

AN ORDINANCE AMENDING SECTION 648.11 OF CHAPTER 648, "PEACE DISTURBANCES," SECTIONS 672.01, 672.07, 672.09, 672.14, 672.15 AND 672.19 OF CHAPTER 672, "WEAPONS AND EXPLOSIVES," SECTION 1062.02 OF CHAPTER 1062, "PARKS, PLAYGROUNDS, AND OTHER PUBLIC GROUNDS" AND CHAPTER 1074.01, "DEER HUNTING" OF THE CODIFIED ORDINANCES TO CONFORM TO STATE LAW, AND DECLARING AN EMERGENCY

WHEREAS, Amended Substitute House Bill 228 (Am. Sub. H.B. 228) was passed by the General Assembly, signed into law by the governor, and became effective on March 28, 2019; and

WHEREAS, Am. Sub. H.B. 228 amended multiple sections in the Ohio Revised Code with respect to rights of gun owners, conceal carry, self-defense and other matters; and

WHEREAS, Am. Sub. H.B. 228 preempts any local ordinance that further restricts a person's right to own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, keep, or otherwise inhibit the legitimate use of any firearm; and

WHEREAS, Chapter 648, "Peace Disturbances," must be amended to conform to the amendments contained in Am. Sub. H.B. 228; and

WHEREAS, Chapter 672, "Weapons and Explosives," must be amended to conform to the amendments contained in Am. Sub. H.B. 228; and

WHEREAS, Chapter 1062, "Parks, Playgrounds, and Other Public Grounds," must be amended to conform to the amendments contained in Am. Sub. H.B. 228; and

WHEREAS, Chapter 1074, "Deer Hunting," must be amended to conform to the amendments contained in Am. Sub. H.B. 228; and

WHEREAS, this Council desires to amend Section 648.11 of Chapter 648, "Peace Disturbances," Sections 672.01, 672.07, 672.09, 672.14, 672.15 and 672.19 of Chapter 672, "Weapons and Explosives," Section 1062.01 of Chapter 1062, "Parks, Playgrounds, and Other Public Grounds," and Chapter 1074.01, "Deer Hunting," of the Codified Ordinance as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hudson, Summit County, State of Ohio, that:

**Section 1.** Section 648.11, "Picketing," of the City's Codified Ordinances is hereby amended as follows:

**"648.11 PICKETING.**

(a) No person who is picketing any place of employment or one of a group gathered for the purpose of preventing or hindering the operation of such place, shall **unlawfully** have in his possession any firearm or other weapon or 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.

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**Section 2.** Section 672.01, “Definitions,” of the City’s Codified Ordinances is hereby amended as follows:

**“672.01 DEFINITIONS.**

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a difference meaning:

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(f) “Dangerous ordnance”

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

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**G. Any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearm, and explosives under the “Gun Control Act of 1968,” 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the bureau not to be regulated under the “National Firearms Act,” 68A Stat. 725 (1934), 26 U.S.C. 5845(a).**

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**(m)(1) “Law enforcement officer” means any of the following who is employed, commissioned, disposed, appointed, or elected in a capacity, a political subdivision of this state, or an agency, department, or instrumentality of this state or a political subdivision of this state:**

**A. Any law enforcement officer, as defined in section 2901.01 of the Revised Code;**

**B. Any peace officer, as defined in section 2935.01 of the Revised Code;**

**C. Any person who is employed in this state, who is authorized to carry firearms, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code.**

**(2) For purposes of the Revised Code, both of the following apply regarding a law enforcement officer who, by virtue of the officer's employment, commissioning, disposition, appointment, or election as that law enforcement officer, has a responsibility to enforce all or certain laws:**

**A. The officer holds public office on a continuing basis and has a continuing duty to enforce those laws.**

**B. The officer is always on duty, regardless of whether the officer is, or is not, officially within work hours or officially on the clock. (ORC 9.69)**

~~(m)~~(n) “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)~~(o) “Sawed-off firearm.” A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall. **“Sawed-off firearm” does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearm, and explosives under the “Gun Control Act of 1968,” 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the bureau not to be regulated under the “National Firearms Act,” 68A Stat. 725 (1934), 26 U.S.C. 5845(a).**

~~(o)~~(p) “Semi-automatic firearm.” 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)~~(q) “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 R.C. § 2923.128(A)(1), under 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 R.C. § 2923.128(B)(1), under R.C. § 2923.1213, or under a revocation provision of the state other than this state in which the license was issued.

