

Legislation Text

File #: 140718-A, Version: 2

Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by prohibiting the sale, possession, or use of toy or imitation firearms which substantially duplicate or can be reasonably 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 hereby amended to read as follows:

CHAPTER 10-800. SAFETY.

\* \* \*

§ 10-810. Weapons and Dangerous Devices.

\* \* \*

(4) *Toy or Imitation Firearms.*

(a) *No person shall sell or offer to sell, possess or use or attempt to use or give away, any toy or imitation firearm which substantially duplicates or can reasonably be perceived to be an actual firearm unless:*

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

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

(.a) *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, permanently affixed, of the same material of which the toy or imitation firearm is made, for a distance of not less than one-half inch from the front end of said barrel; and*

(.b) *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; and*

(.c) *Such toy or imitation or firearm does not have a laser pointer attached.*

(b) *The provisions of §10-810(8)(a) shall not apply to:*

(.1) *The possession or display of toy or imitation firearms by a manufacturer or dealer solely for purposes of sales that are accompanied by delivery to a point outside of the City;*

(.2) *Any toy or imitation firearm that will be used only for or in the production of television programs or theatrical or motion picture presentations, provided, however, that such use of any toy or imitation firearm complies with all applicable laws, rules or regulations concerning request and receipt of waivers authorizing such use;*

(.3) *Non-firing collector replica antique firearms, which look authentic and may be scale models, but are not intended as toys and are modeled on real firearms, designed, manufactured and produced prior to 1898;*

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

[(4)] (5) \* \* \*

[(5)] (6) \* \* \*

[(6)] (7) \* \* \*

[(7)] (8) Confiscation. Police officers shall seize and deliver into departmental custody any air gun, air pistol, spring gun, switch blade knife, incendiary paper, contraband weapons, *toy or imitation firearm in violation of Section 10-810(4)*, accessories and/or ammunition or other implement which shall be used, discharged, possessed, offered for sale or carried in violation of Section 10-810 or Section 10-821.

SECTION 2. This Ordinance shall become effective immediately.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.