

**476.03 CODE APPLICATION; PROHIBITED OPERATION.**

(a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no snowmobile, off-highway motorcycle, or all-purpose vehicle shall be operated as follows:

(1) On any street or highway except for emergency travel only during such time and in such manner as the State or local authority having jurisdiction over such street or highway shall designate, and except as provided in Section 476.04;

(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 except as otherwise provided in this chapter;

(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;

~~(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, ***other than through the lawful use of a firearm as defined in ORC 2923.11 and in compliance with all relevant provisions of state and federal law;*** or

(7) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 476.02.

(b) Except as provided herein whoever violates this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned not less than 3 nor more than 30 days, or both, and shall be subject to the penalty provided in Section 408.01.

(c) Whoever violates section (a)(1) of this section shall be fined not more than \$750.00 or imprisoned for not less than three days nor more than 60, or both.

(ORC 4519.40) (Ord. 08-70. Passed 4-1-08.)

**606.10 FALSIFICATION.**

(a) No person shall knowingly make a false statement or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's official function.

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio Works First; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance, as defined in Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.

(6) The statement is sworn or affirmed before a Notary Public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable

benefit or distinction, when the person to whom such statement is directed relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.

(11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.

~~(12) The statement is made in connection with the purchase of a firearm, as defined in Ohio R.C. 2923.11, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.~~

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to R.C. § 2923.125 in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under R.C. § 2923.1213.

(15) The statement is required under Ohio R.C. 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

~~(b) No person, in connection with the purchase of a firearm as defined in Ohio R.C. 2923.11, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.~~

(c) No person, in an attempt to obtain a concealed handgun license under R.C. § 2923.125, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of that section.

(d) It is no defense to a charge under paragraph (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.

(e) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

(f) (1) Whoever violates division (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(13) or (a)(15) of this section is guilty of falsification. Except as otherwise provided in this division, falsification is a misdemeanor of the first degree.

(2) Whoever violates paragraph (a)(9) hereof is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is \$1,000 or more, falsification in a theft offense is a felony to be prosecuted under appropriate state law.

~~(3) Whoever violates paragraph (a)(12) or (b) hereof is guilty of falsification to purchase a firearm, a felony to be prosecuted under appropriate state law.~~

(4) Whoever violates paragraph (a)(14) or (c) hereof is guilty of falsification to obtain a concealed handgun license, a felony to be prosecuted under appropriate state law.

(5) Whoever violates division (a) of this section in removal proceedings under R.C. § 319.26, 321.37, 507.13 or 733.78 is guilty of falsification regarding a removal proceeding, a felony to be prosecuted under appropriate state law.

(g) (1) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101(D)(2).

(2) Whoever violates this subsection (g) is guilty of falsification, a misdemeanor of the first degree.

(ORC 4509.102)

Statutory reference:

Civil liability for violations of this section, see R.C. § 2921.13(G)

**~~612.12 ILLEGAL CONVEYANCE OF PROHIBITED ITEMS ONTO GROUNDS OF DETENTION FACILITIES OR OTHER SPECIFIED GOVERNMENTAL FACILITIES.~~**

~~————— (a) ——— No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building or other place that is under the control of the Department of Mental Health and Addiction Services, the Department of Developmental Disabilities, the Department of Youth Services or the Department of Rehabilitation and Correction, any of the following items:~~

~~————— (1) ——— Any deadly weapon or dangerous ordnance, as defined in Ohio R.C. 2923.11, or any part of or ammunition for use in such deadly weapon or dangerous ordnance. ***It shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same.***~~

~~————— (2) ——— Any drug of abuse, as defined in Ohio R.C. 3719.011.~~

~~————— (3) ——— Any intoxicating liquor, as defined in Ohio R.C. 4301.01.~~

~~————— (b) ——— Division (a) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building or other place under the control of the Department of Mental Health and Addiction Services, the Department of Developmental Disabilities, the Department of Youth Services or the Department of Rehabilitation and Correction, with written authorization of the person in charge of the detention facility or the institution and in accordance with the written rules of the detention facility or the institution, office building or other place.~~

~~————— (c) ——— No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the Department of Mental Health and Addiction Services, or the Department of Developmental Disabilities, any item listed in subsection (a) hereof.~~

~~————— (d) ——— No person shall knowingly deliver or attempt to deliver cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment.~~

~~————— (e) ——— No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communication device.~~

~~————— (f) (1) ——— It is an affirmative defense to a charge under subsection (a)(1) hereof that the weapon or dangerous ordnance in question was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and if the weapon or dangerous ordnance was a firearm, that it was unloaded and was being carried in a closed package, box or case or in a compartment that can be reached only by leaving the vehicle.~~

~~————— (2) ——— It is an affirmative defense to a charge under subsection (c) hereof that the actor was not otherwise prohibited by law from delivering the item to the confined person, the child, the prisoner or the patient and that either of the following applies:~~

~~\_\_\_\_\_ A. \_\_\_\_\_ The actor was permitted by the written rules of the detention facility or the institution, office building or other place to deliver the item to the confined person or the patient.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ The actor was given written authorization by the person in charge of the detention facility or the institution, office building or other place to deliver the item to the confined person or the patient.~~

~~\_\_\_\_\_ (g) \_\_\_\_\_ (1) \_\_\_\_\_ Whoever violates division (a)(1) of this section or commits a violation of division (c) of this section involving any item listed in division (a)(1) of this section is guilty of illegal conveyance of weapons onto the grounds of a specified governmental facility, a felony to be prosecuted under appropriate state law.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Whoever violates division (a)(2) of this section or commits a violation of division (c) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility, a felony to be prosecuted under appropriate state law.~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ Whoever violates division (a)(3) of this section or commits a violation of division (c) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.~~

