and costs for each offense.

**B.** Each day of a continuing violation of or failure to comply with Section 695.02 of this Chapter shall constitute a separate and distinct offense.

**Section 695.07. Application of chapter.**

**A.** This Chapter shall not be interpreted so as to exempt any person from requirements codified in Title VI: Conduct, Article I: Regulated Actions and Rights or elsewhere in Article XI: Weapons.

**Chapter 696 – Use of Assault Weapons in Public Places**

**Section 696.01. Definitions.**

**A.** Applicable definitions set forth in Section 695.01 shall apply as well in this Chapter 696.

**B. Assault Weapon.** Any of the following, but not including any firearm modified to render it permanently inoperable, or unassembled parts or a combination of parts possessed for the purposes of repairing or servicing a lawfully-possessed firearm:

1. A selective-fire firearm capable of fully automatic, semi-automatic or burst fire at the option of the user that has the ability to accept a large capacity magazine;
2. Any of the following semi-automatic firearms:
  - a. Algimec Agmi;

- b.** Armalite AR-180;
  - c.** Australian Automatic Arms SAP Pistol;
  - d.** Auto-Ordnance Thompson type;
  - e.** Avtomat Kalashnikov AK-47 type;
  - f.** Barrett Light-Fifty model 82A1;
  - g.** Beretta AR-70;
  - h.** Bushmaster Auto Rifle and Auto Pistol;
  - i.** Calico models M-900, M-950 and 100-P;
  - j.** Chartered Industries of Singapore SR-88;
  - k.** Colt AR-15 and Sporter;
  - l.** Daewoo K-1, K-2, Max-1 and Max-2;
  - m.** Ecom MK-IV, MP-9 and MP-45;
  - n.** Fabrique Nationale FN/FAL, FN/LAR or FN/FNC;
  - o.** FAMAS MAS 223;
  - p.** Feather AT-9 and Mini-AT;
  - q.** Federal XC-900 and XC-450;
  - r.** Franchi SPAS-12 and Law-12;
  - s.** Galil AR and ARM;
  - t.** Goncz High-Tech Carbine and High-Tech Long Pistol;
  - u.** Heckler & Koch HK-91, HK-93, HK-94 and SP-89;
  - v.** Holmes MP-83;
  - w.** Intratec TEC-9 and Scorpion;
  - x.** Iver Johnson Enforcer model 3000;
  - y.** MAC-10, MAC-11 and MAC-11 Carbine type;
  - z.** Ruger Mini-14/5F folding stock model only;
  - aa.** Scarab Skorpion;
  - bb.** SIG 57 AMT and 500 series;
  - cc.** Spectre Auto Carbine and Auto Pistol;
  - dd.** Springfield Armory BM59, SAR-48 and G-3;
  - ee.** Sterline MK-6 and MK-7;
  - ff.** Steyr AUG;
  - gg.** Street Sweeper and Striker 12 revolving cylinder shotguns;
  - hh.** USAS-12;
  - ii.** UZI Carbine, Mini-Carbine and Pistol;
  - jj.** Weaver Arms Nighthawk; and
  - kk.** Wilkinson "Linda" Pistol;
- 3.** A Semi-automatic firearm not specifically listed in Section 696.01(B)(2) that meets any of the following criteria:
- a.** The firearm is a semi-automatic, centerfire rifle that has an ability to accept a detachable magazine and has at least one (1) of the following:
    - i.** A folding or telescoping stock;
    - ii.** A pistol grip that protrudes conspicuously beneath the action of the weapon;

- iii. A thumbhole stock;
- iv. A second handgrip or a protruding grip that can be held by the non-trigger hand;
- v. A flash suppressor, muzzle brake, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle brake, or muzzle compensator; or
- vi. A grenade launcher or flare launcher.

b. The firearm is a semi-automatic, centerfire rifle with a fixed magazine with the ability to accept more than ten (10) rounds.

c. The firearm is a semi-automatic, centerfire rifle that has an overall length of less than thirty (30) inches.

d. The firearm is a semi-automatic, centerfire pistol that has an ability to accept a detachable magazine and has at least one (1) of the following:

- i. Capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip;
- ii. A second handgrip;
- iii. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer; or
- iv. A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned, except a slide that encloses the barrel.

e. The firearm is a semi-automatic, centerfire pistol with a fixed magazine that has the ability to accept more than ten (10) rounds.

f. The firearm is a semi-automatic, centerfire shotgun that has at least one (1) of the following:

- i. A folding or telescoping stock;
- ii. A pistol grip that protrudes conspicuously beneath the action of the weapon;
- iii. A thumbhole stock;
- iv. A vertical handgrip; or
- v. An ability to accept a detachable magazine.

g. Any shotgun with a revolving cylinder.

**C. Large Capacity Magazine.** A firearm magazine, belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or converted to accept, more than ten (10) rounds of ammunition. This definition shall not be construed to include the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than ten (10) rounds of ammunition;
2. A .22 caliber tube ammunition feeding device;
3. A tubular magazine that is contained in a lever-action firearm; and
4. A magazine that is permanently inoperable.

**D. Selective Fire.** Refers to the adjustment capability of weapons to fire in semi-automatic, multi-shot bursts, and/or automatic modes.

**E. Semi-Automatic.** A firearm that fires a single round for each pull of the trigger and uses the force from the discharged round to chamber a new round immediately after each round is fired.

## **Chapter 696A – Authorized Prohibition of Assault Weapons**

### **Section 696A.01. Definitions.**

A. Applicable definitions set forth in Sections 695.01 and 696.01 shall also apply in this Chapter 696A.

### **Section 696A.02. Authorized prohibition of assault weapons.**

A. Following the effective date as set forth in Section 696A.06, it shall be unlawful to own, possess, transfer or transport an assault weapon within the City of Pittsburgh.

### **Section 696A.03. Exemptions.**

A. In addition to the exemptions otherwise enumerated herein, the contents of this Chapter shall not apply to:

1. Any federal, state, county, or city agency, or any authorized agent or employee thereof, for use in the discharge of its official duties, including those charged with the enforcement of laws;
2. Any federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the following conditions are met:
  - a. The firearm or item is housed appropriately;
  - b. The firearm or item is secured from handling by those unauthorized to do so; and
  - c. The firearm or device is unloaded, when and if possible; and
3. A person lawfully owning or otherwise possessing an assault weapon before the effective date of this Chapter.

**Section 696A.04. Penalties for violations, failure to comply.**

- A.** Any person found in violation of this Chapter or who otherwise fails to comply shall be fined up to one thousand dollars (\$1,000.00) and costs for each offense.
- B.** Each day of a continuing violation of or failure to comply with this Chapter shall constitute a separate and distinct offense.

**Section 696A.05. Application of chapter.**

- A.** This Chapter shall not be interpreted so as to exempt any person from requirements codified elsewhere in Article XI.

