

WHITEMARSH TOWNSHIP  
ORDINANCE NO. 895

AN ORDINANCE OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING PART II, CHAPTER 53 OF THE CODE OF THE TOWNSHIP OF WHITEMARSH TO REQUIRE PROMPT NOTIFICATION TO THE WHITEMARSH POLICE DEPARTMENT OF LOST OR STOLEN FIREARMS; DEFINING “FIREARMS” FOR PURPOSES OF THIS ORDINANCE; REQUIRING THE POLICE DEPARTMENT TO MAINTAIN A RECORD OF STOLEN FIREARMS; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the Board of Supervisors of Whitemarsh Township, Montgomery County, Pennsylvania has enacted the Whitemarsh Township Code of Ordinances, which contains, *inter alia*, provisions governing the conduct of residents and persons within the Township and governing the use and discharge of firearms and weapons; and

**WHEREAS**, the Board of Supervisors deems it necessary to require that persons who have lost a firearm or have had a firearm stolen must report the loss or theft to the Whitemarsh Township Police Department within seventy-two (72) hours after the discovery of the loss or theft, in order to permit the Department to record and maintain such information, and to permit the Department to commence efforts to search for the lost or stolen firearm before it is used in a crime, and to further provide for the preservation of the health, safety and welfare of the residents of Whitemarsh.

**NOW THEREFORE**, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of Whitemarsh Township as follows:

**SECTION I.**

The Code of the Township of Whitemarsh, Part II, Chapter 53, is hereby amended to add the following new provisions:

**§ 53-5. Reporting lost or stolen firearms.**

**A. Lost or Stolen Firearm Reporting Requirement.**

(1) Required Conduct: Any person who is the owner of a firearm that is lost or stolen within the Township shall report the loss or theft of the firearm to the Whitemarsh Township Police Department within seventy-two (72) hours after discovery of the loss or theft of the firearm. Failure to so report a lost or stolen firearm is a violation subject to the penalties set forth under this section.

(2) Definition of “Firearm”: For purposes of this section, the term “firearm” shall mean any pistol or revolver with a barrel length less than fifteen (15) inches, any shotgun with a barrel length less than eighteen (18) inches or any rifle with a barrel length less than sixteen (16) inches, or any pistol, revolver, rifle or shotgun with an overall length of less than twenty-six (26)

inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable. This Ordinance shall be deemed automatically amended at any time that the definition of "firearm" provided under 18 Pa.C.S.A. §6102 is amended after the effective date of this Ordinance, and the definition of "firearm" set forth under 18 Pa.C.S.A. §6102 shall be deemed the definition controlling the enforcement of this Ordinance.

**B. Maintenance of Administrative Record of Stolen Firearms**

The Whitemarsh Township Police Department shall maintain a record of all reports of firearms reported as stolen in accordance with the terms of this section, and shall provide a report of same to the Board of Supervisors on not less than an annual basis.

**C. Penalties for Violation**

Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days.

**SECTION II. REPEALER**

The terms, conditions and provisions of this Ordinance are intended to supersede, repeal and replace any inconsistent terms, conditions or provisions of the Code of the Township of Whitemarsh, and any term, condition or provision of the Code not in conflict with the terms, conditions and provisions of this Ordinance shall survive the enactment of this Ordinance.

**SECTION III. SEVERABILITY**

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall become effective in accordance with the provisions of the Whitemarsh Township Home Rule Charter.

**ORDAINED and ENACTED** this 27<sup>th</sup> day of May, 2010.

**ATTEST**

**WHITEMARSH TOWNSHIP  
BOARD OF SUPERVISORS**

**BRUCE G. HORROCKS,  
SECRETARY**

**ROBERT R. HART, CHAIR**