~~(q)~~(r) “Zip-gun.” Any of the following:

(1) Any firearm of crude and extemporized manufacture.

(2) Any device, including without limitation a starter’s pistol, not designed as a firearm, but that is specially adapted for use as a firearm.

(3) Any industrial tool, signaling device, or safety device, 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)”

**Section 3.** Section 672.07, “License or Permit to Possess Dangerous Ordnance,” of the City’s Codified Ordinances is hereby amended as follows:

**“672.07 LICENSE OR PERMIT TO POSSESS DANGEROUS ORDNANCE.**

(a) Upon application to the Sheriff of the County or Safety Director or Police Chief of the Municipality where the applicant resides or has ~~his or her~~ **the applicant’s** principal place of business, and upon payment of the fee specified in division (b) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry or use a dangerous ordnance for the following purposes:

(1) Contractors, wreckers, ~~quarry workers~~ **quarriers**, 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.

\* \* \*

(4) Financial institutions 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 or her~~ **the person’s** duties.

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(b) Application for a license or temporary permit under this section shall be in writing under oath to the Sheriff of the County or Safety Director or Police Chief of the Municipality where the applicant resides or has ~~his or her~~ **the applicant’s** principal place of business. The application shall be accompanied by an application fee of fifty dollars (\$50.00) when the application is for a license, and an application fee of five dollars (\$5.00) when the application is for a temporary permit. The fee shall be paid into the general revenue fund of the County or Municipality. The application shall contain the following information:

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

\* \* \*

(e) A temporary permit shall be issued for the casual use of explosives or explosive devices, and other consumable dangerous ordnance, and shall expire within 30 days of its issuance. A license shall be issued for the regular use of a consumable dangerous ordnance, **or for any non-consumable dangerous ordnance**, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it

considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

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- (g) The issuing authority 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 a dangerous ordnance and of each report of a lost or stolen dangerous ordnance, give to the local law enforcement authority as required by Ohio R.C. 2923.20(A)~~(4) and (5)~~ **(7) and (8)** or a substantially equivalent municipal ordinance. The State Fire Marshal will keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of a dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

(ORC 2923.18)”

**Section 4.** Section 672.09, “Unlawful Transactions in Weapons,” of the City’s Codified Ordinances is hereby amended as follows:

**“627.09 UNLAWFUL TRANSACTIONS IN WEAPONS.**

- (a) No person shall **do any of the following:**

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- (3) Except as otherwise provided in division (b) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;**
- (4) Except as otherwise provided in division (b) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;**
- (5) Except as otherwise provided in division (b) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (a)(3) or (4) of this section;**
- ~~(3)~~**(6)** 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)~~**(7)** When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him or her 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 the record to the sheriff of the county or Safety Director or Police Chief of the Municipality where the transaction takes place;

- ~~(5)~~**(8)** Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession and under his or her control.

**(b) Divisions (a)(3), (4), and (5) of this section do not apply to any of the following:**

**(1) A law enforcement officer who is acting within the scope of the officer's duties;**

**(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (b)(1) of this section.**

~~(b)~~**(c)** 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 ~~to be prosecuted under appropriate State law~~ **of the fourth degree.** A violation of division (a)(3), ~~or (4)~~ **or (5)** of this section is a ~~misdemeanor of the second degree.~~ **felony of the third degree.** **A violation of division (a)~~(3)~~ (6) or ~~(4)~~ (7) of this section is a misdemeanor of the second degree.** A violation of division (a)~~(5)~~ **(8)** of this section is a misdemeanor of the fourth degree.

**(d) As used in this section:**

**(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code.**

**(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.**

**(3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal.**

**(4) "Private seller" means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer.**

**(ORC 2923.20)"**

**Section 5.** Section 672.14, "Discharging Firearms and Other Weapons," of the City's Codified Ordinances is hereby amended as follows.

**"672.14 DISCHARGING WEAPONS AND OTHER FIREARMS.**

(a) No person shall **(1) discharge or fire a cross bow or bow and arrow; or (2) unlawfully** discharge or fire any cannon, gun, rifle, air gun or rifle, revolver, pistol, ~~cross bow, bow and arrow~~ or other weapon or firearm within the Municipality. ~~However, T~~**his section shall not be construed as applying to the use of any of such weapons in the lawful defense of any person, or the property of any person, nor to police officers acting in the line of duty, nor to shooting galleries, rifle ranges,**

archery ranges or gun clubs, any of which has a valid existing permit from the Manager to operate galleries or ranges or to erect targets for rifle, pistol, archery or gun practice, to the hunting of any animal or fowl within the municipality through the lawful use of a firearm as defined in Ohio R.C. 2923.11 that is in compliance with state and federal law, or when otherwise lawfully authorized.