**Section 696A.06. Effective date.**

- A.** Section 696A.02 of this Chapter shall take effect sixty (60) days after, and to the extent permitted by, action of the Pennsylvania General Assembly or the Pennsylvania Supreme Court that has the effect of authorizing the implementation and enforcement of Section 696A.02 by the City of Pittsburgh.

**Chapter 697 – Prohibition on the Use of Certain Accessories, Ammunition, and Modifications**

**Section 697.01. Definitions.**

**D. Large Capacity Magazine.** A firearm magazine, belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or converted to accept, more than ten (10) rounds of ammunition. This definition shall not be construed to include the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than ten (10) rounds of ammunition;
2. A .22 caliber tube ammunition feeding device;
3. A tubular magazine that is contained in a lever-action firearm; and
4. A magazine that is permanently inoperable.

**Chapter 697A – Authorized Prohibition of Large Capacity Magazines**

**Section 697A.01. Definitions.**

- A.** Applicable definitions set forth in Sections 695.01, 696.01 and 697.01 shall apply as well in this Chapter 697A.

**Section 697A.02. Prohibition of large capacity magazines.**

- A.** Following the effective date set forth in Section 697A.06, it shall be unlawful to own, possess, transfer or transport a large capacity magazine within the City of Pittsburgh.

**Section 697A.03. Exemptions.**

- A.** In addition to the exemptions otherwise enumerated herein, the contents of this Chapter shall not apply to:

1. Any federal, state, county, or city agency, or any authorized agent or employee thereof, for use in the discharge of its official duties, including those charged with the enforcement of laws;
2. Any federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the following conditions are met:
  - a. The firearm or item is housed appropriately;
  - b. The firearm or item is secured from handling by those unauthorized to do so; and
  - c. The firearm or device is unloaded, when and if possible.

**Section 697A.04 Penalties for violations, failure to comply.**

A. Any person found in violation of this Chapter or who otherwise fails to comply shall be fined up to one thousand dollars (\$1,000.00) and costs for each offense.

B. Each day of a continuing violation of or failure to comply with this Chapter shall constitute a separate and distinct offense.

**Section 697A.05. Application of chapter.**

A. This Chapter shall not be interpreted so as to exempt any person from requirements codified elsewhere in Article XI.

**Section 697A.06. Effective date.**

A. Section 697A.02 of this Chapter shall take effect sixty (60) days after, and to the extent permitted by, action of the Pennsylvania General Assembly or the Pennsylvania Supreme Court that has the effect of authorizing the implementation and enforcement of Section 697A.02 by the City of Pittsburgh.

**Chapter 699 – Extreme Risk Protection Orders**

**Section 699.02. Definitions.**

**A.** Applicable definitions set forth in Sections 695.01, 696.01 and 697.01, and not otherwise expressly defined in this Chapter 699, shall also apply in this Chapter 699.

**B. Court.** The Pittsburgh Municipal Court.

**C. Extreme Risk Protection Order.** A court order prohibiting a person from having in the person's possession or control, purchasing or receiving or attempting to purchase or receive, a firearm, based upon a finding that the person presents a risk of suicide or of causing the death of, or serious bodily injury to, another person through the use of a firearm.

**D. Family or Household Member.** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by first-degree consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

**E. Firearms Dealer or Dealer.** A person licensed to sell firearms under 18 Pa. C.S. 6113 (relating to licensing of dealers).

**F. Firearms License or License.** A concealed carry license issued under 18 Pa. C.S. 6109 (relating to licenses), safekeeping license issued under 23 Pa. C.S. 6108.3 (relating to relinquishment to third party for safekeeping), hunting license required under 34 Pa. C.S. 2701 (relating to license requirements) or any similar license issued pursuant to the laws of another state.

**G. Law Enforcement Officer.** A City of Pittsburgh Police Officer who is empowered by law to conduct investigations of or to make an arrest for an offense enumerated in this Chapter 699 or an equivalent crime in another jurisdiction and an attorney authorized by law to prosecute or participate in the prosecution of such offense.

**H. Serious Bodily Injury.** Bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

**Section 699.03. Preliminary matters.**

**A.** The following individuals shall have standing to file a petition requesting that the court issue an extreme risk protection order or renew an existing extreme risk protection order:

1. A law enforcement officer; or

2. A family or household member of a person believed to present a risk of suicide or of causing the death of, or extreme bodily injury to, another person through the use of a firearm.

**B.** No filing fee may be charged for a petition under this Chapter 699.

**C.** An extreme risk protection order is effective at the time of service.

**D.** A respondent under this Chapter 699 shall have the right to be represented by counsel. If the respondent cannot afford an attorney and meets the income guidelines applicable to representation by a public defender in a criminal case, the court shall appoint counsel upon the request of the respondent.

**Section 699.04. Petition for extreme risk protection order.**

**A.** A petition for an extreme risk protection order shall set forth facts that demonstrate the risk presented by the respondent's ability to purchase firearms or have possession or control of firearms, and shall describe the number, types and locations of any firearms known or believed to be owned by the respondent or known or believed to be in the respondent's possession or control.

**B.** A petition for an extreme risk protection order, at the time of the filing, shall also identify all known restraining orders, orders of protection, and pending lawsuits, complaints, petitions, or actions pending, active, or filed within one (1) year

prior to the petition for an extreme risk protection order involving the respondent, including, but not limited to, an order entered pursuant to 23 Pa. C.S. Ch. 61 (relating to protection from abuse).

**C.** The court may consider all relevant evidence, but in no case shall an order be issued under Section 699.05 (relating to interim extreme risk protection order) or Section 699.09 (relating to order after hearing) absent a demonstration of risk due to behaviors or events occurring in the preceding twenty-four (24) months.

**D.** In determining whether grounds exist to issue an extreme risk protection order, the court shall consider evidence of the following factors and the recency of any behaviors or events:

1. Suicide threats or attempts.
2. Threats or acts of violence or attempted acts of violence.
3. Domestic abuse, including any violation of a protection from abuse order, under 23 Pa. C.S. Ch. 61 (relating to protection from abuse) or a similar law in another state.
4. Cruelty to animals under 18 Pa. C.S. Ch. 55 Subch. B (relating to cruelty to animals) or a similar law in another state.
5. Abuse of controlled substances or alcohol, or any criminal offense that involves controlled substances or alcohol.
6. Unlawful or reckless use, display or brandishing of a firearm.
7. Recent acquisition or attempted acquisition of a firearm.
8. The possession, use or control of a firearm as a part of the respondent's employment.
9. Any additional information the court finds to be reliable, including a statement by the respondent.

**E.** For purposes of this Section, the term "**brandishing**" means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.

**Section 699.05. Interim extreme risk protection order.**

**A.** The court reviewing a petition shall issue an interim extreme risk protection order if it finds, by a preponderance of the evidence, that:

1. The respondent presents a risk of suicide or of causing the death of, or serious bodily injury to, another person through the use of a firearm; and
2. The risk is imminent and other circumstances that would make it safe to proceed by ordering a hearing under Section 699.06 (relating to hearing on petition) without issuing an interim extreme risk protection order do not exist.