~~\_\_\_\_\_ (4) \_\_\_\_\_ Whoever violates division (d) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (d) of this section or a substantially equivalent state law or municipal ordinance, illegal conveyance of cash onto the grounds of a detention facility is a felony to be prosecuted under appropriate state law.~~

~~\_\_\_\_\_ (5) \_\_\_\_\_ Whoever violates division (e) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree. If the offender previously has been convicted or pleaded guilty to a violation of division (e) of this section or a substantially equivalent state law or municipal ordinance, illegal conveyance of a communications device onto the grounds of a detention facility is a felony to be prosecuted under appropriate state law.~~

~~(ORC 2921.36)~~

~~\_\_\_\_\_ (h) \_\_\_\_\_ The person in charge of a detention facility shall, on the grounds of the detention facility, have the same power as a peace officer, as defined in Ohio R.C. 2935.01, to arrest a person who violates this section.~~

~~(ORC 2921.37)~~

#### **618.12 HUNTING OR TRAPPING PROHIBITED.**

(a) The hunting or trapping of animals (a) or fowl within the municipality is prohibited. ~~No person shall hunt, trap, kill or attempt to kill any animal or fowl by the use of firearms or any other means, except as follows:~~

(1) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the city under the following terms and conditions:

A. The Chief of Police or his designated representative may, in his sole discretion, issue a Municipal Deer Damage Control Permit to a qualified archer applicant.

B. As a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer.

C. In areas of not less than five (5) contiguous acres, unless otherwise determined by the Chief of Police or his designee, by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe. The factors to be considered by the Chief of Police or his designee in considering a hunting area of less than five (5) contiguous acres shall include, but not be limited to:

1. The proximity of occupied dwellings;
2. The density of occupied dwellings in the immediate area;

3. The proximity of public streets, highways, or other public land;
4. The proximity in the immediate hunting area and amount of use of pedestrian trails, including sidewalk, bicycle paths, and trails;
5. The density of trees and other vegetation in the hunting area, and the surrounding area;
6. The topography of the land in the hunting area, and the surrounding area; and
7. Other relevant factors as solely determined by the Chief or his designee.

- D. Hunting shall be conducted from an elevated platform only.
- E. Written permission from the property owner(s) has been obtained.
- F. Qualified archer shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, a valid Ohio hunting license, if applicable, and all other state requirements.
- G. Compliance with all laws, rules and regulations of the city and state.
- H. All applicants shall agree, in writing, to defend and indemnify the city for any negligent acts or damages committed by the applicant.
- I. Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.
- J. Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulations necessary to insure public health and safety.
- K. Nothing in this section shall be deemed to prohibit the killing or trapping of rats and other undesirable rodents or animals authorized to be killed by the Chief of Police using means for such killing or trapping which are also authorized by the Chief or his designee.

~~(2) — The lawful use of a firearm as defined in ORC 2923.11 and in compliance with all relevant provisions of state and federal law.~~

(b) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

#### **630.01 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, 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.

#### **634.04 SPECIFIC PROHIBITIONS.**

(a) No person shall commit any of the following acts or cause or permit the same to be committed:

- (1) Animals and birds. Own, possess or harbor any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary;

(2) Places of public entertainment. Operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 95 dBA, as read by the slow response on a sound level meter, at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT";

(3) Explosives, firearms and similar devices. Use or fire explosives, ~~firearms~~ or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right of way, without first obtaining a special variance therefor;

#### **642.01 DEFINITIONS.**

As used in this chapter, unless the context requires that a term be given a different meaning:

(7) A fire prevention officer of a political subdivision or an arson, fire, or similar investigator of a political subdivision.

(aa) "Federally-licensed firearms dealer." Has the same meaning as in Ohio R.C. 5502.63.

(bb) ~~"Firearm"~~ and "dangerous ordnance." Have the same meaning as in Ohio R.C. 2923.11, ***except that it shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same.***

#### **648.11 PICKETING.**

(a) No person who is engaged in picketing any place of employment or who is one of an assemblage gathered for the purpose of preventing or hindering the operation of such place shall have in his or her possession any ~~firearm~~, dirk, blackjack, billy club or other weapon. No person shall attempt to prevent any employee of such place or any other person from entering or leaving the same by force, violence, menacing threats or the use of threatening or abusive language.

(Ord. 1068. Passed 10-20-43.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 698.02.

#### **672.01 DEFINITIONS.**

As used in this chapter:

(a) "Active duty." Has the same meaning as defined in 10 U.S.C. § 101.

(b) "Alien registration number." The number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".

(c) "Automatic firearm." Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(d) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(e) "Concealed handgun license" or "license to carry a concealed handgun."

(1) Means, subject to division (2) of this definition, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or Ohio R.C. 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

(2) A reference in any provision of this Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of this Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in

Ordinance No. 19-91  
Exhibit A

any provision of this Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

(f) "Dangerous ordnance."

(1) Any of the following, except as provided in division (2) of this definition:

~~A. Any automatic or sawed-off firearm, zip-gun or ballistic knife.~~

B. Any explosive device or incendiary device.

C. Nitrolycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions.

D. Any ~~firearm~~, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon.

~~E. Any firearm muffler or suppressor.~~

~~F. Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.~~

(2) "Dangerous ordnance" does not include any of the following:

A. Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder.

B. Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, ~~unless the firearm is an automatic or sawed-off firearm.~~

C. Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder.

D. Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (2)C. of this definition during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition.

E. Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.

F. Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act" of 1968, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.

