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If you'd like to contribute to this newsletter, please send your brief article to tom.campione@2a-lvtp.org



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9-12 Project of the Lehigh Valley

NORTHWEST PA TWP MULLS GUN DISCHARG ORDINANCE

A tiny borough in northwestern Pennsylvania could face a big legal challenge over a proposed ordinance banning gun discharges, according to a report on guns.com.

Strattanville Borough Council discussed the proposal after one of its members complained about hearing “errant gunfire” in the half-square mile borough, which has less than 600 residents.

The ordinance would be modeled after Rose Valley Borough’s policy of fining residents up to \$300, plus court costs and/or 30 days in jail for gun discharges. Strattanville Borough Solicitor Ralph L.S. Montana told Explore Clarion he knew getting such an ordinance approved wouldn’t be easy, according to the guns.com article. “There aren’t too many places in Pennsylvania that have firearms ordinances,” he said.

Regulating firearms over and above state law remains unconstitutional in Pennsylvania, according to Joshua Prince, an attorney with Prince Law Offices. His gun rights defense firm, the Firearms Industry Consulting Group, promised a legal battle if Strattanville enacts the restrictive ordinance.

“A patchwork of laws across the Commonwealth serves no purpose but to ensnare those, who have no intention of violating the law but who unwarily find themselves in a jurisdiction, which imposes restrictions on their rights that the Commonwealth otherwise allows,”

Prince said in a letter of opposition filed on behalf of Firearm

Owners Against Crime, a statewide political action committee. “FOAC is prepared to file suit against the Borough, which will result in substantial additional burdens on the taxpayers. Clearly, it is in the best of interest of all of those involved that the ordinance not be enacted.”

Prince cited more than a dozen instances over the last decade where municipalities across the state either backed away from or repealed laws regulating guns — from restricting firearms in local parks and public buildings to discharge ordinances like the one Montana wants approved in Strattanville.

“The Pennsylvania Supreme Court has been ‘crystal clear’ that only the General Assembly can regulate firearms, as the entire field is preempted,” Prince said in the letter.

State lawmakers have tried and failed over the last four years to codify the firearm preemption law recognized by the courts. The most recent attempts — Senate Bill 5 and House Bill 671 — would discourage the state’s 2,500-plus municipalities from enacting gun ordinances stricter than state law lest they face litigation from membership organizations, like the National Rifle Association, or other Pennsylvania residents.

Democrat Gov. Tom Wolf has vowed to veto the Senate version of the bill.

<http://www.guns.com/2017/07/31/legal-challenge-brewing-as-pa-township-mulls-gun-ordinance/>

WAYNESBORO CONSIDERS NEW GUN ORDINANCES

WAYNESBORO, Pa. — Firing a gun or bow and arrow in Waynesboro would be limited under an ordinance being considered by the borough council.



The proposed ordinance is less restrictive than current local laws.

The ordinance would repeal statutes from 1951 and 1970 that basically prohibit the firing of guns. Currently, the police chief can issue permits for shooting vermin.

The new statute sets areas of prohibition at **150 yards** for discharge of firearms and **50 yards** for discharge of bow and arrows from any residential structure, school building, school playground, public park, across any public road, in any cemetery or burial grounds, or across the lands of another person without their authorization.

The council approved the draft in a 6-0 vote last week. Members did make a change from the advertised version of the proposed law, based on a suggestion by Police Chief Jim Sourbier.

“By and large, it's satisfactory, because it simply reinforces common sense,” Sourbier said.

“There are some caveats that concern me. You mean to tell me a parent can't take his son out in the backyard with a tin can and a BB gun and teach him gun safety under our ordinance? I do find that a very difficult thing to swallow.

“I don't like that because it almost seems to negate part of what we're actually trying to enforce with this ordinance in the proper training, education, instruction and handling of a firearm by prohibiting them from doing it. I don't like it. There are places where that can be very safely done.”