**B.** An interim extreme risk protection order shall include:

1. The date and time the order was issued.
2. Instructions for relinquishment of any firearm or firearms license that the respondent owns or that is in the respondent's possession or control.
3. Notification of the penalties for violating the order.
4. If the order was issued by a court and a hearing is scheduled under Section 699.05(D), the order shall include:
  - a. Notice of the time, date and location of the hearing;
  - b. Notice of the right to request a continuance, and instructions on requesting a continuance or waiving the hearing;
  - c. Notice of the fact that, at the hearing, or if the hearing is waived, the court may extend the order for up to one (1) year; and
  - d. Notice of the right to an attorney under Section 699.03 (relating to preliminary matters).

**C.** An interim extreme risk protection order issued by a court shall be in effect until following a hearing it is either vacated or terminated.

**D.** If the court orders an interim extreme risk protection order under Section 699.06(A), the court shall schedule a hearing on the petition to be held no more than ten (10) days from the date of the order.

**E.** The respondent may request a continuance on a hearing scheduled to take place after the issuance of an interim order, which the court shall grant. No hearing shall be continued except with the consent of the respondent.

### **Section 699.06. Hearing on petition.**

**A.** Upon reviewing a petition filed under Section 699.04 (relating to petition for extreme risk protection order), the court may issue an order for a hearing on the petition, which shall be scheduled to be held no more than ten (10) days from the date of the petition.

**B.** If the hearing is scheduled to take place fewer than three (3) business days after service of the order, the court shall grant a continuance until at least three (3) business days after service, if requested by the respondent. The court shall notify the respondent of the respondent's right to a continuance under this Section 699.06.

**C.** If the respondent waives the right to be present at a hearing or fails to appear for a hearing on a petition scheduled under this Section 699.06, the court may proceed with the hearing and may issue an extreme risk protection order in the respondent's absence.

### **Section 699.09. Order after hearing.**

**A.** The court shall issue an extreme risk protection order after conducting a hearing ordered under Section 699.05 (relating to interim extreme risk protection order) or Section 699.06 (relating to hearing on petition), or after the respondent waives the right to a hearing under Section 699.05, if the court finds by clear and convincing evidence that the respondent presents a risk of suicide or of causing the death of, or serious bodily injury to, another person through the use of a firearm.

**B.** An extreme risk protection order issued after a hearing shall be made effective for no less than three (3) months nor more than one (1) year.

**C.** The order shall include:

1. The date and time the order was issued.
2. The time frame and manner in which the respondent may request a termination hearing.
3. Instructions for relinquishment of any firearm that the respondent owns or that is in the respondent's possession or control, and any firearms license that is issued to the respondent.
4. Notification of the penalties for violating the order.

### **Section 699.10. Termination hearing.**

**A.** A respondent subject to an extreme risk protection order may submit one (1) written request at any time during the effective period of the order for a hearing to determine whether the order should be terminated.

**B.** Upon receipt of a request for a termination hearing, the court shall set a date for the hearing and shall provide notice of the hearing to the petitioner, the City of Pittsburgh Bureau of Police or other appropriate local law enforcement agency and the Pennsylvania State Police.

**C.** At a termination hearing, the respondent seeking termination of the order shall have the burden of proving, by clear and convincing evidence, that the respondent does not present a risk of suicide or of causing the death of, or serious bodily injury to, another person through the use of a firearm.

### **Section 699.11. Renewal of order.**

**A.** A petition to renew an extreme risk protection order shall set forth facts that support a renewal of the order. The court may deny the petition based on the information set forth in the petition or may schedule a hearing. The court shall provide notice of the hearing to the petitioner, the respondent, the local law enforcement agency and the Pennsylvania State Police.

**B.** If the court finds by clear and convincing evidence, based on factors set forth under Section 699.04 (relating to petition for extreme risk protection order), that the respondent continues to present a risk of suicide or of causing the death of, or serious bodily injury to, another person through the use of a firearm, the court may renew the extreme risk protection order for a duration of no fewer than three (3) months and no more than one (1) year from the date of the order.

**C.** The following limitations shall apply:

1. A petition under this Section 699.11 must be filed at least sixty (60) days prior to the expiration of the order.
2. A renewal hearing shall take place no later than thirty (30) days prior to the expiration date set in an existing order.
3. No extreme risk protection order may be renewed more than twice under this Section 699.11.

### **Section 699.12. Relinquishment of firearms.**

**A.** An extreme risk protection order issued under Section 699.05 (relating to interim extreme risk protection order) or Section 699.09 (relating to order after hearing) shall require the relinquishment of all firearms owned by the respondent or in the respondent's possession or control within twenty-four (24) hours following service of the order, except for cause

shown, in which case the court issuing the order shall specify the time for relinquishment of any or all of the respondent's firearms.

**B.** A law enforcement officer or sheriff serving an extreme risk protection order shall request that all firearms and any firearms license in the respondent's possession or control be immediately relinquished into the custody of the law enforcement officer or sheriff. A law enforcement officer taking custody of a firearm or firearms license under Section 699.12(B) shall transfer the firearm or firearms license to the sheriff or to a firearms dealer for safekeeping.

**C.** A respondent shall, within the time frame specified in the order, relinquish to the sheriff or a firearms dealer any firearm or license remaining in the respondent's possession or control after the time of service. A respondent relinquishing a firearm directly to a dealer shall, within the time frame specified in the order, provide to the law enforcement agency or sheriff a copy of the affidavit described in Section 699.12(F) in lieu of the firearm listed in the affidavit. A sheriff accepting an affidavit in lieu of a firearm shall file a copy with the court.

**D.** A sheriff or Law Enforcement Officer taking custody of a firearm or license from a respondent shall provide the respondent with a copy of a signed and dated receipt. The receipt shall include a detailed description indicating the serial number and condition of each firearm and notification that firearms will be deemed abandoned when the conditions under 18 Pa. C.S. 6128(a) (relating to abandonment of firearm, weapon or ammunition) are satisfied, and may then be disposed of in accordance with 18 Pa. C.S. 6128. The sheriff or Law Enforcement Officer issuing the receipt shall file the original with the court.

1. In addition, the appropriate law enforcement agency shall be liable to the lawful owner of said confiscated, seized or relinquished firearm for any loss, damage or substantial decrease in value of said firearm that is a direct result of a lack of reasonable care by the appropriate law enforcement agency.

**E.** A respondent whose firearm is in the custody of a sheriff may request that the firearm be transferred to a firearms dealer for consignment sale, lawful transfer or safekeeping. Upon receiving the request, the sheriff shall transport the firearm to a dealer at no cost to the respondent or the dealer.

**F.** A firearms dealer accepting custody of a firearm under this Chapter 699 shall provide the respondent, sheriff or Law Enforcement Officer from which the dealer accepts custody with an affidavit. A sheriff or Law Enforcement Officer delivering custody of a firearm to a dealer shall file a copy of the affidavit with the court.