**G. It shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same.**

(g) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon. **It shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same.**

(h) "Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet

powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80 and the rules of the State Fire Marshal adopted pursuant to Ohio R.C. 3737.82.

(i) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. ***It shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same.***

"Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(j) "Firearm."

(1) Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm that is inoperable but that can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(k) "Handgun" means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in subsection (1) of this definition can be assembled.

(l) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(m) "Misdemeanor punishable by imprisonment for a term exceeding one year." The phrase does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

(n) "Sawed off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(o) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(p) "Valid concealed handgun license" or "valid license to carry a concealed handgun." A concealed handgun license that is currently valid, that is not under a suspension under Ohio R.C. 2923.128(A)(1), under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under Ohio R.C. 2923.128(B)(1), under Ohio R.C. 2923.1213, or under a revocation provision of the state other than this state in which the license was issued.

(q) "Zip gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;



~~\_\_\_\_\_ (2) \_\_\_\_\_ Any device, including, without limitation, a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ Any industrial tool, signaling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.~~

(ORC 2923.11)

~~**672.02 CARRYING CONCEALED WEAPONS.**~~

~~\_\_\_\_\_ (a) \_\_\_\_\_ No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ A deadly weapon other than a handgun *or*;~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ A handgun other than a dangerous ordnance;~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ A dangerous ordnance.~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ No person who has been issued a concealed handgun license shall do any of the following:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;~~

~~\_\_\_\_\_ (4) \_\_\_\_\_ If the person is stopped for a law enforcement purpose and if the person is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.~~

~~\_\_\_\_\_ (c) \_\_\_\_\_ (1) \_\_\_\_\_ This section does not apply to any of the following:~~

~~\_\_\_\_\_ A. \_\_\_\_\_ An officer, agent, or employee of this or any other State or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;~~

~~\_\_\_\_\_ B. \_\_\_\_\_ Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this paragraph (c)(1)B. does not apply to the person;~~

~~\_\_\_\_\_ C. \_\_\_\_\_ A person's transportation or storage of a firearm, other than a firearm described in Ohio R.C. 2923.11(G) to (M), in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;~~

~~\_\_\_\_\_ D. \_\_\_\_\_ A person's storage or possession of a firearm, other than a firearm described in Ohio R.C. 2923.11(G) to (M), in the actor's own home for any lawful purpose.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Paragraph (a)(2) hereof does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), unless the person knowingly is in a place described in R.C. § 2923.126(B).~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ It is an affirmative defense to a charge under paragraph (a)(1) hereof of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.~~

~~(c) \_\_\_\_\_ No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.~~

~~(f) \_\_\_\_\_ (1) \_\_\_\_\_ Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or paragraphs (f)(2), (f)(6), and (f)(7) hereof, carrying concealed weapons in violation of subsection (a) hereof is a misdemeanor of the first degree. Except as otherwise provided in this subsection or paragraphs (f)(2), (f)(6), and (f)(7) hereof, if the offender previously has been convicted of a violation of this section or any substantially equivalent State law or municipal ordinance or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) hereof is a felony to be prosecuted under appropriate State law. Except as otherwise provided in paragraphs (f)(2), (f)(6), and (f)(7) hereof, or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) hereof is a felony to be prosecuted under appropriate State law.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Except as provided in paragraph (f)(6) hereof, if a person being arrested for a violation of division (a)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license, and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:~~

~~\_\_\_\_\_ A. \_\_\_\_\_ The offender shall be guilty of a minor misdemeanor if both of the following apply:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ At the time of the arrest, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).~~

~~\_\_\_\_\_ B. \_\_\_\_\_ The offender shall be guilty of a misdemeanor and shall be fined \$500 if all of the following apply:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.~~

2. Within 45 days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

C. If divisions (f)(2)A. and (f)(2)B. and (f)(6) of this section do not apply, the offender shall be punished under division (f)(1) or (f)(7) of this section.

(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (b)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (b)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(4) Carrying concealed weapons in violation of division (b)(2) or (b)(4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (b)(2) or (b)(4) of this section or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (b)(2) or (b)(4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(5) Carrying concealed weapons in violation of division (b)(3) of this section is a felony to be prosecuted under appropriate state law.

(6) If a person being arrested for a violation of division (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), and if at the time of the violation the person was not knowingly in a place described in R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) and if the person is not in a place described in R.C. § 2923.126(B), the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

B. At the time of the citation, the offender was not knowingly in a place described in R.C. § 2923.126(B).

(7) If a person being arrested for a violation of division (a)(2) of this section is knowingly in a place described in R.C. § 2923.126(B)(5) and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

A. Except as otherwise provided in this division, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of division (a)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a minor misdemeanor;

B. Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to a violation of division (a)(2) of this section or any

substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the fourth degree;

\_\_\_\_\_ C. \_\_\_\_\_ Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to two violations of division (a)(2) of this section or any substantially equivalent state law or municipal ordinance, the person is guilty of a misdemeanor of the third degree;

\_\_\_\_\_ D. \_\_\_\_\_ Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to three or more violations of division (a)(2) of this section or any substantially equivalent state law or municipal ordinance, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

\_\_\_\_\_ (g) \_\_\_\_\_ If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, Ohio R.C. 2923.163(B) applies.

(ORC 2923.12)

**~~672.03 USING WEAPONS WHILE INTOXICATED.~~**

\_\_\_\_\_ (a) \_\_\_\_\_ No person while under the influence of alcohol, or any drug of abuse, shall carry or use any firearm or dangerous ordnance. ~~*Dangerous ordnance shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same.*~~

\_\_\_\_\_ (b) \_\_\_\_\_ Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02.