(1) A person is allowed to act in self-defense, defense of another, or defense of that person's residence. If, at the trial of a person who is accused of an offense that involved the person's use of force against another, there is evidence presented that tends to support that the accused person used the force in self-defense, defense of another, or defense of that person's residence, the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense, defense of another, or defense of that person's residence, as the case may be. (ORC 2901.05)

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**Section 6.** Section 672.15, “Discharging Missiles,” of the City’s Codified Ordinances is hereby amended as follows:

**“672.15 DISCHARGING MISSILES.**

(a) No person shall shoot, force or throw, by means of an air gun or other arm or implement, a lead, iron or other hard substance, or an arrow, upon any public way or place. This section does not apply to the lawful use of firearms as defined in O.R.C. 2923.11 nor any component of or ammunition for the same.

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**Section 7.** Section 672.19, “Concealed Handgun Licenses: Possession of a Revoked or Suspended License; Additional Restrictions; Posting of Signs Prohibiting Possession,” of the City’s Codified Ordinances is hereby amended as follows:

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

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

(1)A. A concealed handgun license that is issued under 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 30 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 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 notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.

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- (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:

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- C. A courthouse or another building or structure in which a courtroom is located, ~~if the licensee's carrying the concealed handgun is~~ **in violation of Ohio R.C. 2923.123.**

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- (3)A. Nothing in this division (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 division (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.

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- C.1.a. Except as provided in division (b)(3)C.2. of this section **and section 2923.1214 of the Revised Code**, 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.

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- (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 R.C. § 2923.125 **provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification.** For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

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

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**F. “Validating identification” means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.**

(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,~~ **Each person, board, or entity that owns or controls any place or premises identified in division (B) of section 2923.126 of the Revised Code as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity,** shall post in ~~the following~~ **one or more conspicuous** locations **in the premises** 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)”

**Section 8.** Section 1062.02, “Rules and Regulations,” of the City’s Codified Ordinances is hereby amended as follows:

**“1062.02 RULES AND REGULATIONS.**

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(f) Firearms. No person, except authorized personnel of the park, shall carry or use firearms of any description, or any air rifle, sling-shot or missile-throwing device, within the park, **nor shall any person unlawfully** discharge any firearms, fireworks or explosive substances, or air rifle therein; ~~without a written permit from the City Manager or his or her designee.~~

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**Section 9.** Chapter 1074.01, “Purpose,” of the City’s Codified Ordinances is hereby amended as follows:

**“1074.01 PURPOSE.**

The purpose of this chapter is to provide comprehensive regulations for the hunting of deer within the corporate limits of the Municipality in order to reduce the number of deer within the Municipality to deal with problems caused by an over population of deer within the Municipality. It has been found that the overly large population of deer within the Municipality has caused vehicular safety issues on public rights-of-way, damage to private and public properties with respect to damage to landscaping, trees and other vegetation, and public health concerns with respect to disease transmitted through the deer population to humans.

**This regulations contained in this Chapter 1074 do not apply to the hunting of deer through the lawful use of firearms as defined in O.R.C. 2923.11 nor any component of or ammunition for the same when said hunting of deer is (1) permitted by state and federal law and (2) limited to those time periods so designated by state and federal law.**”

**Section 10.** Those provisions of Sections 648.11, 672.01, 672.07, 672.09, 672.14, 672.15, 672.19, 1062.02, and Chapter 1074.01 of the Codified Ordinances of the City that were in effect prior to the effective date of this Ordinance and that are in conflict with Sections 1-9 of this Ordinance are hereby repealed and shall no longer have any effect to the extent that they are inconsistent with the amendments adopted in Sections 1-9 of this Ordinance.

**Section 11.** It is found and determined that all formal actions of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 12.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Hudson and for the further reason that the provisions of Am. Sub. H.B. 228 must be incorporated into the City of Hudson's Codified Ordinances prior to the effective date of December 28, 2019 in order to achieve compliance. Wherefore, this Ordinance shall take effect and be in full force immediately upon its passage by Council and signature of the Mayor, or as otherwise provided by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
David A. Basil, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth A. Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 19-171 was duly passed by the Council of said Municipality on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council