**G.** The affidavit shall include the following:

1. The caption of the case in which the extreme risk protection order was issued.

2. The name, address, date of birth and Social Security number of the respondent.

3. A list of all firearms relinquished to the dealer and a detailed description of each firearm, including its condition and, if applicable, the manufacturer, model and serial number.

4. The name and license number of the dealer and the address of the licensed premises.

5. An acknowledgment that the dealer will not return a firearm to the respondent while the respondent is subject to an extreme risk protection order.

6. An acknowledgment that the firearm, if sold or transferred, will be sold or transferred in compliance with 18 Pa. C.S. Ch. 61 (relating to firearms and other dangerous articles), and that no firearm will be returned to a respondent or any third party until the dealer has independently confirmed that the person requesting return of the firearm is legally eligible to possess firearms under federal and state law.

### **Section 699.13. Return of firearms.**

**A.** Subject to Section 699.13(C), if, following a hearing, a court vacates an interim extreme risk protection order, the court shall order the immediate return of all relinquished firearms and licenses to the respondent. Upon termination or expiration of an extreme risk protection order, the respondent may request that the sheriff or firearms dealer in possession of a relinquished firearm or license return the firearm or license. Subject to Section 699.13(C), the sheriff or dealer shall return the firearm or license to the respondent as soon as possible but not later than the end of the next business day after the day on which the respondent makes the request.

**B.** A third party may request the return of a relinquished firearm at any time by providing proof of ownership and a sworn affidavit. Proof of ownership may consist of a statement in the affidavit. The affidavit shall affirm the following:

1. The third party will not intentionally or knowingly return a firearm to a person subject to an extreme risk protection order nor intentionally or knowingly allow a person subject to an extreme risk protection order to have access to a firearm.

2. The third party understands that intentionally or knowingly allowing a person subject to an extreme risk protection order to have access to a firearm constitutes a violation of Section 699.16(C) of this Chapter, resulting in a fine of up to one thousand dollars (\$1,000.00) and costs for each offense.

3. If the third party is a member of the household of a person who is subject to an extreme risk protection order, that any firearm returned to the third party will be stored either in a gun safe to which the person does not have and will not be permitted to access, or in a location outside the home to which the person does not have access.

C. Prior to returning a firearm to any person, the sheriff or firearms dealer in possession of the firearm shall independently confirm that the person requesting return of the firearm is legally eligible to possess firearms under federal and state law. The sheriff or dealer receiving a request under Section 699.13(A) shall conduct the required background check as soon as possible, but not later than the end of the next business day after the day on which the respondent makes the request.

**Section 699.14. Abuse of process.**

A. A person who files a petition for an extreme risk protection order knowing the information in the petition to be materially false, or with the intent to harass another, shall be fined one thousand dollars (\$1,000.00) and costs for each offense.

B. A person determined to have violated Section 699.14(A) or determined by the court to have acted in bad faith for the purpose of harassing the respondent shall be ordered to pay full restitution to the respondent. For purposes of this Section 699.14(B), restitution shall include, but not be limited to, reasonable attorney fees, costs of storage and other expenses incurred by the respondent as a result of the false reporting or false swearing.

**Section 699.16. Penalties for violations.**

A. A person who is the subject of an extreme risk protection order issued pursuant to Section 699.05 (relating to interim extreme risk protection order) or Section 699.09 (relating to order after hearing), if he intentionally or knowingly fails to relinquish a firearm or firearms license as required by the order, shall be fined up to one thousand dollars (\$1,000.00) and costs for each offense.

B. A person who intentionally or knowingly accepts possession of a firearm from a person he knows is the subject of an extreme risk protection order issued pursuant to Section 699.05 (relating to interim extreme risk protection order) or Section 699.09 (relating to order after hearing) shall be fined up to one thousand dollars (\$1,000.00) and costs for each offense.

1. Section 699.16(B) shall not apply to a firearms dealer or subsequent purchaser from a firearms dealer who accepts possession of a firearm pursuant to this Chapter 699.

2. It shall be an affirmative defense to any prosecution under Section 699.16(B) that the person accepting possession of a firearm in violation of Section 699.16(B):

- a. Notified the sheriff or Law Enforcement Officer as soon as practicable that he has taken possession; and
- b. Relinquished possession of any firearm in violation of Section 699.16(B) as directed by the sheriff or Law Enforcement Officer.

C. A person who has accepted possession of a firearm or firearms license pursuant to this Chapter 699, if he intentionally or knowingly returns a firearm or firearms license to a respondent or intentionally or knowingly allows a respondent to have access to the firearm or firearms license prior to the expiration of an extreme risk protection order or the issuance of a court order that vacates or terminates an extreme risk protection order under this Chapter 699, shall be fined up to one thousand dollars (\$1,000.00) and costs for each offense.

**Title Nine – Zoning Code  
Article V – Use Regulations  
Chapter 911 – Primary Uses**

**Section 911.02. Use Table.**

Use Classification  
The Pittsburgh Urban Zoning Code  
P = Permitted By Right  
A = Administrator Exception  
S = Special Exception  
C = Conditional Use

	Base Zoning Districts*											Standard See Section 911.04.x	
	Residential					Mixed Use							
	R1D	R1A	R2	R3	RM	NDO	LNC	NDI	UNC	HC	GI	UI	
Non-Residential Uses													
Firearms Business Establishment means any business establishment, duly licensed by the appropriate agencies of the United States of America and the Commonwealth of Pennsylvania, that engages in the sale of firearms ("firearms" as defined by Section 607.01 of the City Code), either by wholesale or retail, mail order or any other manner.								S	S	S	S	S	A.92

	Base Zoning Districts*										Standard See Section 911.04.x
	Special			DT	RIV						
	P	H	EMI	GT	RM	MU	NS	GI	IMU		
Non-Residential Uses											
Firearms Business Establishment means any business establishment, duly licensed by the appropriate agencies of the United States of America and the Commonwealth of Pennsylvania, that engages in the sale of firearms ("firearms" as defined by Section 607.01 of the City Code), either by wholesale or retail, mail order or any other manner.				S				S	S		A.92

\* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.

**Plainfield Township (Northampton County) Code of Ordinances**

Current through September 11, 2019.

**Chapter 27 – Zoning**

**Part 3 – Zoning Districts and Use Regulations**

**Section 27-318. Accessory uses.**

**F. Home Occupation.**

**(8)** The following uses shall not be permitted as a home occupation: animal hospital, stable, kennels, funeral parlor, retail store, restaurant, barber shop, beauty shop or gun shop. The above list is not exhaustive, but is included to clarify and illustrate, by example, uses, which are undesirable as home occupations.

**Potter Township (Beaver County) Code of Ordinances**

Current through February 14, 2018.

**Chapter 210 – Zoning**

**Article III – Permitted, Conditional, and Special Exception Uses**

**Section 210-25. Home occupations/no-impact home-based businesses.**

K. The following are examples of permitted home occupations, provided all of the foregoing criteria are met:

- (20) Motor repair service, woodworking, gunsmiths (not gun sales).

**Pottsville City (Schuylkill County) Code of Ordinances**

Current through December 10, 2018.