(ORC 2923.15)

**~~672.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.~~**

\_\_\_\_\_ (a) \_\_\_\_\_ No person shall knowingly discharge a firearm while in or on a motor vehicle.

\_\_\_\_\_ (b) \_\_\_\_\_ No person shall knowingly transport or have a loaded firearm in a motor vehicle in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

\_\_\_\_\_ (c) \_\_\_\_\_ No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

\_\_\_\_\_ (1) \_\_\_\_\_ In a closed package, box or case;

\_\_\_\_\_ (2) \_\_\_\_\_ In a compartment that can be reached only by leaving the vehicle;

\_\_\_\_\_ (3) \_\_\_\_\_ In plain sight and secured in a rack or holder made for the purpose;

\_\_\_\_\_ (4) \_\_\_\_\_ If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

\_\_\_\_\_ (d) \_\_\_\_\_ No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

\_\_\_\_\_ (1) \_\_\_\_\_ The person is under the influence of alcohol, a drug of abuse, or a combination of them.

\_\_\_\_\_ (2) \_\_\_\_\_ The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance

Ordinance No. 19-91  
Exhibit A

prohibited for persons operating a vehicle, as specified in Ohio R.C. 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle.

~~————— (c) ——— No person who has been issued a concealed handgun license or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1), who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:~~

~~————— (1) ——— Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;~~

~~————— (2) ——— Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle;~~

~~————— (3) ——— Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;~~

~~————— (4) ——— Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.~~

~~————— (5) ——— Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including but not limited to a specific order to the person to keep the person's hands in plain sight.~~

~~————— (f) ——— (1) ——— Subsections (a), (b), (c), and (e) of this section do not apply to any of the following:~~

~~————— A. ——— An officer, agent, or employee of this or any other State or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;~~

~~————— B. ——— Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this subsection (f)(1)B. does not apply to the person.~~

~~————— (2) ——— Subsection (a) hereof does not apply to a person if all of the following circumstances apply:~~

~~————— A. ——— The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the Chief of the Division of Wildlife of the Department of Natural Resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.~~

~~————— B. ——— The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.~~

~~————— C. ——— The person owns the real property described in paragraph (f)(2)B. hereof is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.~~

Ordinance No. 19-91  
Exhibit A

~~\_\_\_\_\_ D. The person does not discharge the firearm in any of the following manners:~~

~~\_\_\_\_\_ 1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;~~

~~\_\_\_\_\_ 2. In the direction of a street, highway or other public or private property used by the public for vehicular traffic or parking;~~

~~\_\_\_\_\_ 3. At or into an occupied structure that is a permanent or temporary habitation;~~

~~\_\_\_\_\_ 4. In the commission of any violation of law, including but not limited to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.~~

~~\_\_\_\_\_ (3) Division (a) of this section does not apply to a person if all of the following apply:~~

~~\_\_\_\_\_ A. The person possesses a valid electric-powered all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.~~

~~\_\_\_\_\_ B. The person discharges a firearm at a wild quadruped or game bird as defined in Ohio R.C. 1531.01 during the open hunting season for the applicable wild quadruped or game bird.~~

~~\_\_\_\_\_ C. The person discharges a firearm from a stationary electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.~~

~~\_\_\_\_\_ D. The person does not discharge the firearm in any of the following manners:~~

~~\_\_\_\_\_ 1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;~~

~~\_\_\_\_\_ 2. In the direction of a street, a highway, or other public or private property that is used by the public for vehicular traffic or parking;~~

~~\_\_\_\_\_ 3. At or into an occupied structure that is a permanent or temporary habitation;~~

~~\_\_\_\_\_ 4. In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.~~

~~\_\_\_\_\_ (4) Subsections (b) and (c) hereof do not apply to a person if all of the following circumstances apply:~~

~~\_\_\_\_\_ A. At the time of the alleged violation of either of those subsections, the person is the operator of or a passenger in a motor vehicle.~~

~~\_\_\_\_\_ B. The motor vehicle is on real property that is located in an unincorporated area of a township and that is either zoned for agriculture or is used for agriculture.~~

~~\_\_\_\_\_ C. The person owns the real property described in paragraph (f)(4)B. hereof, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.~~

~~\_\_\_\_\_ D. The person, prior to arriving at the real property described in paragraph (f)(4)B. hereof, did not transport or possess a firearm in the motor vehicle in a manner prohibited by subsection (b) or (c) hereof while the motor vehicle was being operated on a street, highway or other public or private property used by the public for vehicular traffic or parking.~~

Ordinance No. 19-91  
Exhibit A

~~(5) Subsections (b) and (c) hereof do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:~~

~~A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).~~

~~B. The person transporting or possessing the handgun is not knowingly in a place described in Ohio R.C. 2923.126(B).~~

~~(6) Divisions (b) and (c) of this section do not apply to a person if all of the following apply:~~

~~A. The person possesses a valid electric powered all purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.~~

~~B. The person is on or in an electric powered all purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.~~

~~C. The person is on or in an electric powered all purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife, provided that the road is identified by an electric powered all purpose vehicle sign.~~

~~(g) (1) The affirmative defenses authorized in Ohio R.C. 2923.12(D)(1) and (D)(2) are affirmative defenses to a charge under subsection (b) or (c) hereof that involves a firearm other than a handgun.~~

~~(2) It is an affirmative defense to a charge under subsection (b) or (c) hereof of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (b) or (c) hereof while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.~~

~~(h) (1) No person who is charged with a violation of division (b), (c) or (d) of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.~~

~~(2) A. If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (e) of this section as it existed prior to September 30, 2011 and if the conduct that was the basis of the violation no longer would be a violation of division (e) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.~~

