

Council of the City of York, PA
Session 2024
Bill No. 14
Ordinance No.

INTRODUCED BY: Edquina Washington

DATE: May 7, 2024

AN ORDINANCE

Amending Part 7, General Offenses, to establish Article 702, entitled “Unlawful Manufacture of Firearms,” to add definitions, to add additional prohibitions on use of three-dimensional printers, to impose prohibitions relating to the transfer, use, or conversion of unfinished firearms and certain equipment, the manufacture of firearms, and to prescribe additional penalties for violations of this Article.

WHEREAS, the City of York has adopted a Charter pursuant to the Optional Third Class City Charter Law (“Act”) which grants to a city adopting a charter thereunder, broad powers of self-government and local autonomy subject only to certain limitations prescribed by the Act. *See Greenberg v. City of Bradford*, 248 A.2d 51, 52 (Pa. 1968); *and*

WHEREAS, the grant of municipal powers by the Act was intended to confer the greatest power of local self-government consistent with the Constitution of this Commonwealth; *and*

WHEREAS, the Uniform Firearms Act (“UFA”), directs that “[n]o 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.” 18 Pa. C.S. § 6120(a); *and*

WHEREAS, the field of firearm regulation is preempted by the UFA in the Commonwealth of Pennsylvania; *and*

WHEREAS, the City, through this Article, intends to prohibit the conversion of unfinished frames or receivers into firearms, as well as the use of certain manufacturing processes to create firearms from scratch, and bars the purchase, sale, or transfer of certain kinds of parts and machinery for purposes of those activities; *and*
WHEREAS, such regulation is not preempted and is within the powers of the City as this Article does not regulate firearms.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 702 is hereby adopted as hereinafter set forth.

SECTION 1. Part 7, General Offenses, is hereby amended with the adoption of Article 702 as attached hereto and made a part hereof as follows:

ARTICLE 702.

Unlawful Manufacture of Firearms.

702.01 Definitions

702.02 Restrictions on Possession, Use, Transfer, or Manufacture.

702.03 Penalties.

§ 702.01. Definitions.

Firearm. Any item classified as a firearm as defined in 18 Pa. C.S. §6120(b).

Three-dimensional printer. A computer-driven machine capable of producing a three-dimensional object from a digital model.

Additive manufacturing. A manufacturing process in which material is laid down in succession in order to produce the product, including but not limited to three-dimensional printing.

Unfinished frame or receiver. A piece of any material that does not constitute a firearm, but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm.

Finished frame or receiver. Any frame or receiver that does not require additional milling or other modification to be capable of expelling a projectile when combined with additional components such as a barrel.

Firearm finishing mill. Any computer numerical control mill or other automated device designed to aid the conversion of an unfinished frame or receiver into a finished frame or receiver.

Firearm finishing jig. A jig designed to aid the conversion of an unfinished frame or receiver into a finished frame or receiver.

Firearm finishing device. Any device, such as a firearm finishing mill or jig, which has as its primary purpose to aid the conversion of an unfinished frame or receiver into a finished frame or receiver.

Federal firearms licensee. A person who is licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives to engage in the business of manufacturing, importing, or dealing of firearms.

Regulated Items. Unfinished frames or receivers and firearm finishing devices.

§ 702.02. Restrictions on Possession, Use, Transfer, or Manufacture.

1. No person, unless a Federal firearms licensee, shall:
 - a. use a three-dimensional printer to create any firearm, or any piece or part thereof or attachment thereto;
 - b. use any additive manufacturing process in order to produce a firearm; or
 - c. convert an unfinished frame or receiver into a finished firearm.
2. No person shall sell or otherwise transfer a firearm finishing device or an unfinished frame or receiver unless the transferor and transferee are both federal firearms licensees.
3. No person shall purchase or otherwise accept transfer of a firearm finishing device or an unfinished frame or receiver unless the transferor and transferee are both federal firearms licensees.

§ 702.03. Penalties.

Whoever violates any provision of this article shall, upon conviction thereof, be fined not less than \$300.00 or more than \$1,000.00 plus costs of prosecution for each offense, and in default of payment thereof shall be imprisoned for not more than ninety days (90 days). Each violation of this Article shall constitute a separate violation without the requirement of a prior judicial finding of guilt.

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 or Part 7 of the City of York Code of Ordinances 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. REPEALER. All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective in accordance with applicable law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____, _____

NAYS: _____.

Edquina Washington, President of Council

ATTEST:

Dianna L. Thompson, City Clerk

Presented to the Mayor for approval this _____ day of _____ 2024.

APPROVED: _____
Mayor Date

VETOED: _____
Mayor Date