

TITLE

An Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article I: Regulated Actions and Rights, by adding Chapter 629: Ban on Specified Firearm Accessories, Ammunition, and Modifications, to place a prohibition on certain firearm accessories, ammunition, and modifications.

BODY

The Council of the City of Pittsburgh hereby enacts:

SECTION 1. The Pittsburgh Code of Ordinances is hereby amended and supplemented as follows at Title VI: Conduct, Article I: Regulated Actions and Rights:

§ 629.01 DEFINITIONS

A. **Ammunition.** Cartridge cases, shells, projectiles (including shot), primers, bullets (including restricted pistol bullets), propellant powder, or other devices or materials designed, re-designed, or intended for use in a firearm or destructive device.

1. Unless otherwise stated, for the purposes of this Chapter, ammunition does not include blanks.

B. **Antique Firearm.** Any of the following:

1. Any firearm with a matchlock, flintlock, or percussion cap type of ignition system;
2. Any firearm manufactured on or before 1898; and
3. Any replica of any firearm described in § 629.01(B)(1) or § 629.01(B)(2) if said replica:
 - a. Is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or
 - b. Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

C. **Armor or Metal Penetrating Ammunition.** Any ammunition, except a shotgun shell, that is designed primarily to penetrate a body vest or a body shield, and has either of the following characteristics:

1. Has projective or projectile core constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass,

beryllium copper, or depleted uranium, or any equivalent material of similar density or hardness; or

2. Is primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating applied thereto, including, but not limited to, teflon coating and / or ammunition commonly known as “KTW ammunition,” to breach or penetrate a body vest or body shield when fired from a firearm.

D. Binary Trigger. A firearm’s trigger designed to fire one round of ammunition on the pull of the trigger and another round upon the release of the trigger.

E. Bump Stock. Any device for a pistol, rifle, or shotgun that increases the rate of fire achievable with such weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.

F. Firearm. Any pistol, handgun, rifle, machine gun, air rifle, air pistol, blank gun, BB gun, or other instrument from which steel or metal projectiles are propelled, or which may be readily converted to expel a projectile, or other instruments propelling projectiles which are designed or normally used for no other primary purpose than as a weapon, including, for the purposes of this Chapter, the frame or receiver of the weapon, and excluding the following:

1. A crossbow;
2. A recurve bow;
3. A compound bow; and
4. A longbow.

G. Fixed Magazine. A self-contained unit consisting of the case, primer, propellant charge and projective or projectiles, including any ammunition-feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

H. Large Capacity Magazine. A firearm magazine, belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or converted to accept, more than 10 rounds of ammunition. This definition shall not be construed to include the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;
2. A .22 caliber tube ammunition feeding device;
3. A tubular magazine that is contained in a lever-action firearm; and
4. A magazine that is permanently inoperable.

I. Magazine. A box, drum, or other container that holds and feeds ammunition into a semiautomatic rifle, shotgun, or pistol.

J. Multi-Burst Trigger Activator. Either of the following:

1. A device designed or redesigned to be attached to a semi-automatic firearm, which allows the firearm to discharge two or more shots in a burst by activating the device; or
2. A manual or power-driven trigger-activating device constructed and designed so that it increases the rate of fire of a semi-automatic firearm when attached to that firearm.

K. Rapid Fire Device. Any device, part, accessory, attachment, or modification designed to accelerate the rate of fire of a firearm, including, but not limited to:

1. A binary trigger;
2. A bump stock;
3. A multi-burst trigger activator; and
4. A trigger crank.

L. Semi-Automatic Modification. An alteration to a semi-automatic firearm accomplished through any combination of parts, components, attachments, or accessories, including but not limited to a rapid fire device, that accelerates the rate of fire of a semi-automatic firearm.

M. Silencer. Any device placed over the muzzle of a firearm's barrel to muffle or quiet the sound made the discharge of a projectile, accomplished through the baffling of the escape of gases or otherwise.

N. Trigger Crank. A trigger actuator that attaches to the trigger of a firearm and causes the weapon to fire by turning the crank handle.

