

BILL NO. 4-2020
INTRODUCED June 10, 2020
ORDINANCE NO. 4 OF 2020
ADOPTED July 8, 2020

CITY OF MONONGAHELA, COUNTY OF WASHINGTON, COMMONWEALTH OF PENNSYLVANIA

AN ORDINANCE REPEALING AND REPLACING IN PART SECTION 106 OF PARKS AND RECREATION REGULATION CODE OF THE CITY OF MONONGAHELA CODE OF ORDINANCES

WHEREAS, the City of Monongahela is a body corporate and politic, and a duly recognized City of the Third Class of the Commonwealth of Pennsylvania; and

WHEREAS, the Council of the City of Monongahela has heretofore adopted a Park Regulations Ordinance of the City entitled “Weapons and Explosives”, Section 6 of the Ordinance No. 9 of 1974, as codified, Park Regulations Section 106 (the “Ordinance”); and

WHEREAS, the Ordinance prohibits the “[p]ossession or discharge of any firearm, bow and arrow, or any type of weapon or explosive is prohibited”; and

WHEREAS, the Commonwealth of Pennsylvania has field preemption in the subject of firearms regulation through the enactment of the Pennsylvania Uniform Firearms Act of 1995, 18 Pa.C.S. § 6101, *et seq.*; and

WHEREAS, the Pennsylvania Uniform Firearms Act of 1995 explicitly prohibits political subdivisions from passing ordinances that would regulate the lawful ownership, possession, transfer or transportation of firearms,¹ ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth; and

WHEREAS, the Pennsylvania Supreme Court has held that the ownership of firearms was a constitutionally protected right and best regulated by the General Assembly; and

WHEREAS, the City Council accordingly finds it prudent to repeal and replace the Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of Monongahela, Washington County, Pennsylvania, that Section 6 of the Ordinance No. 9 of 1974, as codified, Park Regulations Section 106 is hereby repealed in part and replaced as follows:

¹Under 18 Pa.C.S. § 6120(b), “Firearm” [as defined in 18 Pa.C.S. § 5515] 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’] but shall not include air rifles as the term is defined in 18 Pa.C.S. § 6304 (relating to the sale and use of air rifles).

Section 1. The “possession or discharge of any firearm,” which constitutes a portion of the language in § 106, Weapons and Explosives, is hereby repealed, and Park Regulation § 106 shall be amended to read:


§ 106. Weapons and Explosives. No person shall possess or discharge a bow and arrow or any type of weapon or explosive as prohibited.

Section 2. In the event any portion of the remaining language of this Ordinance No. 4 of 2020 is held to be invalid, such invalidity shall not affect the remaining language of the Ordinance, it being the intent of the City Council that such language remaining shall remain in full force and effect and for this purpose the remaining language herein is hereby declared severable.

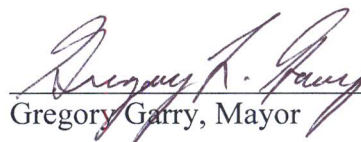
Section 3. Any other ordinance or part of an ordinance inconsistent with the language of the Ordinance set forth herein is hereby repealed insofar as the same is inconsistent herewith.

Section 4. This Ordinance No. 4 of 2020 shall take effect immediately upon execution by the Mayor.

Upon motion by Councilman Kulak and second by Councilman Miller, the within was ORDAINED AND ENACTED by the City Council of Monongahela on this 8th day of July, 2020.



Tamie Gido, City Clerk



Gregory Garry, Mayor