**Chapter 119 – Firearms and Fireworks**

**Section 119-2.1. Failure to report loss or theft.**

No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to an appropriate local law enforcement official within 24 hours after discovery of the loss or theft.

**Section 119-5. Violations and penalties.**

B. Failure to report loss or theft of firearm.

- (1) For a first violation of the provisions of § 119-2.1, any person, firm or corporation who or which shall be convicted of violating any of the provisions of § 119-2.1, shall be subject to a fine of not more than \$500, plus cost of prosecution.
- (2) For a second or subsequent violation of any of the provisions of § 119-2.1, any person, firm or corporation who or which shall be convicted of violating any of the provisions of § 119-2.1 shall be subject to a fine of not more than \$1,000, plus costs of prosecution and shall be subject to a term of imprisonment of not more than 90 days.

**Chapter 164 – Peddling and Soliciting**

**Article III – Pawnbrokers and Secondhand Dealers**

**Section 164-27. Police notification required.**

All antique dealers, secondhand dealers, pawnbrokers and scrap dealers must provide either oral or written communication to the Pottsville Bureau of Police within two business days of any unusual, odd or suspicious transaction or attempted transaction. Such communication should occur when:

- A. The item in question is a firearm.

**Riverside Borough (Northumberland County) Code of Ordinances**

Current through June 3, 2019.

**Chapter 285 – Zoning**

**Attachment 4. Allowed uses in primarily business zoning districts.**

Key:

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Borough Council)
- N = Not permitted

Types of Uses (See definitions in Article III)	Zoning Districts		
	C	LI	I
Industrial Uses			
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:			
Explosives, fireworks or ammunition	N	N	C

**Salisbury Township (Lehigh County) Code of Ordinances**  
Current through June 27, 2019.

**Chapter 27 – Zoning**  
**Part 3 – Districts**

**Section 27-306. Table of permitted uses by district.**

1. For the purposes of this section, the following abbreviations shall have the following meanings:

P = Permitted by right (zoning decision by the Zoning Officer)

C = Conditional use (decision by the Board of Commissioners after an opportunity for review by the Planning Commission)

SE = Special exception use (decision by the Zoning Hearing Board, with certain uses requiring review by the Planning Commission)

N = Not permitted

27 Attachment 3

Table of Permitted Uses: Business Districts

Types of Uses (See definitions in Part 2)	Business Districts			
	CI	C2	C3	I
Industrial Uses				
Manufacture and/or bulk processing of:				
Explosives, fireworks, ammunition or gunpowder, including bulk storage (except government-owned facility)	N	N	N	N

**Schwenksville Borough (Montgomery County) Code of Ordinances**  
Current through November 8, 2018.

**Chapter 176 – Zoning**  
**Article XII – MI Manufacturing and Industrial Districts**

**Section 176-72. Uses not permitted.**

C. No building may be erected, altered or used and no lot may be used for any of the following or substantially similar purposes:

- (5) Ammunition manufacture and/or storage;

**Scranton City (Lackawanna County) Code of Ordinances**  
Current through December 3, 2018.

**Chapter 445 – Zoning**  
**Article III – Districts**

**Section 445-29. Table of permitted uses by district.**

A. For the purposes of this section, the following abbreviations shall have the following meanings:

C Conditional use (decision by the City Council after an opportunity for review by the Planning Commission)

N Not permitted

445 Attachment 2 Business Districts

Types of Uses (See definitions in Article II)	C-D	C-N	C-G	I-L	I-G
	Industrial Uses				
Manufacture and/or bulk processing of:					
Explosives, fireworks, ammunition or gunpowder, including bulk storage (except government-owned facilities necessary for public safety or national defense, which are permitted by right)	N	N	N	C	C

**Shaler Township (Allegheny County) Code of Ordinances**  
Current through May 14, 2019.

**Chapter 225 – Zoning**  
**Article XXII – Definitions**

**Section 225-218. Definitions.**

**Home Occupation** An accessory use of a service character customarily conducted within a dwelling by the residents therein, which is clearly secondary to the use of the dwelling for living purposes and does not change the principal character thereof nor have any exterior evidence of such secondary use other than a small nameplate, and which does not involve the keeping of a stock-in-trade. Dancing instructions, commercial sale of firearms and guns, group musical instructions, tearooms, barbershops, beauty shops, massage parlors and the conduct of a commercial enterprise shall not be deemed to be a "home occupation."

**South Strabane Township (Washington County) Code of Ordinances**  
Current through May 22, 2018.

**Chapter 245 – Zoning**  
**Article XV – Conditional Uses; Uses by Special Exception**

**Section 245-129. Home occupations.**

**Q.** The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:

- (14) Sale of guns, firearms and ammunition.

**Spring Grove Borough (York County) Code of Ordinances**  
Current through December 18, 2017.

**Chapter 400 – Zoning**  
**Article III – Districts**

**Section 400-16. Table of permitted uses by district.**

**A.** For the purposes of this section, the following abbreviations shall have the following meanings:

- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Borough Council)
- N = Not permitted

400 Attachment 3  
Table of Permitted Uses

Types of Uses (See definitions in Article II)	Zoning Districts				
	LDR	TR	V	GC	I
Industrial Uses					
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
Explosives or ammunition	N	N	N	N	N

**Springettsbury Township (York County) Code of Ordinances**  
Current through February 14, 2019.

**Chapter 325 – Zoning**  
**Article XXIX – Permitted Uses Authorized by Special Exception or as a Conditional Use**

**Section 325-173. Home occupations.**

A home occupation shall be permitted by special exception in any residential district subject to the following:

- F.** No quantity of firearms, gunpowder, fireworks, rockets, projectiles or similar explosives shall be allowed.

**Springfield Township (Montgomery County) Code of Ordinances**  
Current through August 14, 2019.

**Chapter 114 – Zoning**  
**Article XIIC – Limited Industrial District**

**Section 114-12C2. Prohibited uses.**

A. The following uses shall not be permitted:

- (6) Ammunition manufacture and/or storage.

**Stroud Township (Monroe County) Code of Ordinances**  
Current through January 7, 2019.

**Chapter 13 – Licenses, Permits and General Business Regulations**  
**Part 7 – Secondhand Goods Dealers, Pawn Shop Brokers, and Scrap Metal Yards**

**Section 13-701. Licenses.**

1. License Required. No person shall use, exercise or carry on the business, trade or occupation of buying or selling ..., firearms or other valuable articles, hereinafter referred to as "secondhand goods or articles" or, being a secondhand dealer within the Township of Stroud, without having first obtained a license from the Stroud Township Code Enforcement Officer as hereinafter provided. A "secondhand dealer" is defined as a person, association, corporation or partnership, or other entity, who or which, wholly or in part, engages in or operates the trade or business of buying or acquiring any goods or articles as mentioned above, or other valuable goods, or articles, except from a regularly established wholesale or retail dealer. Any business required by state law under Chapter 501, Purchase/Sale of Precious Metals, 37 Pa. Code § 501.1, Part VII, Precious Metals, will still be required to obtain a permit through the Monroe County Sheriff's Department.