~~B. If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (b) or (c) of this section as the division existed prior to September 30, 2011 and if the conduct that was the basis of the violation no longer would be a violation of division (b) or (c) of this section on or after September 30, 2011 due to the application of division (f)(5) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.~~

~~(i) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (a) of this section is a felony to be prosecuted under appropriate state law. Violation of division (c) of this section is a misdemeanor of the fourth degree. A violation of division (d) of this section is a felony to be prosecuted under appropriate state law and, if the loaded handgun is concealed on the person's person, it is also a felony to be prosecuted under appropriate state law. Except as otherwise provided in this division, a violation of division (e)(1) or (e)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement~~

Ordinance No. 19-91  
Exhibit A

purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of division (e)(1) or (e)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of division (e)(4) of this section is a felony to be prosecuted under appropriate state law. A violation of division (e)(3) or (e)(5) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (e)(3) or (e)(5) of this section or any substantially equivalent state law or municipal ordinance, a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (e)(3) or (e)(5) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of division (b) of this section is a felony to be prosecuted under appropriate state law.

\_\_\_\_\_ (j) \_\_\_\_\_ If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, Ohio R.C. 2923.163(B) applies.

\_\_\_\_\_ (k) \_\_\_\_\_ As used in this section:

\_\_\_\_\_ (1) \_\_\_\_\_ "Agriculture" has the same meaning as in Ohio R.C. 519.01.

\_\_\_\_\_ (2) \_\_\_\_\_ "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).

\_\_\_\_\_ (3) \_\_\_\_\_ "Motor carrier enforcement unit" means the Motor Carrier Enforcement Unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.

\_\_\_\_\_ (4) \_\_\_\_\_ "Motor vehicle," "street" and "highway" have the same meaning as in Ohio R.C. 4511.01.

\_\_\_\_\_ (5) \_\_\_\_\_ "Occupied structure" has the same meaning as in Ohio R.C. 2909.01.

\_\_\_\_\_ (6) \_\_\_\_\_ "Tenant" has the same meaning as in Ohio R.C. 1531.01.

\_\_\_\_\_ (7) \_\_\_\_\_ "Unloaded."

\_\_\_\_\_ A. \_\_\_\_\_ With respect to a firearm other than a firearm described in division D. of this definition, means that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm, and one of the following applies:

\_\_\_\_\_ 1. \_\_\_\_\_ There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

\_\_\_\_\_ 2. \_\_\_\_\_ Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

\_\_\_\_\_ B. \_\_\_\_\_ For the purposes of division A.2. of this definition, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

\_\_\_\_\_ 1. \_\_\_\_\_ A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

\_\_\_\_\_ 2. \_\_\_\_\_ A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.



~~C. For the purposes of divisions A. and B. of this definition, ammunition held in stripper clips or in en bloc clips is not considered ammunition that is loaded into a magazine or speed loader.~~

~~D. "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.~~

~~(l) Divisions A. and B. of the definition of "unloaded" in division (k) of this section do not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.~~

~~(ORC 2923.16)~~

### **~~672.05 LICENSE OR PERMIT TO POSSESS DANGEROUS ORDNANCE.~~**

~~(a) Upon application to the Safety Director or Police Chief of the Municipality, and upon payment of the fee specified in subsection (b) hereof, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use dangerous ordnance, for the following purposes:~~

~~(1) Contractors, wreckers, quarrymen, mine operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried or used in the course of such business;~~

~~(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried or used for agricultural purposes on lands farmed by them;~~

~~(3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;~~

~~(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any such person while acting within the scope of his duties;~~

~~(5) In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose.~~

~~(b) Application for a license or temporary permit under this section shall be in writing under oath to the Safety Director or Police Chief of the Municipality. The application shall be accompanied by an application fee as set forth in Chapter 214 of the Administration Code. The fees shall be paid into the General Fund of the Municipality. The application shall contain the following information:~~

~~(1) The name, age, address, occupation and business address of the applicant, if he or she is a natural person, or the name, address and principal place of business of the applicant, if the applicant is a corporation;~~

~~(2) A description of the dangerous ordnance for which a permit is requested;~~

~~(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried and used;~~

~~(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried or used;~~

~~(5) Such other information as the Safety Director or Police Chief may require in giving effect to this section.~~

~~(c) Upon investigation, the Safety Director or Police Chief shall issue a license or temporary permit only if all of the following apply:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ The applicant is age twenty-one or over, if he or she is a natural person;~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property;~~

~~\_\_\_\_\_ (4) \_\_\_\_\_ It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage or use of the dangerous ordnance as the Safety Director or Police Chief considers advisable to protect the security of the dangerous ordnance and ensure the safety of persons and property.~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ A temporary permit shall be issued for the casual use of explosives and explosive devices and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the Safety Director or Police Chief may specify such expiration date, not earlier than one year from the date of issuance, as he or she considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.~~

~~\_\_\_\_\_ (f) \_\_\_\_\_ The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the State. The holder of a license may use such dangerous ordnance anywhere in the State. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the Municipality.~~

~~\_\_\_\_\_ (g) \_\_\_\_\_ The Safety Director or Police Chief shall forward to the State Fire Marshal a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the Police Department as required by Section 672.07(a)(2) and (3).~~

~~(ORC 2923.18)~~

#### ~~**672.06 FAILURE TO SECURE DANGEROUS ORDNANCE.**~~

~~\_\_\_\_\_ (a) \_\_\_\_\_ No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions: ***Dangerous ordnance shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same.***~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ To insure the safety of persons and property.~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. Punishment shall be as provided in Section 698.02.~~