Borough solicitor Sam Wisner suggested the definition of firearms include that the projectile travel at a rate of more than 350 feet per second, therefore allowing for BB guns.

Council President C. Harold Mumma agreed with the change.

“The chief is requesting it. After all, he's the guy that's going to have to enforce this regulation,” Mumma said. “If he feels comfortable, I feel very comfortable with it.”

The issue arose last year when a resident brought in arrows shot into his yard by a neighbor.

“There are laws that would apply to his neighbor shooting an arrow into his yard without going to this?” asked councilman Pat Fleagle. “Is there something like reckless endangerment? If you shoot an arrow into someone else's yard, there are other ordinances.”

The chief responded: “There are potential remedies for that issue other than this ordinance. Those other remedies require certain levels of evidentiary proof and elements of offense to be met depending on which crime you may charge them with. This ordinance is ours, and we establish that and we enforce it our way. It's different. It's another option.”

Wisner said the new ordinance would remove subjectivity from the law.

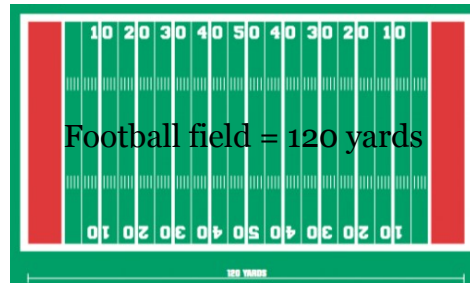
“It will eliminate the requirement that you get a permit. If you are 150 yards away from a residence and you have enough property to comply, you can still shoot the groundhog,” Wisner said.

“This provides a lot more objectivity. There are places in the borough where you could discharge a firearm and be in compliance with this ordinance. And those are probably places where it's reasonable.”

Violations of the ordinance call for a fine of not more than \$500 and the costs of prosecution. The law provides for not more than 30 days in prison for default of payments.

The council plans to consider final adoption of the ordinance at its September meeting.

http://www.heraldmillmedia.com/news/tri_state/pennsylvania/waynesboro-considering-weapons-ordinance/article_fd0eacba-7a24-11e7-9ce3-afdbdd421f11.html



CIVIL UNREST, OTHER WORRIES SPUR TURNOUT AT CONCEALED CARRY SEMINAR

More than 200 concerned citizens filled the Hummelstown Chemical Fire Company No. 1 town hall on Aug. 3 to learn more about Pennsylvania's concealed carry regulations for firearms, according to a report on pressandjournal.com.

The three-hour program, hosted by state Rep. Thomas Mehaffie, R-Lower Swatara Township, featured speakers like Matt Menges, an attorney at Trinity Law firm of York who also serves as Dover Township supervisor in York County, and Derry Township Police Officer Anthony Clements.

Mehaffie noted that the yearly program is a continuation of an initiative that was begun by former state Rep. John Payne, his predecessor in the 106th District, according to the posting. "I think everyone wants to understand what's legal and what's not legal (regarding gun laws) and if you're doing things correctly," Mehaffie said.

Most of the people in the mostly over-40 crowd appeared to be comfortable with firearms, according to the article. When Menges asked gun owners in the crowd to raise their hands, most in the room responded affirmatively.



Karl Spohn of Middletown, a registered gun owner, said he's already attended a number of similar presentations. "You can't get enough information about this. You never know when you'll need it," he explained.

William Blace of Camp Hill, another registered gun owner, said he was there just to learn more about the laws and regulations for carrying firearms. "I learned a lot. This was excellent," he told the newspaper.

Nancy Roeting of Hummelstown came to the session "to be more informed," even though she doesn't own

any firearms, according to the pressandjournal.com writeup. Growing up on a farm she was around guns because her family hunted at that time.

Menges said that during the past five years he's given "countless number of talks" throughout central Pennsylvania about gun laws. "I stopped counting how many of these I've done when I got to 100," he said.