2. Application Fee. The Township of Stroud shall, from time to time, give and grant licenses to all proper persons, except persons convicted of receiving stolen goods, theft or burglary, who may apply for the same to use, exercise, and carry on the trade or business or occupation of buying secondhand goods or articles, or being a secondhand dealer and/or pawnbroker, which said license shall state where said business is to be carried on and shall continue in force for one year (unless sooner suspended or revoked) and no longer. Each person applying for such license, if his/her application be approved in writing by the Stroud Township Code Officer, shall pay to said official an annual fee as established by resolution of the Township Board of Supervisors, and receive from said official a license to carry out said business. The license so granted shall only be valid for one place of business.

3. Business on Licensed Premises Only. No person licensed as a secondhand dealer and/or pawnbroker in the Township shall, by virtue of one license, keep more than one place of business for receiving or taking goods in pawn; nor shall he or she, at any time, take goods at any other place than the place for which the license was issued.

**Swatara Township (Dauphin County) Code of Ordinances**  
Current through August 14, 2019.

**Chapter 295 – Zoning**  
**Article III – District Regulations**

**Section 295-28. Use regulations.**

A. For the purposes of this section, the following abbreviations shall have the following meanings:

- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Board of Supervisors)
- N = Not permitted

H. Allowed uses in primarily business zoning districts. For the MU Mixed-Use District, see § 295-34.

Types of Uses (See definitions in Article II)	Zoning Districts		
	C-L	C-G and C-H	M-L and M-G
Industrial Uses			
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:			
Explosives, fireworks or ammunition	N	N	N in M-L; SE in M-G

**Tobyhanna Township (Monroe County) Code of Ordinances**  
Current through July 17, 2018.

**Chapter 155 – Zoning**  
**Article IX – Commercial/Industrial District**

**Section 155-17. CI Commercial/Industrial District.**

F. Prohibited uses. Although it should be understood that any such use which is not specifically permitted in Subsection B of this section is thereby prohibited, the following uses and activities are specifically prohibited:

(12) The manufacture of the following materials or products from raw materials:

Chemicals in bulk, explosives, fireworks, ammunition or gunpowder

**Towamencin Township (Montgomery County) Code of Ordinances**  
Current through January 15, 2017.

**Chapter 153 – Zoning**  
**Article IV – Permitted Land Uses Per District**

**Section 153-414. LI Limited Industrial District.**

In all LI Districts the following regulations shall apply unless otherwise specified in Article V of this chapter:

A. Permitted land uses. A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations ... and other provisions as specified herein.

(4) Uses specifically prohibited. The following uses shall be specifically prohibited:

(d) Ammunition manufacture and/or storage.

**Trappe Borough (Montgomery County) Code of Ordinances**  
Current through August 1, 2017.

**Chapter 340 – Zoning**  
**Article IX – LI Limited Industrial Districts**

**Section 340-43. Use regulations.**

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings for the following uses and no other:

D. The following shall not be permitted:

Ammunition manufacture and/or storage

**Tyrone Borough (Blair County) Code of Ordinances**  
Current through February 11, 2019.

**Chapter 142 – Pawnbrokers, Junk Dealers and Secondhand Dealers**

**Section 142-19. Secondhand dealers.**

A. License required to be a secondhand dealer. Except as otherwise provided in this section, no person shall engage in the business of being a secondhand dealer, as defined in this section, without procuring a license from the License Officer. A secondhand dealer's license runs from January 1 to December 31 of each year.

(1) No individual shall be required to obtain a license under this section who engages in isolated or occasional purchases or sales of those items set forth in Subsection B of this section, provided such person maintains no place of business within the Borough, engages in no promotion or advertising and can prove by appropriate records that total sales of the previous year did not exceed \$1,500.

B. Definition of a "secondhand dealer." Except as provided otherwise in this section:

Secondhand Dealer Includes any person who either wholly or in part engages in or operates the trade or business of buying and/or selling used goods such as ... firearms and bric-a-brac. The foregoing enumeration of articles, goods and property shall not be deemed to be exclusive or all-inclusive. Secondhand articles or goods, for the purpose of this chapter, are any articles or goods that are purchased, salvaged, or received from any person, association, copartnership, or cooperation.

(1) "Secondhand dealer," for purposes of this chapter, does not include antique stores or dealers, which are defined as businesses which are exclusively engaged in the sale of objects or items which have special value because of their age.

(2) "Secondhand dealer," for purposes of this chapter, shall not be deemed to include:

- (a) Judicial sale or sales by executors or administrators.
- (b) Sales of unredeemed pledges by or on behalf of licensed pawnbrokers in the manner prescribed by law.

**Upper Burrell Township (Westmoreland County) Code of Ordinances**

Current through June 6, 2018.

**Chapter 350 – Zoning**

**Article XV – Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception**

**Section 350-93. Standards for specific uses.**

(24) Home occupation, subject to:

(p) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:

- [12] Sale of archery equipment, guns, firearms and ammunition;

**Upper Chichester Township (Delaware County) Code of Ordinances**

Current through December 6, 2018.

**Chapter 600 – Zoning**

**Article XI – I-C Industrial Commercial District**

**Section 600-72. Conditional uses.**

Conditional uses shall be subject to Article XXII and the provisions cited below:

- D. Retail firearms store, subject to §§ 600-189 and 600-190.

**Upper Dublin Township (Montgomery County) Code of Ordinances**

Current through April 10, 2018.

**Chapter 255 – Zoning**

**Article XVI – EC Employment Center District**

**Section 255-104. Prohibited uses.**

Prohibited uses include, but are not limited to, the following:

- F. Ammunition manufacture and/or storage.

**Upper Milford Township (Leigh County) Code of Ordinances**

Current through Ordinance 160, passed February 17, 2019.

**Title XV – Land Usage**

**Chapter 155 – Zoning**

**Districts, Permitted Uses and Yard Requirements**

**Section 155.068. Table of allowed uses in each zoning district.**

(A) For the purposes of this section, the following abbreviations shall have the following meanings:

N = Not permitted

Table 155.068(B)(5): Allowed Uses in Primarily Business Zoning Districts

Types of Uses (See definitions of uses in § 155.051)	Zoning Districts		
	VC	C	I
Industrial Uses			
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:			
Explosives, fireworks or ammunition	N	N	N

**Upper Nazareth Township Code of Ordinances**

Current through May 2, 2018.

**Chapter 27 – Zoning**

**Attachment 2. Allowed uses in primarily business zoning districts (§ 27-306).**

Key:

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

Types of Uses (see definitions in Part 2)	Zoning Districts		
	NC	I-1 and I-2	EX-1
(5) Industrial Uses			
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:			
Explosives, fireworks or ammunition	N	N	SE

**Upper Southampton Township (Bucks County) Code of Ordinances**

Current through November 7, 2018.