§ 629.02 PROHIBITED ACCESSORIES AND FEATURES

A. It shall be unlawful to manufacture, sell, purchase, transport, carry, store, or otherwise hold in one's possession within the City of Pittsburgh the following firearms provided that those firearms are any of the following, or have the following accessories:

1. A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:
 - a. A pistol grip that protrudes conspicuously beneath the action of the weapon;

- b. A thumbhole stock;
 - c. A folding or telescoping stock;
 - d. A grenade launcher or flare launcher;
 - e. A flash suppressor;
 - f. A forward pistol grip;
2. A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
 3. A semiautomatic, centerfire rifle that has an overall length of less than 30 inches;
 4. A semiautomatic pistol that does not have a fixed magazine but has any one of the following:
 - a. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;
 - b. A second handgrip;
 - c. A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel;
 - d. The capacity to accept a detachable magazine at some location outside of the pistol grip;
 5. A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds;
 6. A semiautomatic shotgun that has both of the following:
 - a. A folding or telescoping stock;
 - b. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;
 7. A semiautomatic shotgun that has the ability to accept a detachable magazine; and
 8. Any shotgun with a revolving cylinder.

§ 629.03 PROHIBITED AMMUNITION

A. It shall be unlawful to manufacture, sell, purchase, transport, carry, store, or otherwise hold in one's possession within the City of Pittsburgh the following ammunition, as defined in this Chapter, the following ammunition:

1. Any ammunition containing any explosive or incendiary material or any other chemical substance, including, but not limited to:
 - a. That which is commonly known as tracer ammunition, except which has been manufactured for use in shotguns; and
 - b. That which is commonly known as incendiary ammunition;
2. Armor or metal penetrating ammunition;
3. A large capacity magazine;
4. A projectile or projectile core which may be used in a pistol and which is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium;
5. A full jacketed projectile larger than .22 caliber designed and intended for use in a pistol and whose jacket has a weight of more than 25% of the total weight of the projectile; and
6. Ammunition for a .50 BMG rifle.

§ 629.04 PROHIBITED MODIFICATIONS

A. It shall be unlawful to manufacture, sell, purchase, transport, carry, store, or otherwise hold in one's possession within the City of Pittsburgh the following firearms that have been outfitted with the following modifications:

1. A binary trigger;
2. A bump stock;
3. A multi-burst trigger activator;
4. A rapid-fire device;
5. A semi-automatic modification;
6. A silencer; and

7. A trigger crank.

B. This Chapter shall not be construed to prohibit the use of a replacement trigger or trigger components manufactured and intended to decrease the weight of the trigger pull, or to improve the quality and release of the trigger pull in a firearm.

§ 629.05 EXEMPTIONS

A. The contents of this Chapter shall not apply to:

1. Any federal, state, county, or city agency, or any authorized agent or employee thereof, for use in the discharge of its official duties, including those charged with the enforcement of laws;

2. Any federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the following conditions are met:

a. The firearm or item is housed appropriated;

b. The firearm or item is secured from handling by those unauthorized to do so; and

c. The firearm or device is unloaded, when and if possible;

3. The use, loan, or transportation of an unloaded firearm, a firearm loaded with blank cartridges, or a facsimile used solely as a prop in a permitted entertainment production, including, but not limited to, for a for a motion picture, television, or video production; or

4. An antique firearm, as defined in this Chapter.

§ 629.06 PENALTIES FOR VIOLATIONS, FAILURE TO COMPLY

A. Any individual, retailer, wholesale business, firm, or corporation found in violation of § 629.02, § 629.03, § 629.04, or otherwise fails to comply shall be fined \$1,000 and costs for each offense, and in default of payment thereof, may be imprisoned for not more than 90 days.

B. Each day of a continuing violation of or failure to comply with this Chapter shall constitute and separate and distinct offense.

C. Where relevant, prosecution shall be subject to the defenses and exemptions stipulated in 18 PA C.S.A. 908(b), as amended.

§ 629.07 APPLICATION OF CHAPTER

A. This Chapter shall not be interpreted so as to exempt any person from requirements codified elsewhere in Title VI: Conduct, Article I: Regulated Actions and Rights.

§ 629.08 EFFECTIVE DATE

A. This Chapter shall take effect 60 days after its enactment by City Council.

§ 629.09 SEVERABILITY

A. Severability is intended throughout and within the provisions of this Chapter. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Chapter.