

ORDINANCE NO. 20 , 2019

AN ORDINANCE REVOKING ANY RULE, REGULATION, RESOLUTION, PRACTICE OR OTHER ACTION ENACTED BY THE CITY OF MONTGOMERY IN CONFLICT WITH R.C. § 9.68 AND DECLARING AN EMERGENCY

WHEREAS, the Ohio General Assembly has enacted HB 228 effective December 28, 2019, which amends R.C. § 9.68 to require uniformity across the State regarding the regulation of firearms; and

WHEREAS, this State legislation, as enacted, preempts the City from enacting or enforcing laws, as well as any rule, regulation, resolution, practice or other action which would impact the possession, purchase, acquisition, transportation, storage, carrying, sale, transfer, manufacturing or keeping of any firearm, part of a firearm, its components and its ammunition; and

WHEREAS, to comply with the State mandate and to avoid the potential for civil liability, the Administration has recommended, and Council agrees, to revoke any such Ordinance, rule, regulation, resolution, practice or other action in conflict with R.C. § 9.68.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 137.13 of the Code of Ordinances entitled *Sale and Use of Fireworks* is hereby recodified to Chapter 132 of the Code of Ordinances and shall be renumbered Section 132.17.

SECTION 2. All other sections in Chapter 137 of the Code of Ordinances entitled *Weapons Control* are hereby repealed so as not to be in conflict with R.C. § 9.68.

It is understood that by repealing this Chapter of the Code of Ordinances, law enforcement in the future will enforce the State Code as it exists or as it may be amended concerning Weapons Control.

SECTION 3. All other rules, regulations, resolutions, practices or other action enacted by the City, through either the City Council or through the Administration, which in any way regulate the licensing, possession, purchase, acquisition, transport, storage, carrying, sale, transfer, manufacture or keeping of any firearm, part of a firearm, its components and its ammunition in conflict with the statutes and regulations enacted by the State of Ohio are hereby repealed. Any such remaining policies and procedures shall be enforced in compliance with State law as it now exists or may hereafter be amended regarding the regulation of firearms, its components or ammunition.

SECTION 4. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 6. In order to meet the effective date of R.C. § 9.68 and to avoid any civil liability being assessed against the City for not being in compliance with R.C. § 9.68, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare, and shall take effect immediately upon passage.

PASSED: December 18 2019

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director