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ORDINANCE No. 3 of 2013

AN ORDINANCE OF THE COUNTY OF DAUPHIN, PENNSYLVANIA, AMENDING EXISTING ORDINANCE # 2-95 PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS PERTINENT TO THE RECREATIONAL FACILITIES OPERATED BY THE COUNTY THROUGH THE PARKS AND RECREATION DEPARTMENT OF THE COUNTY OF DAUPHIN.

WHEREAS, in 1995, the Board Of Commissioners of the County Of Dauphin, Pennsylvania , passed Ordinance # 2-95 providing for the establishment of rules and regulations pertinent to the recreational facilities operated by the county through the Parks and Recreation Department of the County Of Dauphin; and

WHEREAS, under 18 Pa.C.S. § 6120, 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; and

WHEREAS, 18 Pa.C.S. § 6120 clearly establishes preemption not as having a narrow impact on the regulation of firearms at the local level but as expressly forbidding the regulation of firearms in anyway by local governments, thus rendering Ordinance # 2-95 at Section I (14) as illegitimate.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Commissioners of Dauphin County as follows:

ORDINANCE # 2-95 PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS PERTINENT TO THE RECREATIONAL FACILITIES OPERATED BY THE COUNTY THROUGH THE PARKS AND RECREATION DEPARTMENT OF THE COUNTY OF DAUPHIN IS HEREBY AMENDED BY DELETING EXISTING ORDINANCE # 2-95 AT SECTION I (14), AND REPLACING IT WITH THIS NEW ORDINANCE # 2-95 AT SECTION I (14).

No person shall (a) discharge any firearm as that term is defined by §6120(b) of the Pennsylvania Uniform Firearms Act except for law enforcement authorities in the performance of their duty or the justifiable use of force as authorized by Chapter 5 of the Pennsylvania Crimes Code, or (b) to use or possess a knife upon their person having a blade of 3 inches or longer in length, or any bow and arrow, sling shot, air rifle, BB gun,

air rifle, air pistol, rocket(s), slingshot, bow and arrow, explosive and paint gun or any other device (other than firearms as defined above) capable of throwing any projectile of any sort, including the hand throwing of rocks or stones intended to be used as weapons, or (c) to kill, hunt, trap or pursue or in any manner deliberately disturb any wildlife in the facility any park, except in facilities expressly designate or provided for that purpose.

DULY ORDERED AND ENACTED, by the Dauphin County Board of Commissioners in lawful session duly assembled this 10 day of April, 2013.

ATTEST:

COUNTY OF DAUPHIN
BOARD OF COMMISSIONERS



Laura Evans, Esq.
Chief Clerk/Chief of Staff


Jeff Haste, Chairman
Michael Pries, Vice Chairman
George P. Hartwick III, Secretary

(SEAL)