

Village of Mantua, Ohio
ORDINANCE 2019-57

AN ORDINANCE AMENDING SECTIONS 301.12, 375.03(a), 505.11, 517.01(vv), 549.08, 549.09(a), 951.03(b), 951.03(d) AND 955.07(i) OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, AND REPEALING SECTIONS 549.01, 549.02, 549.03, 549.04, 549.05, 549.06, 549.07, 549.10, 549.11 and 549.99 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, RELATING TO THE OWNERSHIP, POSSESSION, PURCHASE, OTHER ACQUISITION, TRANSPORT, STORAGE, CARRYING, SALE, OTHER TRANSFER, MANUFACTURE, TAXATION, KEEPING, AND REPORTING OF LOSS OR THEFT OF FIREARMS, THEIR COMPONENTS, AND THEIR AMMUNITION, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio General Assembly has amended Ohio Revised Cods §9.68, which becomes effective on December 28, 2019, and which on its face removes from Ohio municipalities the right to enact and enforce laws relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and

WHEREAS, if Ordinances currently a part of the Village of Mantua Codified Ordinances relating to the above are not removed by the referenced effective date, a private cause of action is created through which the Village may be liable for damages, attorney fees, and other costs, and

WHEREAS, this Council recognizes that the Village of Mantua has home rule authority under the Ohio Constitution, but also that no Court has yet ruled on the constitutionality of ORC §9.68 and the Village needs to protect itself against liability, and

WHEREAS, as a result the Village is in need of repealing or amending various components of the Codified Ordinances of the Village of Mantua in order to achieve compliance with the above referenced law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mantua, State of Ohio, two-thirds or more of the members elected thereto concurring, that:

SECTION 1: Section 301.12 of the Codified Ordinances of the Village of Mantua is hereby amended to read as follows:

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. It shall in no

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instance mean any firearm as defined in ORC §2923.11, part of a firearm, its components, or its ammunition.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches.

SECTION 2: Section 375.03(a) of the Codified Ordinances of the Village of Mantua is hereby amended to read as follows:

375.03 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 375.04;
 - (2) Upon any property owned or leased by the Municipality except in areas designated for such purposes;
 - (3) 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;
 - (4) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
 - (5) On tracks or right of way of any operating railroad;
 - (6) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02.

SECTION 3: Section 505.11 of the Codified Ordinances of the Village of Mantua is hereby amended to read as follows:

505.11 HUNTING.

- (a) No person shall hunt, kill or attempt to kill any animal or fowl within the corporate limits of the Municipality by any means other than 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) Trapping of fur-bearing animals and hunting shall be permitted in that area of the Village designated as the Marsh Wetlands State Nature Preserve Wildlife Area, and must be conducted in full compliance with all state

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laws and regulations of the Ohio Department of Natural Resources,
Division of Wildlife.

- (c) Whoever violates this section is guilty of a fourth degree misdemeanor.

SECTION 4: Section 517.01(vv) of the Codified Ordinances of the Village of Mantua is hereby amended to read as follows:

517.01 GAMBLING

- (vv) “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) Tobacco or alcoholic beverages; or
 - (4) A redeemable voucher that is redeemable for any of the items listed in subsection (vv)(1), (2) or (3) of this section.

SECTION 5: Sections 549.01, 549.02, 549.03, 549.04, 549.05, 549.06, 549.07, 549.10, 549.11 and 549.99 of the Codified Ordinances of the Village of Mantua are hereby repealed.

SECTION 6: Section 549.10(a) of the Codified Ordinances of the Village of Mantua is hereby amended as follows:

549.08 DISCHARGING FIREARMS.

- (a) No person shall unlawfully discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.
- (b) This section does not apply in the following circumstances:
- (1) When firearms are used in self-defense;
 - (2) In the discharge of official duty;
 - (3) As to section 505.11(b) herein, in compliance with Ohio Administrative Code section 1501:31-15-07(L);
 - (4) When otherwise lawfully authorized.
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

SECTION 7: Section 549.11(a) of the Codified Ordinances of the Village of Mantua is hereby amended as follows:

549.09 THROWING OR SHOOTING MISSILES.

- (a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized, nor to the lawful use of firearms as defined in ORC §2923.11 nor any component of

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or ammunition for the same.

SECTION 8: Section 951.03(b) of the Codified Ordinances of the Village of Mantua is hereby amended as follows:

- (b) The unlawful possession, unlawful use or unlawful discharge of any type of a firearm, or the possession of any knife, switchblade, bow and arrow, air gun, paintball gun, BB gun, spring-operated gun, slingshot, or other offensive weapon within a Village park or recreation area is strictly forbidden. The term “firearm” as used in this section shall have the same meaning as in section 2923.11 of the Ohio Revised Code.

SECTION 9: Section 951.03(d) of the Codified Ordinances of the Village of Mantua is hereby amended as follows:

- (d) No fireworks shall be brought into or discharged on or across the park.

SECTION 10: Section 955.07(i) of the Codified Ordinances of the Village of Mantua is hereby amended to read as follows:

- (i) No person shall unlawfully discharge firearms within the cemetery except for military funerals or Memorial Day services.

SECTION 11: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were adopted in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 12: This Resolution is hereby declared an emergency measure, in order to achieve compliance with amended Ohio Revised Code Section 9.68 prior to its effective date of December 28, 2019, and shall become immediately effective upon its passage by Council and approval by the Mayor, and to further ensure the health, safety, and morals of the Village of Mantua.

PASSED IN COUNCIL this 17th day of December, 2019.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk

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I hereby certify the above Resolution was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of _____, 2019.

Jenny August, Clerk

Approved as to Legal Form:

Michele Stuck, Solicitor