~~(ORC 2923.19)~~

#### ~~**672.07 UNLAWFUL TRANSACTIONS IN WEAPONS.**~~

~~\_\_\_\_\_ (a) \_\_\_\_\_ No person shall:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section Ohio R.C. 2923.13 or 2923.15 from acquiring or using any firearm, or recklessly sell, lend, give or furnish any dangerous ordnance to any person prohibited by Ohio R.C. 2923.13, 2923.15, or 2923.17 from acquiring or using any dangerous ordnance;~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (a) of this section.~~

~~(3) — Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass, knuckles, Cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;~~

~~(4) — When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place.~~

~~(5) — Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.~~

~~(b) — Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (a)(1) or (2) of this section is a felony of the fourth degree. A violation of division (a)(3) or (4) of this section is a misdemeanor of the second degree. A violation of division (a)(5) of this section is a misdemeanor of the fourth degree.~~

~~**672.085 UNDERAGE PURCHASE OF A FIREARM OR HANDGUN.**~~

~~(a) — No person under eighteen years of age shall purchase or attempt to purchase a firearm.~~

~~(b) — No person under 21 years of age shall purchase or attempt to purchase a handgun; provided, that this division does not apply to the purchase or attempted purchase of a handgun by a person 18 years of age or older and under 21 years of age, if either of the following applies:~~

~~(1) — The person is a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.~~

~~(2) — The person is an active or reserve member of the armed services of the United States or the Ohio National Guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio National Guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.~~

~~(c) — Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony to be prosecuted under appropriate state law if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree, and shall be subject to the penalty provided in Section 698.02.~~

~~(ORC 2923.211)~~

~~**672.09 DISCHARGING FIREARMS.**~~

~~(a) — No person shall discharge any firearm within the limits of the City. This prohibition shall not apply to:~~

~~(1) — Any member or employee of a law enforcement agency while acting in his or her official capacity;~~

~~(2) — Any member of the Southwest Cuyahoga County Sportsman's Association who is participating in the various shooting matches or practice sessions sponsored by such Association and being conducted on the Association's premises located on Ridge Road; or~~

~~(3) — Any individual who is participating in a shooting activity being conducted by an organization which has been granted permission by the Police Department to conduct such activity on the Police Firing Range.~~

~~(Ord. 1974-98. Passed 7-17-74.)~~

~~(b) — Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.~~

**~~672.11 RECORDS OF BLACK POWDER SALES.~~**

~~\_\_\_\_\_ (a) \_\_\_\_\_ No person shall sell to any other person any quantity of the explosive commonly known as "black powder," unless the seller at the time of such sale records, in a book to be kept for that purpose, which book is to be made available for inspection to the Chief of Police or his or her representative, the following information:~~

- ~~\_\_\_\_\_ (1) \_\_\_\_\_ The name and address of the purchaser;~~
- ~~\_\_\_\_\_ (2) \_\_\_\_\_ The purpose for which the purchase was made;~~
- ~~\_\_\_\_\_ (3) \_\_\_\_\_ The date of such purchase; and~~
- ~~\_\_\_\_\_ (4) \_\_\_\_\_ An accurate description of the amount purchased.~~

~~(Ord. 1972-189. Passed 4-4-73.)~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.~~

**~~672.12 POSSESSING CRIMINAL TOOLS.~~**

~~\_\_\_\_\_ (a) \_\_\_\_\_ No person shall possess or have under the person's control any substance, device, instrument or article, with purpose to use it criminally.~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ Each of the following constitutes prima facie evidence of criminal purpose:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ Possession or control of any dangerous ordnance, or the materials or parts for making dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials or parts are intended for legitimate use. ***Dangerous ordnance shall not mean a firearm as defined in ORC 2923.11 nor any component of or ammunition for the same;***~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Possession or control of any substance, device, instrument or article designed or specially adapted for criminal use;~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ Possession or control of any substance, device, instrument or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.~~

~~\_\_\_\_\_ (c) \_\_\_\_\_ Whoever violates this section is guilty of possessing criminal tools, a misdemeanor of the first degree, provided the circumstances do not indicate that the substance, device, instrument or article involved in the offense was intended for use in the commission of a felony. The penalty shall be as provided in Section 698.02.~~

~~(ORC 2923.24)~~

**~~672.13 CONCEALED HANDGUN LICENSES: POSSESSION OF A REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING OF SIGNS PROHIBITING POSSESSION.~~**

~~\_\_\_\_\_ (a) \_\_\_\_\_ Possession of a Revoked or Suspended Concealed Handgun License.~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Whoever violates this subsection (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.~~

~~(ORC 2923.1211(B), (C))~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ Additional Restrictions. Pursuant to Ohio R.C. 2923.126:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ A. \_\_\_\_\_ A concealed handgun license that is issued under Ohio R.C. 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the licensee also carries a valid license and valid identification when the licensee is in actual possession of a concealed handgun. The licensee shall give~~

Ordinance No. 19-91  
Exhibit A

notice of any change in the licensee's residence address to the Sheriff who issued the license within forty five days after that change.

