

ORDINANCE NO. 24-19

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Doug Cline ON THE 2nd DAY OF December, 2019.

AN ORDINANCE REPEALING SECTIONS 612.06, 618.12, 672.01, 672.02, 672.025, 672.03, 672.04, 672.05, 672.06, 672.07, 672.085, 672.13, 672.14, 672.15, 672.16 OF THE CODIFIED ORDINANCES OF THE CITY OF CENTERVILLE; ADOPTING NEW SECTION 672.01 AND AMENDING SECTIONS 476.03, 630.01, 672.09 AND 1092.23 RELATING TO THE OWNERSHIP, POSSESSION, PURCHASE, OTHER ACQUISITION, TRANSPORT, STORAGE, CARRYING, SALE, OTHER TRANSFER, MANUFACTURE, TAXATION, KEEPING, AND REPORTING OF LOSS OR THEFT OF FIREARMS, THEIR COMPONENTS, AND THEIR AMMUNITION.

WHEREAS, the Ohio General Assembly has enacted ORC §9.68, which becomes effective on December 28, 2019, and which on its face removes from Ohio municipalities the right to enact and enforce laws relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition; and

WHEREAS, if ordinances currently a part of the City of Centerville Codified Ordinances relating to the above are not removed by the referenced effective date, a private cause of action is created through which the City may be liable for damages, attorney fees, and other costs; and

WHEREAS, City Council recognizes that the City of Centerville has home rule authority under the Ohio Constitution, but also that no Court has yet ruled on the constitutionality of ORC §9.68 and the City needs to protect itself against liability; and

WHEREAS, as a result the City is in need of repealing one ordinance and amending others to place it in compliance with the above referenced law; and

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. That Sections 612.06, 618.12, 672.01, 672.02, 672.025, 672.03, 672.04, 672.05, 672.06, 672.07, 672.085, 672.13, 672.14, 672.15, 672.16, are hereby expressly repealed in their entirety and shall hereafter have no legal force and effect.

Section 2. That the following amendment to Section 476.03 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

476.03 CODE APPLICATION; PROHIBITED OPERATION.

(a) The applicable provisions of this traffic code apply to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no person shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle as follows:

(1) On any state highway, including a limited access highway or freeway or the right-of-way thereof, except for emergency travel during such time and in such manner as the Ohio Director of Public Safety designates or except as authorized by R.C. § 4519.41(F);

(2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

(3) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;

(4) On the tracks or right-of-way of any operating railroad; *or*

~~(5) While transporting any firearm, bow or other implement for hunting that is not unloaded and securely encased;~~

~~—(6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or~~

~~(5)(7)~~ During the time from sunset to sunrise, unless displaying lighted lights as required by Ohio R.C. 4519.20 or a substantially equivalent municipal ordinance.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

Section 3. That the following amendment to Section 630.01 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

630.01 GAMBLING DEFINITIONS.

As used in this chapter:

- (ff) "Merchandise prize" means any item of value, but shall not include any _____ of the following:
- (1) Cash, gift cards, or any equivalent thereof;
 - (2) Plays on games of chance, State lottery tickets, bingo, or instant bingo;
 - (3) ~~Firearms, tobacco,~~ *Tobacco* or alcoholic beverages; or
 - (4) A redeemable voucher that is redeemable for any of the items listed _____ in division (1), (2), or (3) of this definition.

Section 4. That new Section 672.01 is hereby adopted as follows:

672.01 DEFINITIONS

For purposes of Chapter 672 of the Centerville Codified Ordinances, the definitions set forth in the Ohio Revised Code Section 2923.11 shall apply unless the context clearly indicates or requires a different meaning.

Section 5. That the following amendment to Section 672.09 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

672.09 DISCHARGING FIREARMS.

(a) ~~Except as provided in Section 618.12, no~~ *No* person shall *unlawfully* discharge any cannon, pistol or other firearm, of any kind whatsoever, or any air rifle, pellet gun, gas gun, BB gun or other similar object, or any bow and arrow, crossbow or other similar object, within the City. This section shall not prohibit the firing of a military salute or the firing of weapons by men of the nation's Armed Forces acting under military authority and shall not apply to law enforcement officers in the proper enforcement of the law; or to any person in the proper exercise of the right of defense; or shall not apply to an indoor archery range, which range is incidental to a retail sporting goods supplier, which archery range makes up less than 5% of the gross retail space of the sporting goods supplier's facility, and which is used for the purpose of demonstrations, purchaser trials or equipment adjustments to bow and arrow, crossbow or other similar object, and the sporting goods supplier has its own rules and regulations for the discharge of such bow and arrow, crossbow or similar object; or to any person who has applied for and received

special permission from the Manager to fire a cannon, pistol or other firearm, or air rifle, pellet gun, gas gun, BB gun or other similar object, or any bow and arrow, crossbow or other similar object within the City.

Section 5. That the following amendment to Section 1062.23 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

1062.23 WEAPONS AND TOOLS.

(a) No person in a park shall carry on or about his or her person, bows and arrows, ~~air or gas guns~~, missiles, sling shots or other missile-throwing devices, without authorization from the Park Director.

(b) No person shall shoot an arrow into a park or use a bow and arrow in a park except in areas designated by the Park Director for the use of bows and arrows or other, weapons and tools.

(c) No person shall discharge ~~air or gas guns~~, missiles, sling shots or other missile-throwing devices in or into a park.

(d) No person shall carry on or about his or her person an ax or hatchet.


Section 6. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 2nd day of December, 2019.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No.

24-19, passed by the Council of the City of Centerville, Ohio on the 2nd day of December, 2019.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.

Department of Law

Scott A. Liberman

Municipal Attorney