"For a while people were worried about the 'knock-out game' when that was going around a couple of years ago," Menges, said, referring to vicious attacks that involve assaulting others without warning. "Now people are more worried about civil unrest like riots and protests."

Menges' presentation covered such topics as firearms that require a license, how to obtain a license, license exceptions, carrying on school and government property, which U.S. states recognize Pennsylvania permits, and much more. Menges and Clements also offered practical advice to constituents.

"If you hear a noise downstairs in your house, call 911 and wait in the corner with your gun. Don't go wandering around your house in the dark with a gun," Clements advised, according to the report. "Stay in a safe place. When you first wake up, you have in effect the same awareness as a 0.1 alcohol level."

Menges suggested keeping an inexpensive cell phone in your home's safe area because intruders tend to cut landline wires

<http://www.pressandjournal.com/stories/more-than-200-attend-concealed-carry-firearms-program,16277>

MEMORIZE THESE SAFETY RULES

1. Always treat all guns as though they are loaded
2. Always keep your firearm pointed in a safe direction
3. Always keep your finger off the trigger until you are ready to shoot
4. Be sure of your target and what is beyond it

EASTON PLANNING COMMISSION RELUCTANTLY OKS NEW FIREARMS BUSINESS

The Easton planning commission appears to OK, but just barely, with allowing a local gun storage business to sell guns. David Kotz of Elite Tactical Academy—a Far Hills, NJ.-based public safety training center catering to the needs of first responders and enlightened citizens—said he has about 300 guns belonging to his clients stored in lockers inside a vault at 624 Lehigh Drive in Easton, according to a lehighvalleylive.com report



He's accumulated that many firearms in the first four months the business has been open, and he plans to add more. "It's hard to anticipate, but it could be several thousand," Kotz told the planning commission.

Kotz didn't need the planning commission's approval to open the business, but does need it to sell guns on the site, according to the report. He said gun sales will be for clients only, and projects 100 to 200 sales a year, typically from gun owners who can't reclaim guns they stored there.

Some of Kotz's clients are under a court order not to own guns, so they store them with him. Others may be going through a divorce and need a place to store guns until the matter is settled. Others may be traveling for a long period and don't want to leave guns at home.

Some clients who live in New Jersey or New York store their guns in Easton because they can't legally keep them in their home states. Others are members of the military who have been deployed.

The commission voted 4-2 to back Kotz's ability to sell guns. Now the matter heads to the zoning hearing board. Planning commission solicitor Joel Scheer said the commission could not reject the plan simply because they don't want guns sold there, notes the lehighvalleylive.com posting, since gun sales are legal in Pennsylvania. City planning director Tina Roseberry said the city will review its zoning rules to see whether to restrict future gun sales businesses in that area.

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Kotz said the guns are kept in a secure vault. In addition to the guns, Kotz estimates he'll have 10,000 to 20,000 bullets on the site. None of the guns will be loaded and the magazines are stored outside of the guns, he said.

Asked about the potential for an explosion, Kotz said bullets make noise when they burn but don't pose a threat unless they're actually shot.

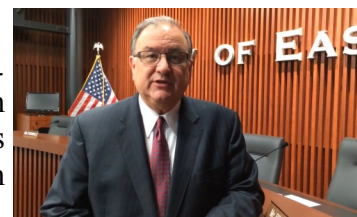
Resident Craig Fox wasn't so sure.

"I would think that would pose a serious danger," he said.

"This may shock you but it doesn't," Kotz said, later adding, "There are people in this city who have significantly more ammunition in their basement right now."

Kotz said self-storage facilities are starting to ban the storage of guns. The owners of those facilities don't want to be responsible for guns left behind by tenants who don't pay their rent, he said.

Mayor Sal Panto Jr. said he'll soon introduce two bills regulating guns in Easton.



Mayor Sal Panto Jr.

http://www.lehighvalleylive.com/easton/index.ssf/2017/08/easton_business_could_store_se.html

US Constitution 2nd Amendment: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

PA Constitution Article 1 Section 21: "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned."



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