~~\_\_\_\_\_ B. \_\_\_\_\_ If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall promptly inform any law enforcement officer who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of Ohio R.C. 2923.16(E), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves. Additionally, if a licensee is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34 and if the licensee is transporting or has a loaded handgun in the commercial motor vehicle at that time, the licensee shall promptly inform the employee of the unit who approaches the vehicle while stopped that the licensee has been issued a concealed handgun license and that the licensee currently possesses or has a loaded handgun.~~

~~\_\_\_\_\_ C. \_\_\_\_\_ If a licensee is stopped for a law enforcement purpose and if the licensee is carrying a concealed handgun at the time the officer approaches, the licensee shall promptly inform any law enforcement officer who approaches the licensee while stopped that the licensee has been issued a concealed handgun license and that the licensee currently is carrying a concealed handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the licensee is stopped or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of Ohio R.C. 2923.12(B), after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:~~

~~\_\_\_\_\_ A. \_\_\_\_\_ A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to R.C. § 5119.14(A) or R.C. § 5123.03(A)(1);~~

~~\_\_\_\_\_ B. \_\_\_\_\_ A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;~~

~~\_\_\_\_\_ C. \_\_\_\_\_ A courthouse or another building or structure in which a courtroom is located, in violation of Ohio R.C. 2923.123;~~

~~\_\_\_\_\_ D. \_\_\_\_\_ Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;~~

~~\_\_\_\_\_ E. \_\_\_\_\_ Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that~~

Ordinance No. 19-91  
Exhibit A

is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

~~\_\_\_\_\_ F. \_\_\_\_\_ Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;~~

~~\_\_\_\_\_ G. \_\_\_\_\_ Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;~~

~~\_\_\_\_\_ H. \_\_\_\_\_ A place in which federal law prohibits the carrying of handguns.~~

~~\_\_\_\_\_ (3) A. \_\_\_\_\_ Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.~~

~~\_\_\_\_\_ B. 1. \_\_\_\_\_ A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this subsection, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.~~

~~\_\_\_\_\_ C. 1. a. \_\_\_\_\_ Except as provided in division (b)(3)C.2. of this section, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under R.C. § 2911.21 or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state, and instead is subject only to a civil cause of action for trespass based on the violation.~~

~~\_\_\_\_\_ b. \_\_\_\_\_ If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day care center, type A family day care home, or type B family day care home, unless the person is a licensee who resides in a type A family day care home or type B family day care home, the person is guilty of aggravated trespass~~

Ordinance No. 19-91  
Exhibit A

~~in violation of R.C. § 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.~~

~~2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.~~

~~3. As used in division (b)(3)C. of this section:~~

~~a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.~~

~~b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.~~

~~(4) A person who holds a valid concealed handgun license issued by another State that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in R.C. § 109.69(B) has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section.~~

~~(5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.~~

~~B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions as specified in this division (b).~~

~~(6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to division (b)(6)C. of this section has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section. For purposes of reciprocity with other States, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to division (b)(6)C. of this section shall be considered to be a licensee in this State.~~

~~B. 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:~~

~~a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.~~

~~b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.~~

~~\_\_\_\_\_ c. \_\_\_\_\_ At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.~~

~~\_\_\_\_\_ d. \_\_\_\_\_ Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ A retired peace officer identification card issued to a person under division (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.~~

~~\_\_\_\_\_ C. \_\_\_\_\_ 1. \_\_\_\_\_ If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.~~

~~\_\_\_\_\_ (7) \_\_\_\_\_ As used in division (b)(6) of this section:~~

~~\_\_\_\_\_ A. \_\_\_\_\_ "Governing body" has the same meaning as in R.C. § 154.01.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ "Government facility of this State or a political subdivision of this State" means any of the following:~~



Ordinance No. 19-91  
Exhibit A

1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;

2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.

C. "Qualified retired peace officer" means a person who satisfies all of the following:

1. The person satisfies the criteria set forth in divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section.

2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

3. The person is not prohibited by Federal law from receiving firearms.

D. "Retired peace officer identification card" means an identification card that is issued pursuant to division (b)(6)B. of this section to a person who is a retired peace officer.

(ORC 2923.126)

(c) Posting of Signs Prohibiting Possession. Pursuant to Ohio R.C. 2923.1212:

(1) The following persons, boards, and entities, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."

A. The Director of Public Safety or the person or board charged with the erection, maintenance, or repair of police stations, municipal jails, and the municipal courthouse and courtrooms in a conspicuous location at all police stations, municipal jails, and municipal courthouses and courtrooms;

B. The Sheriff or Sheriff's designee who has charge of the Sheriff's office in a conspicuous location in that office;

C. The Superintendent of the State Highway Patrol or the Superintendent's designee in a conspicuous location at all State Highway Patrol stations;

D. Each sheriff, chief of police, or person in charge of every county, multi-county, municipal, municipal-county, or multi-county/municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or other local or State correctional institution or detention facility within the State, or that person's designee, in a conspicuous location at that facility under that person's charge;

E. The board of trustees of a regional airport authority, chief administrative officer of an airport facility, or other person in charge of an airport facility in a conspicuous location at each airport facility under that person's control;

F. The officer or officer's designee who has charge of a courthouse or the building or structure in which a courtroom is located in a conspicuous location in that building or structure;

G. The Superintendent of the Bureau of Criminal Identification and Investigation or the Superintendent's designee in a conspicuous location in all premises controlled by that Bureau;

H. The owner, administrator, or operator of a child day care center, a type A family day care home, or a type B family day care home;

I. The officer of this State or of a political subdivision of this State, or the officer's designee, who has charge of a building that is a government facility of this State or the political

subdivision of this State, as defined in Ohio R.C. 2923.126, and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to Ohio R.C. 2923.126(B)(3).

\_\_\_\_\_ (2) \_\_\_\_\_ The following boards, bodies, and persons, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to Ohio R.C. 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."

\_\_\_\_\_ A. \_\_\_\_\_ A board of education of a city, local, exempted village, or joint vocational school district or that board's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the board;

\_\_\_\_\_ B. \_\_\_\_\_ A governing body of a school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 or that body's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the school;

\_\_\_\_\_ C. \_\_\_\_\_ The principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school.

