

Council of the City of York, PA  
Session 2024  
Bill No.  
Ordinance No.

Committee  
Will be discussed at the Jan. 24th  
Committee mtg.

INTRODUCED BY: Elsbeth Bupp

DATE: January 16, 2024

AN ORDINANCE

Amending Article 725, "Firearms and Weapons," to regulate the discharge of firearms within the City.

**WHEREAS**, the Third-Class City Code provides, "To the extent permitted by Federal and other State law, council may regulate, prohibit and prevent the discharge of a firearm...(11 Pa.C.S. §12423"; and

**WHEREAS**, regulating the discharge of a firearm does not impact the legal collection or carrying of firearms; and

**WHEREAS**, regulating the discharge of firearms under select circumstances is within the historical tradition of firearm regulation, the test to pass constitutionality as outlined by the majority of the U.S. Supreme Court in *New York State Rifle & Pistol Association v. Bruen*; and

**WHEREAS**, the discharge of a firearm within the City of York's boundaries is inherently dangerous to life, limb, and property; and

**WHEREAS**, the sound of a firearm being discharged can be traumatizing to those in our community impacted by gun violence;

**NOW, THEREFORE, BE IT ENACTED**, by the Council of the City of York, Pennsylvania:

**SECTION 1. ORDINANCE ENACTMENT.**

ARTICLE 725  
Firearms and Weapons

~~725.01 Firearms: use in state of emergency.  
725.02 Switchblade knives.~~

~~725.99 Penalty.~~

~~725.01 FIREARMS: USE IN STATE OF EMERGENCY.~~

~~(a) No person shall discharge or carry guns, rockets, powder or any other dangerous instrument or combustible material or any other deadly weapon upon the streets or other public places or in any place to which the public has access within the City, during the period a state of emergency exists due to a proclamation issued by the Mayor or any extension of such proclamation by Council.~~

~~(b) The Pennsylvania State Police or any sheriff, police officer or constable shall seize, take, remove or cause to be removed from the person of any offender any or all weapons described in subsection (a) hereof which are in violation of this section~~

~~725.02 SWITCHBLADE KNIVES.~~

~~(a) No person in the City shall wear under his clothes or conceal about his person or display in a threatening manner, any knife with a switchblade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance.~~

~~(b) No person in the City shall sell, offer for sale, or display any knife or knives having the appearance of a pocket knife, the blade or blades which can be opened by a flick of a button, pressure on the handle, or other mechanical devices. Such knife is hereby declared to be a dangerous or deadly weapon.~~  
~~(c) The Chief of Police is hereby authorized to confiscate, remove and destroy any knife herein described, which is carried, concealed, offered for sale or displayed in violation of this section.~~

ARTICLE 725  
Firearms and Weapons

725.01 Definitions

725.02 Regulating the Discharge of Firearms

725.03 Firearms; use in state of emergency

725.04 Switchblade knives.

725.99 Penalty

Section 725.01. DEFINITIONS.

(a) "Discharge" means the expulsion of a projectile from a firearm or from the operation of a firearm in such a manner so as to lead one to reasonably conclude, by sight or sound, that a projectile was expelled from a firearm. If the firearm used is capable of the expulsion of a projectile, its firing alone shall be sufficient to constitute a discharge and no further proof of the expulsion of a projectile shall be necessary to establish a violation of this Article.

(b) "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. The term "firearm" shall not include any air gun, air pistol, spring gun, spring pistol, B-B gun, or any other implement that does not operate through the use of force created by an explosive even if it may discharge a projectile with a force that can reasonably be expected to cause bodily harm

Section 725.02 REGULATING THE DISCHARGE OF FIREARMS.

(a) To the extent permitted by Federal and State law, the discharge of firearms is banned within the boundaries of York City except as provided in subsection (b).

(b) Exceptions. The following acts shall not constitute violations of this Article:

(1) The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including, but not limited to, active operations, training exercises and ceremonies.

(2) The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of York and under circumstances such that the firearm is discharged in such a manner as not to endanger persons or property, and the firing range is constructed and maintained in such a manner as to prevent the projectile from traversing any grounds or space outside the limits of such range.

(3) The discharge of a firearm where such discharge is justified pursuant to 18 Pa.C.S. §§ 501-510 (relating to use of force in defense of persons and property).

(4) The discharge of a firearm where no projectile is expelled by an honor guard at a military funeral or to start a sports competition.

(5) The discharge of a firearm where no projectile is expelled at a public celebration, memorial or exhibition and the discharge is directed away from the nearest persons and property.

(c) Construction and enforcement. This Article shall not be construed or enforced to regulate or infringe upon the lawful ownership, possession, transfer or transportation of firearms as permitted by the Constitution and laws of the United States and of the Commonwealth of Pennsylvania. In addition, this Article shall not be construed or enforced to regulate firearms to the extent prohibited by 53 Pa.C.S. §2962 and 18 Pa.C.S. § 6120. [Cross-reference Third Class City Code, 53 P.S. § 37423] (Ord. 2015-11. Passed 3/17/15)

725.03 FIREARMS: USE IN STATE OF EMERGENCY.

(a) No person shall discharge or carry firearms, guns, rockets, powder or any other dangerous instrument or combustible material or any other deadly weapon upon the streets or other public places or in any place to which the public has access within the City, during the period a state of emergency exists due to a proclamation issued by the Mayor or any extension of such proclamation by Council.

(b) The Pennsylvania State Police or any sheriff, police officer or constable shall seize, take, remove or cause to be removed from the person of any offender any or all weapons described in subsection (a) hereof which are in violation of this section

725.04 SWITCHBLADE KNIVES.

(a) No person in the City shall wear under his clothes or conceal about his person or display in a threatening manner, any knife with a switchblade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance.

(b) No person in the City shall sell, offer for sale, or display any knife or knives having the appearance of a pocketknife, the blade or blades which can be opened by a flick of a button, pressure on the handle, or other mechanical devices. Such knife is hereby declared to be a dangerous or deadly weapon.

(c) The Chief of Police is hereby authorized to confiscate, remove and destroy any knife herein described, which is carried, concealed, offered for sale or displayed in violation of this section.

725.99 PENALTY. Whoever violates any provision of this article shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000) and costs of prosecution for each offense, and in default of payment thereof shall be imprisoned for not more than ~~thirty days (30 days)~~ ninety days (90 days).

**SECTION 2. SEVERABILITY.** If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of this Ordinance or Chapter of the applicable Code. City Council hereby declares that it would have adopted this Ordinance and each section, subsection, phrase, and word thereof, irrespective of the fact that any one or more of those sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective in accordance with applicable law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

NAYS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Edquina Washington, President of Council

\_\_\_\_\_  
Dianna L. Thompson, City Clerk

Presented to the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

APPROVED: \_\_\_\_\_

Mayor

Date

VETOED: \_\_\_\_\_

Mayor

Date