

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 45 - 2016

AUGUST 3, 2016

AN ORDINANCE

Amending Article 734, Weapons, by adding Section 734.05, Failure to Report Lost or Stolen Fireman, requiring the reporting of lost or stolen guns and establishing penalties for such violation under section 734.99.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION 1. That Article 734, Weapons, be amended to read as follows:

**ARTICLE 734
WEAPONS**

734.01 No Carrying or Discharging of Weapons
734.02 Exceptions
734.03 Police Action Against Violators
734.04 Reserved
734.05 Failure to Report Lost or Stolen Firearm
734.98 Severability
734.99 Penalty

Discharge of Weapons – 3rd Class §2403 (26) (53 P.S. §2403 926)
Uniform Firearms Act – 18 P.a. C.S.A. §6101 *et seq.*

734.01 NO CARRYING OR DISCHARGING OF FIREARMS OR WEAPONS

A. No person shall use, carry or discharge air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety upon any property owned by the City. (9828 §1 6/19/62; 14638 §1 11/6/2008; 15183 §1 2/04/2015)

B. No person shall use, carry or discharge air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety within the limits of the City. (14638 §1 11/6/2008)

C. No person shall unlawfully discharge firearms of any kind, within the limits of the City or upon any property owned by the City. (14638 §1 11/6/2008; 15183 § 02/04/15)

734.02 EXCEPTIONS

A. Section 734.01 of this Article shall not apply at indoor or outdoor ranges approved for the firing or discharge of the aforementioned weapons (9828 §2 6/19/62;-14638 §1 11/6/2008; 15183 §1 2/4/15)

B. Notwithstanding anything contained herein, this Article shall not apply to the lawful possession, transportation, carrying of firearms accordance with State law, 18 Pa. C.S.A. §6101 et seq. commonly known as the Uniform Firearms Act; (14638 §1 11/6/08; 15183 §1 2/4/15)

C. Section 734.01 of this Article shall not apply for the lawful use of force, including deadly force, with a firearm for self-defense to protect against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat, in accordance with applicable State law, 2011, June 28, P.L. 48, No. 10, § 1, effective in 60 days [Aug. 29, 2011], commonly known as the Castle Doctrine. (15183 §1 2/4/15)

D. Notwithstanding anything contained herein, this Article shall not apply to the lawful hunting and/or trapping of game or wildlife governed by, and in accordance with, the State Game and Wildlife Code (Game Law), 34 Pa.C.S.A. §§101-2965, on property other than property owned by the City. (15183 §1 2/4/15)

734.03 POLICE ACTION AGAINST VIOLATORS

The Chief of Police shall have the right to seize, take, possess, remove and upon proper process destroy any weapons herein mentioned involved in a violation of the provisions of this Article. (9828 §3 6/19/62; 15183 §1 2/4/15)

734.04 (RESERVED) (15183 §1 2/4/15)

734.05 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 24 hours after discovery of the loss or theft. (14632 §1 10/2/08)

734.98 SEVERABILITY

If any provision of this Article or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Article which can be given effect without the invalid provision or application, and for this purpose the provisions of this Article are declared severable. (14632 §1 10/2/08)

734.99 PENALTY

A. Any person violating Sections 734.01, 734.02 or 734.03 of this article shall be fined not more than One Thousand (\$1,000) Dollars or imprisoned more than ninety (90) days, or both. (11995 §1 2/21/73; 13034 §5 3/6/91; 14632 §1 10/2/08; 14638 §1 11/6/2008)

B. Any person who violates Section 734.05:

1. For the first violation such person shall be subject to a fine of not more than \$500.

2. For the second and subsequent violations thereafter such person shall be subject to a fine of not more than \$1000, or imprisonment for not more than 90 days, or both. (14632 §1 10/2/08; 14638 §1 11/6/2008)

SECTION 2. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 3: That this ordinance will take effect ten (10) days after final passage.