(ORC 2923.1212)

**~~672.14 DEFACED FIREARMS.~~**

\_\_\_\_\_ (a) \_\_\_\_\_ No person shall do either of the following:

\_\_\_\_\_ (1) \_\_\_\_\_ Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on a firearm.

\_\_\_\_\_ (2) \_\_\_\_\_ Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

(b) (1) Whoever violates division (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this division, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (a)(1) of this section, defacing identification marks of a firearm is a felony to be prosecuted under appropriate State law.

\_\_\_\_\_ (2) \_\_\_\_\_ Whoever violates division (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this division, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (a)(2) of this section, possessing a defaced firearm is a felony to be prosecuted under appropriate State law.

\_\_\_\_\_ (c) \_\_\_\_\_ Division (a) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.

(ORC 2923.201)

**~~672.15 POSSESSION OF AN OBJECT INDISTINGUISHABLE FROM A FIREARM IN A SCHOOL SAFETY ZONE.~~**

\_\_\_\_\_ (a) \_\_\_\_\_ No person shall knowingly possess an object in a school safety zone if both of the following apply:

\_\_\_\_\_ (1) \_\_\_\_\_ The object is indistinguishable from a firearm, whether or not the object is capable of being fired *even though the object is not a firearm as defined in ORC 2923.11.*

\_\_\_\_\_ (2) \_\_\_\_\_ The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

\_\_\_\_\_ (b) (1) \_\_\_\_\_ This s-Section ~~(a)~~ does not apply to any of the following:

Ordinance No. 19-91  
Exhibit A

~~A. — An officer, agent, or employee of this or any other State or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;~~

~~\_\_\_\_\_ B. — Any person who is employed in this State, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (b)(1)B. does not apply to the person.~~

~~(2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.~~

~~(3) — This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:~~

~~\_\_\_\_\_ A. — The person does not enter into a school building or onto school premises and is not at a school activity.~~

~~\_\_\_\_\_ B. — The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).~~

~~\_\_\_\_\_ C. — The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B).~~

~~\_\_\_\_\_ D. — The person is not knowingly in a place described in Ohio R.C. 2923.126(B)(1) or (B)(3) to (B)(8).~~

~~(4) — This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:~~

~~\_\_\_\_\_ A. — The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in R.C. § 2923.125(G)(1).~~

~~\_\_\_\_\_ B. — The person leaves the handgun in a motor vehicle.~~

~~\_\_\_\_\_ C. — The handgun does not leave the motor vehicle.~~

~~\_\_\_\_\_ D. — If the person exits the motor vehicle, the person locks the motor vehicle.~~

~~(c) — Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate State law.~~

~~(d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to division (d)(2) of this section, if the offender has not attained 19 years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in Ohio R.C. 4510.02(A)(4) and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in Ohio R.C. 4510.02(A)(4).~~

~~(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in division (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in division (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in division (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.~~

~~(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.~~

~~(ORC 2923.122(C) - (G))~~

Statutory reference:

~~Conveyance or possession of deadly weapons or dangerous ordnance in a school safety zone, felony offense, see Ohio R.C. 2923.122(A), (B)~~

#### **1068.12 CEMETERY RULES.**

(a) No vehicle shall be driven faster than four miles per hour within the gates of the Municipal Cemetery.

(b) No obscene language or loud or profane conversation shall be indulged in within the Cemetery.

(c) No person shall wantonly or willfully remove, cut or break, or in any manner injure or destroy, any tree, shrub or plant, or pick, crush or gather, or in any way injure or destroy, any flower, either wild or cultivated, or any herbage, fruit or produce of any such tree, shrub or plant, within the Cemetery.

(d) No person in a state of intoxication shall enter the Cemetery.

(e) No person shall remain in the Cemetery after having, for good cause, been ordered by the Foreman of Municipal Parks, Properties and Cemeteries to leave the premises.

(f) No person shall write upon, cut, bruise, break, discolor, walk over or otherwise deface or injure any stone, monument, marker, fence or other structure within or a part of the Cemetery.

~~(g) No person shall discharge any firearm within the Cemetery except at a military funeral.~~

(h) No person shall catch, wound, kill or attempt to injure any bird, or remove or disturb any bird's nest or eggs in the Cemetery.

(i) No person shall suffer or permit a dog, cat, horse, cow, sheep, goat or other domestic animal or bird to run at large within the Cemetery.

(j) No person shall act in a disrespectful manner within the Cemetery property.

(k) The Municipal Cemetery will be open from 7:00 a.m. until sunset. The hours shall be strictly enforced, unless permission has been granted by the Mayor or his or her designated representative.

(l) No debris shall be deposited in the Cemetery except in designated rubbish containers or other areas specifically designated as rubbish accumulation areas.

Ordinance No. 19-91  
Exhibit A

(m) The drinking of alcoholic beverages in the Cemetery is strictly prohibited at all times, except upon the occurrence of official ceremonies or functions for which permission has been granted by the Mayor or his or her designated representative.

(n) Flower beds should not exceed ten inches in space from the marker.

(o) Trees or shrubs may only be planted with permission from the Cemetery Foreman and shall become the property of the Municipal Cemetery.

(Ord. 97-41. Passed 2-4-97.)

(p) Only artificial flowers are permitted from October 1 to March 1, except immediately following interment.

(Ord. 97-109. Passed 6-3-97.)

(q) All holiday decorations, religious symbols, and wreaths shall be removed within 30 days after such national or religious holiday.

(r) Hanging baskets are prohibited.

(s) Fencing, glass jars or glass vases are prohibited.

(t) Solar or battery operated lighting devices are permitted from October 1 to March 1.