

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 19-91

INTRODUCED BY: Mayor Stefanik

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON PART 4 TRAFFIC CODE, CHAPTER 476 SNOWMOBILES AND ALL PURPOSE VEHICLES, SECTION 476.03, AND PART 6 GENERAL OFFENSES CODE, CHAPTER 606 GENERAL PROVISIONS; ADMINISTRATION AND ENFORCEMENT, SECTION 606.10, CHAPTER 618 ANIMALS, SECTION 618.12, CHAPTER 630 GAMBLING, SECTION 630.01, CHAPTER 634 NOISE CONTROL, SECTION 634.04, CHAPTER 642 OFFENSES RELATED TO PROPERTY, SECTION 642.01, CHAPTER 648 PEACE DISTURBANCES SECTION 648.11, CHAPTER 672 WEAPONS AND EXPLOSIVES, SECTIONS 672.01, PART 10 STREETS, UTILITIES, AND PUBLIC SERVICES CODE, CHAPTER 1068 MUNICIPALITY CEMETERY, SECTION 1068.12 CEMETERY RULES AND REPEALING, PART 6 GENERAL OFFENSES, CHAPTER 612 ALCOHOLIC BEVERAGES, SECTION 612.12, CHAPTER 672 WEAPONS AND EXPLOSIVES, SECTIONS 672.02, 672.03, 672.04, 672.05, 672.06, 672.085, 672.07, 672.09, 672.11, 672.12, 672.13, 672.14, AND 672.15 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 DECLARING AN EMERGENCY

WHEREAS: The Ohio General Assembly has amended 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 North Royalton Codified Ordinances relating to the above are not amended or 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: Council recognizes that the City of North Royalton 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 must repeal 3 Sections of the Codified Ordinances of the City of North Royalton and amend 17 others to place it in compliance with the above referenced law; and

WHEREAS: It is therefore necessary to amend Sections 476.03, 606.10, 618.12, 630.01, 634.04, 642.01, 648.11, 672.01, 672.07, and 1068.12 and repeal Sections 612.12, 672.02, 672.03, 672.04, 672.05, 672.06, 672.07, 672.085, 672.09, 672.11, 672.12, 672.13, 672.14, and 672.15; and

WHEREAS: Council desires to provide for these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 4 Traffic Code, Chapter 476 Snowmobiles and All Purpose Vehicles, Section 476.03, and Part 6 General Offenses Code, Chapter 606 General Provisions; Administration and Enforcement, Section 606.10, Chapter 618 Animals, Section 618.12, Chapter 630 Gambling, Section 630.01, Chapter 634 Noise Control, Section 634.04, Chapter 642 Offenses Related To Property, Section 642.01, Chapter 648 Peace Disturbances Section 648.11, Chapter 672 Weapons and Explosives, Sections 672.01, 672.07, and 1068.12 of the Codified Ordinances of the City of North Royalton are hereby amended in their entirety as outlined in Exhibit A attached hereto and incorporated as if fully rewritten.

Section 2. Part 6 General Offenses, Chapter 612 Alcoholic Beverages, Section 612.12, Chapter 672 Weapons and Explosives, Sections 672.02, 672.03, 672.04, 672.05, 672.06, 672.085, 672.07, 672.09, 672.11, 672.12, 672.13, 672.14, and 672.15 of the Codified Ordinances of the City of North Royalton are hereby repealed in their entirety.

Section 3. Parts 4 and 6 of the Codified Ordinances of the City of North Royalton are hereby amended as provided for herein and all other provisions of Parts 4 and 6 shall remain in full force and effect.

Section 4. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend the Codified Ordinances of the City of North Royalton in order to place the Codified Ordinances of the City of North Royalton into compliance with State law.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: December 17, 2019

DATE APPROVED: December 18, 2019

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading November 6, 2019
Second reading November 19, 2019
Third reading December 17, 2019
Amended December 17, 2019

YEAS: Antoskiewicz, Petrusky, Langshaw,
Marnecheck, Kasaris

NAYS: none

ABSENT: Nickell, Hannan