

**CITY OF ENGLEWOOD**

**IN**

**MONTGOMERY COUNTY, OHIO**

**ORDINANCE NO: 19-23**

**PASSED: December 10, 2019**

**A RESOLUTION: AMENDING AND REPEALING CERTAIN SECTIONS OF THE ENGLEWOOD CODIFIED ORDINANCES CONCERNING WEAPONS AND EXPLOSIVES, INCLUDING FIREARMS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Chapter 672 of the Englewood Codified Ordinances establishes and delineates certain prohibitions, penalties, and other regulations involving weapons and explosives, including firearms; and

**WHEREAS**, the following sections of Chapter 672 of the Englewood Codified Ordinances have been previously repealed: 672.08, 672.09, and 672.11; and

**WHEREAS**, Section 1070.09 of the Englewood Codified Ordinances establishes and delineates certain prohibitions and regulations involving firearms and weapons in parks; and

**WHEREAS**, on or about December 27, 2018, the Ohio General Assembly passed HB 228 which, among other things, enacted and/or revised certain state law regulations regarding firearms; and

**WHEREAS**, effective December 28, 2019, HB 228 enacts a revised version of R.C. § 9.68. The revised version of R.C. § 9.68 will provide in pertinent part:

Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process, may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any firearm, part of a firearm, its components, and its ammunition. Any such further license, permission, restriction, delay, or process interferes with the fundamental individual right described in this division and unduly inhibits law-abiding people from protecting themselves, their families, and others from intruders and attackers and from other legitimate uses of constitutionally protected firearms, including hunting and sporting activities, and the state by this section preempts, supersedes, and declares

null and void any such further license, permission, restriction, delay, or process[; and]

**WHEREAS**, effective December 28, 2019, the revised version of R.C. § 9.68 will further provide:

A person, group, or entity adversely affected by any manner of ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by a political subdivision in conflict with division (A) of this section may bring a civil action against the political subdivision seeking damages from the political subdivision, declaratory relief, injunctive relief, or a combination of those remedies. Any damages awarded shall be awarded against, and paid by, the political subdivision[; and]

**WHEREAS**, in order to comply with the revisions to the Ohio Revised Code enacted by HB 228, including the revisions to R.C. § 9.68 effective December 28, 2019, the City Council deems it necessary and prudent to amend and repeal certain sections of the Englewood Codified Ordinances, as set forth below; and

**WHEREAS**, the City is authorized as a charter municipality to exercise all powers of local self-government.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, OHIO AS FOLLOWS:**

**SECTION I**                   The following sections of Chapter 672 of the Englewood Codified Ordinances are hereby repealed: 672.01, 672.02, 672.025, 672.03, 672.04, 672.05, 672.06, 672.07, 672.085, 672.10, 672.13, 672.14, 672.15, 672.16, and 672.17.

**SECTION II**                   Section 672.12 of the Englewood Codified Ordinances is hereby repealed and replaced with the following, and shall be renumbered as 672.01:

**672.01                   DISCHARGING FIREARMS**

(a)                   No person shall discharge any firearm within the corporate limits of the City.

(b)                   This section does not apply when a firearm is discharged in self-defense, in defense of others, by a police officer in the discharge of official duty, or when the individual discharging the firearm has a permit issued pursuant to subsection (c) hereof.

(c)                   The Chief of Police is hereby authorized to issue a permit to discharge any firearm within the corporate limits of the City to any person

or organization where the Chief of Police determines that such discharge will not be detrimental to the health, safety, and welfare of the City.

(d) The term "firearm" as used in this section shall have the same meaning as the definition of that term in Section 2923.11(B) of the Ohio Revised Code.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

### **SECTION III**

Section 1070.09 of the Englewood Codified Ordinances shall be repealed and replaced with the following:

#### **1070.09 FIREARMS AND OTHER WEAPONS**

(a) No person in a park shall carry on or about his or her person any bow and arrow, air or gas gun, missile, or sling shot or other missile throwing device; provided, however that bows and arrows may be carried in areas designated by the Manager for archery purposes.

(b) No person shall discharge in a park, or into a park, any firearm, bow and arrow, air or gas gun, missile, or sling shot or other missile throwing device; provided, however, that bows and arrows may be used in areas designated by the Manager for archery purposes.

(c) No person in a park shall carry on or about his or her person any axe, hatchet, or saw or knife with a blade length that is longer than three inches.

(d) No person in a park shall carry on or about his or her person any explosive device as that term is defined in Section 2923.11(H) of the Ohio Revised Code, or any incendiary device as that term is defined in Section 2923.11(I) of the Ohio Revised Code.

(e) The term "firearm" as used in this section shall have the same meaning as the definition of that term in Section 2923.11(B) of the Ohio Revised Code.

(f) The prohibition in subsection (b) of this section against the discharge of any firearm in a park or into a park does not apply when a firearm is discharged in self-defense, in defense of others, or by a police officer in the discharge of official duty.

### **SECTION IV**

It is hereby found and determined that all formal actions of this Council concerning and relating to the Passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and

of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION V**

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare; and for the further reason that the City must be in compliance with the revised Section 9.68 of the Ohio Revised Code prior to December 28, 2019. Therefore, this Ordinance shall become effective immediately upon its passage.

**PASSED** this 10th day of December, 2019.

Thomas E. Franz Jr.  
Thomas Franz, Jr., Mayor

**ATTEST:**

Kerry Norman  
Kerry Norman, Clerk of Council

## C E R T I F I C A T E

I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify the foregoing is a true and correct copy from the **Record of Proceedings** of said City. **WITNESS** my signature this 10th day of December, 2019.



Kerry Norman, Clerk of Council

## C E R T I F I C A T E O F P O S T I N G

I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify publication of the foregoing **ORDINANCE** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.



Kerry Norman, Clerk of Council