**Chapter 185 – Zoning**

**Article IV – Use Regulations**

**Section 185-12. Permit required.**

Uses permitted in § 185-16, Table of Use Regulations, shall require the issuance of a zoning permit as specified in Article IX prior to establishment or modification.

**Section 185-13. Uses by right and special exception.**

**A.** A use listed in § 185-16 is permitted by right in any district under which it is denoted by letter "P," subject to such requirements as may be specified in § 185-16, and upon appropriate authorization as indicated in Article IX.

**B.** A use listed in § 185-16 is not permitted in any district under which it is denoted by the letter "N."

**D.** A use listed in § 185-16 is permitted by the grant of a special exception in any district in which it is denoted by the letter "S," provided that approval is granted by the Zoning Hearing Board subject to the general requirements and standards of § 185-16 and § 185-85.

**Section 185-16. Table of use regulations.**

Use regulations shall be as follows:

	R-1 R-2 R-3	R-4	R-5	R-6	RS	CC	LI	CI
Commercial Uses								
(32) Repair services including shops for... guns, bicycles, locks, etc.	N	N	N	N	P	N	N	N

**Walnutport Borough (Northampton County) Code of Ordinances**

Current through April 16, 2018.

**Chapter 450 – Zoning**

**Attachment 450a. Permitted uses by district table.**

Key:

P=Permitted by right (zoning decision by Zoning Officer)

SE=Special exception use (zoning decision by Zoning Hearing Board)

C=Conditional use (zoning decision by Borough Council)

N=Not permitted

Table of Permitted Uses by District — Primary Nonresidential Districts

Types of Uses (See definitions in Article III)	Zoning Districts			
	TC	GG	TCB	I
Industrial Uses				
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:				
Explosives, fireworks or ammunition	N	N	N	N

**Warren City (Warren County) Code of Ordinances**

Current through June 18, 2018.

**Chapter 470 – Zoning  
Article VIII – General Controls**

**Section 470-45. Prohibited uses.**

A. A building may be erected or used, and a lot may be used or occupied, for any lawful purpose except for those purposes specified below or any purposes substantially similar to any so specified:

- (4) Commercial ammunition manufacturing or wholesale storage of ammunition.

**Warwick Township (Lancaster County) Code of Ordinances**

Current through June 5, 2019.

**Chapter 340 – Zoning  
Article II – Zone Regulations**

**Section 340-18. Industrial-1 Zone (I-1).**

C. Conditional uses. (See § 340-131).

- (11) Home improvement and building supply stores, including as accessory uses retail sales of firearms, sporting equipment, dry goods and lawn and garden equipment and materials (see § 340-77).

**Washington City (Washington County) Code of Ordinances**

Current through September 14, 2017.

**Chapter 350 – Zoning  
Article III – Zoning Districts**

**Section 350-13. Authorized uses.**

A. Table 301 contains the list of principal uses that are authorized within each of the zoning districts; Table 302 contains the list of authorized accessory uses.

B. For the purposes of this article, the following abbreviations shall have the following meanings:

- P = Permitted use by right (zoning determination by the Zoning Officer)
- SE = Special exception use (zoning decision by the Zoning Hearing Board)
- C = Conditional use (zoning decision by Council)
- N = Use is not permitted

(Subject to § 350-57) = Subject to additional requirements specified in § 350-57 of this chapter.

C. Unless otherwise provided by state or federal law or specifically stated in this chapter, any land or structure shall only be used or occupied for a use specifically listed in this section as being allowed in the zoning district where the land or structure is located. Such use shall only be permitted if the use complies with all other requirements of this chapter.

350 Attachment 1  
Table 301: Authorized Principal Uses.

	T-1	MD	ED	CBD	GB	D
Commercial Uses						
Gun shop, subject to § 350-57A(28)	N	N	N	N	N	C

**Section 350-57. Additional requirements for specific uses.**

**A.** The following uses shall meet the following additional requirements, in addition to all other applicable requirements. Where this article and another provision of this chapter apply to the exact same matter, the provision that is most restrictive upon development or use shall apply.

**(28) Gun shop.**

**(a)** No gun shop shall be located within 500 feet of any school or residence and no gun shop shall be within 1,500 feet of another such use, as measured from the property line.

**(b)** Gun shops shall be required to secure storage and display areas, including a security system, security door or window grates, exterior lighting or site fencing, and limited site access during nonbusiness hours by means of fences, chains or means specified by the Board. All gun shops shall be in compliance with all federal and state laws.

**Watson town Borough (Northumberland County) Code of Ordinances**

Current through April 8, 2019.

**Chapter 27 – Zoning  
Part 4 – Use Regulations**

**Section 27-402. Permitted Uses.**

**1. Uses Permitted by Right.** A use listed in § 27-403 is permitted by right in any district under which it is denoted by the letter "P," subject to all applicable requirements contained within this chapter and after a zoning permit has been properly issued.

**2. Uses Permitted by Special Exception.**

**A.** A use listed in § 27-403 is permitted in any district under which it is denoted by the letter "S," provided the Zoning Hearing Board authorizes the issuance of a zoning permit by the Zoning Officer, subject to the specific requirements of §§ 27-403 and 27-1005, as well as all other applicable requirements of this chapter and such further restrictions that said Board may establish.

**B.** Any use existing on the effective date of this chapter which is classified as permitted by special exception in the district in which the land occupied by the use is located shall be deemed to have been granted a special exception subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure shall be subject to the procedure specified in Parts 9 and 10.

**3. Uses Not Permitted.** A use listed in § 27-403 is not permitted in any district under which it is denoted by the letter "N."

**Section 27-403. Table of use regulations.**

District	C	A	AH	SR	UR	VC	CC	HC	I	CI
5. Commercial Uses										
C. Repair Services – For ... guns, bicycles, locks and similar items	N	N	N	N	N	P	P	P	N	N

**West Lampeter Township (Lancaster County) Code of Ordinances**

Current through July 8, 2019.

**Chapter 285 – Zoning  
Article III – Districts**

**Section 285-26. Table of allowed uses in each zoning district.**

**A.** For the purposes of this § 285-26, the following abbreviations shall have the following meanings in the Table of Allowed Uses, which follows:

- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Board of Supervisors)
- N = Not permitted

Table of Allowed Uses  
Uses in Primarily Business Zoning Districts

Types of uses (See definitions in Article II)	Zoning Districts				
	MS & MSL	CN	CH	I/M	OTR
e. Industrial Uses					
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
Explosives, Fireworks or Ammunition	N	N	N	SE	N

**West Whiteland Township (Chester County) Code of Ordinances**  
Current through July 23, 2019.

**Chapter 325 – Zoning**  
**Article VIII – Supplementary Land Use Regulations**

**Section 325-23. Accessory use regulations.**

**B. Home occupations.**

(c) Special home occupation business. A special home occupation business is a type of home occupation, as that term is defined in Article II hereabove, that is permitted by right in all zoning districts as an accessory use only of a single-family detached dwelling unit situated on a lot with a gross lot area of 0.50 acre or more ... and subject to the following requirements:

[11] The following activities are permitted in residential zoning districts only as a special home occupation business:

[d] The sale and transfer of firearms, pursuant to a valid federal firearms license.

