



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 080405

Introduced April 17, 2008

Councilmembers Miller and Clarke

**Referred to the
Committee on Public Safety**

AN ORDINANCE

Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section prohibiting the sale, possession, use or transfer of toy or imitation firearms which substantially duplicate or can reasonably be perceived to be actual firearms, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-800 of The Philadelphia Code is amended to read as follows:

CHAPTER 10-800. SAFETY.

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§10-839. *Unlawful sale or possession of toy or imitation firearms.*

(1) No person shall sell, offer for sale, possess, transfer, use or attempt to use, any toy or imitation firearm which substantially duplicates or can reasonably be perceived to be an actual firearm, unless:

(a) Either:

(1) the entire exterior surface of such toy or imitation firearm is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in a combination with other colors, or

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(2) such toy or imitation firearm is constructed entirely of transparent or translucent materials which permits unmistakable observation of the toy or imitation firearm's complete contents; and

(b) the barrel of such toy or imitation firearm, other than the barrel of any such toy or imitation firearm that is a water gun, is closed with a blaze orange plug, inserted in the barrel of such toy or imitation firearm, permanently affixed and recessed no more than six (6) millimeters from the muzzle end of the barrel; and

(c) such toy or imitation firearm has legibly stamped thereon the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified.

(2) Paragraph one of this section shall not apply to:

(a) any toy or imitation firearm that will be used only for or in the production of television, theatrical, or motion picture presentations, provided, however, that such use of any toy or imitation firearm complies with all applicable law, rules or regulations concerning such use;

(b) non-firing collector replicas of antique firearms, not intended as toys, and modeled on real firearms designed, manufactured and produced prior to 1898;

(c) decorative, ornamental, and miniature objects having the appearance, shape and /or configuration of a firearm, including those intended to be displayed on a desk or worn on items such as bracelets, necklaces and key chains, provided that the object measures no more than thirty-eight (38) millimeters in height or eighty (80) millimeters in length.

(3) The penalty for any violation of this Section shall be a fine of not more than three hundred (300) dollars.