

BOARD OF COUNTY COMMISSIONERS
COUNTY OF BLAIR
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE No. _____ of 2022

AN ORDINANCE OF THE COUNTY OF BLAIR, COMMONWEALTH OF PENNSYLVANIA TO ESTABLISH THE COUNTY AS A SECOND AMENDMENT SANCTUARY, PROHIBITING CERTAIN ACTIONS AND THE USE OF COUNTY FUNDS IN WAYS THAT ARE INCONSISTENT WITH THE SECOND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA, AND/ OR INCONSISTENT WITH ARTICLE I SECTION 21 OF THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA, WHICH SUCH ACTIONS COULD ALLOW FOR CERTAIN RESTRICTIONS ON GUN OWNERSHIP AND POSSESSION, AND AUTHORIZING ENFORCEMENT AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, Section 509 (a) of the County Code, 16 P.S. § 509, authorizes the Board of Commissioners of Blair County (the "Board of Commissioners") to adopt "ordinances prescribing the manner in which powers of the County shall be carried out and generally regulating the affairs of the County"...and also "pertaining to the use of any property owned or used by the county...in order to preserve such property and to and to promote and preserve the public health, safety, and welfare"; and

WHEREAS, Section 509 (d) of the County Code, 16 P.S. § 509, authorizes the Board of Commissioners to prescribe fines and penalties for violations of County ordinances enacted pursuant to the section; and

WHEREAS, the voters of the County of Blair and each municipality encompassed therein did, on November 2, 2021, approve referenda directing the County of Blair and those municipalities to declare each a Second Amendment Sanctuary and to prohibit the use of taxpayer resources in the enforcement of legislation passed after November 2, 2021, that would infringe upon an eligible citizen's right to bear arms; and

WHEREAS, the Board of Commissioners desires to establish an ordinance declaring Blair County to be a "Second Amendment Sanctuary", prohibiting certain actions and providing penalties for the violation of same.

NOW THEREFORE, the Board of Commissioners of the County of Blair hereby ordains and enacts as follows, incorporating the above recitals by reference that:

SECTION 1. DEFINITIONS

A. The title of this ordinance shall be known as the " Second Amendment Sanctuary Ordinance," or " SASO."

B. The term "Municipalities" shall be defined as each and every municipal government or political subdivision of the Commonwealth of Pennsylvania located within the County of Blair, Pennsylvania. The term "Municipalities" includes:

1. the City of Altoona;
2. the Blair County Boroughs of Bellwood, Duncansville, Hollidaysburg, Martinsburg, Newry, Roaring Spring, Tyrone, and Williamsburg;
3. the Blair County Townships of Allegheny, Antis, Blair, Catharine, Frankstown, Freedom, Greenfield, Huston, Juniata, Logan, North Woodbury, Snyder, Taylor, Tyrone, and Woodbury;
4. and the County of Blair.

SECTION 2. FINDINGS

The Board of Commissioners of the County of Blair, Pennsylvania, find and declare:

A. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs;

B. The Second Amendment to the Constitution of the United States of America states, "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";

C. Article I, Section 21 of the Constitution of the Commonwealth of Pennsylvania states, "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned."

D. The right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Tenth and Fourteenth Amendments to the Constitution of the United States of America.

E. The Supreme Court of the United States of America in *District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783 (6/26/2008), recognized the individual's right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia's majority opinion in that case stated that the Second Amendment protects an individual's right to possess a firearm is not connected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home, are protected;

F. Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, " No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws";

G. The Supreme Court of the United States recognized in *McDonald v. City of Chicago, Illinois*, 561 U.S. 742, 130 S.Ct. 3020 (6/28/2010), that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States;

H. The right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in *Printz v. United States*, 521 U.S. 898, 117 S.Ct. 2365 (6/27/1997). The Court held: "The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program;"

I. Therefore, the right to keep and bear arms is a fundamental individual right that shall not be infringed;

J. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and further, those local governments have the legal authority to proclaim a Second Amendment Sanctuary for law-abiding citizens in their municipalities and counties;

K. Therefore, by and through the enactment of this document, Blair County, Pennsylvania, is hereby a Second Amendment Sanctuary County.

SECTION 3. PROHIBITIONS

A. Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of the "Municipalities", as defined above, while acting in their official capacity, shall:

1. Knowingly participate in any way in the enforcement of any unlawful act, as defined herein, regarding personal firearms, firearms accessories, or ammunition.
2. Utilize any assets, equipment, or funds of the County or funds allocated to or by the County, to engage in any activity that aids in the enforcement of or the investigation related to any unlawful act, as defined herein, in connection with personal firearms, firearms accessories, or ammunition.

B. An "unlawful act" as used in this ordinance is hereby defined as any Federal or Commonwealth law, act, order, rule, or regulation which restricts an individual's Constitutional rights to keep and bear arms, including any Federal or

COUNTY OF BLAIR
BOARD OF COMMISSIONERS

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Amy E. Webster

Amy E. Webster, Secretary