**Westtown Township (Chester County) Code of Ordinances**  
Current through June 3, 2019.

**Chapter 170 – Zoning**  
**Article XVI – Supplemental Regulations**

**Section 170-1605. Home occupations.**

**E. Prohibited home occupations.** The following uses shall not be permitted as home occupations under any conditions and shall be classified as commercial uses:

(16) Sale of firearms or weapons.

**Whitemarsh Township (Montgomery County) Code of Ordinances**  
Current through February 7, 2019.

**Chapter 53 – Firearms**

**Section 53-5. Reporting lost or stolen firearms.**

**A. Lost or stolen firearm reporting requirement.**

(1) Required conduct. Any person who is the owner of a firearm that is lost or stolen within the Township shall report the loss or theft of the firearm to the Whitemarsh Township Police Department within 72 hours after discovery of the loss or theft of the firearm. Failure to so report a lost or stolen firearm is a violation subject to the penalties set forth under this section.

(2) Definition of "firearm." For purposes of this section, the term "firearm" shall mean any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable. This section shall be deemed automatically amended at any time that the definition of "firearm" provided under 18 Pa.C.S.A. § 6102 is amended after the effective date of this section, and the definition of "firearm" set forth under 18 Pa.C.S.A. § 6102 shall be deemed the definition controlling the enforcement of this section.

**C. Penalties for violation.** Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 nor less than \$300, plus costs and attorneys' fees expended by

Whitemarsh Township to prosecute the violation, and in default of payment of said fine, costs and fees, to a term of imprisonment not to exceed 90 days. Each day that a violation of the section continues shall constitute a separate offense, punishable as set forth herein.

**Whitpain Township (Montgomery County) Code of Ordinances**  
Current through September 17, 2019.

**Chapter 160 – Zoning**  
**Article XIX - C Commercial Districts**

**Section 160-119. Use regulations.**

R. The following uses when authorized by special exception:

- (10) Repair shop, which shall include any business for the repair of appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, or other products permitted to be sold at retail in this district (but shall not include automobile, vehicle and motorcycle repair).

**Article XXII – I Limited Industrial Districts**

**Section 160-143. Prohibited uses.**

The following uses shall not be permitted:

- Ammunition manufacture and/or storage

**Wilkes-Barre Code of Ordinances**  
Current through Ordinance 20-2018, adopted December 20, 2018. (Supplement 12)

**Appendix A – Zoning Ordinance**  
**Article 5 – Zoning District Regulations**

**Section 507. Table of manufacturing and industrial uses by zoning district.**

	R-1	R-2	R-3	C-N	C-1	C-2	C-3	C-4	M-1	M-2	S-1	OSP
Machinery and Equipment, Vehicles and Arms												
Manufacturing, assembling, processing and packaging of ...; small arms, guns (except gun powder and explosives), artillery, and similar weaponry, ordinance and accessories not elsewhere listed										X		

X = Use permitted by right.

**Williams Township (Northampton County) Code of Ordinances**  
Current through August 14, 2019.

**Chapter 27 – Zoning**  
**Part 10 – “LI/B” Light Industrial Business District**

**Section 27-1006. Specifically prohibited uses.**

- (4) Explosives, fireworks, ammunition and gunpowder manufacture or bulk storage (except storage within a U.S. military or state owned facility).

**Part 11. “GI” General Industrial District**

**Section 27-1103. Special exception uses.**

1. Only the following are permitted by special exception uses in the "GI" District, provided that the requirements for specific uses in Part 14 and the performance standards of Part 14 are met:

- A. The following uses, provided that all manufacturing and storage facilities will be setback a minimum of 400 feet from any residential district boundary or existing dwelling:

- (17) Ammunition manufacture.<sup>[5]</sup>

<sup>[5]</sup> Note: See additional requirements in § 27-1402.

**Part 14. Additional Requirements for Specific Uses**

**Section 27-1402. Additional requirements for specific principal uses and lot configurations.**

1. Each of the following uses shall meet all of the following requirements for that use:

**D. Ammunition Manufacture.**

- (1) Manufacture shall be limited to only ammunition containing smokeless powder and not black powder.
- (2) Proprietor shall be fully licensed by the state and federal governments and their respective agencies, as required.
- (3) Facility shall comply with National Fire Protection Association 495: Explosive Materials Code.
- (4) Facility shall comply with off-street parking regulations at Table 27-1601-1, relating to industrial uses (other than distribution and warehousing) and wholesale sales.
- (5) Retail sales, including, without limitation, limited retail sales pursuant to Williams Township Ordinance 2013-4, shall be prohibited.

**Williamsport (Lycoming County) Code of Ordinances**  
Current through October 24, 2019.

**Part Thirteen – Planning and Zoning Code**  
**Title Five – Zoning Districts and Map; Use Regulations**  
**Article 1333 – Use Regulations**

**Section 1333.04. Prohibited uses.**

The following uses are expressly prohibited:

- (a) Manufacture or wholesale storage of explosives, ammunition or fireworks;

**Section 1333.05. Table of use regulations.**

As described in § 1333.02, the following uses shall be permitted in the following districts.

Uses	Zoning Districts											
	R1A	R1B	R2	R3	RU	INST	CC	CBD	CS	ML	MH	O
(c) Retail and Service Uses												
(30) Consumer and business service establishments such as tailoring, dressmaking, repairing of clocks, guns and home appliances												
a. Up to 5,000 square feet of gross floor area							X	X	X			
b. Without the restrictions of a.							X		X			

Legend:

- X = Permitted by right (with zoning approval by the Zoning Officer)
- S = Permitted as a special exception use (with zoning approval by the Zoning Hearing Board)
- C = Permitted as a conditional use (with zoning approval by City Council)
- If no letter is shown in a particular column, then that use is prohibited in that zoning district

**Wilson Borough (Northampton County) Code of Ordinances**  
Current through August 12, 2019.

**Chapter 103 – Firearms**  
**Article I – Notification of Lost or Stolen Firearms**

**Section 103-1. Notification required for lost or stolen firearm.**

Any person who is the owner of a firearm that is lost or stolen shall report the loss or theft to the Wilson Borough Police Department within 72 hours after discovery of the loss or theft.

**Section 103-2. Violations and penalties.**

Any person who violates this article shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both.

**Section 103-3. Definitions.**

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

**Firearm** Shall have the definition given to it by 18 Pa.C.S.A. § 6102, as may be amended from time to time.

**Worcester Township (Montgomery County) Code of Ordinances**

Current through August 15, 2018.

**Chapter 150 – Zoning**

**Article XIX – LI Limited Industrial District**

**Section 150-128. Use regulations.**

**G.** The following uses shall not be permitted:

**(6)** Ammunition manufacture and/or storage.

**Article XIXA – Industrial Research District**

**E.** The following uses shall not be permitted:

**(6)** Ammunition manufacture and/or storage.