

ORDINANCE NO. 2009 - 52

AMENDING SECTION 963.10 OF THE CITY OF MASON CODIFIED ORDINANCES REGARDING FIREARMS AND WEAPONS AND DECLARING AN EMERGENCY

WHEREAS, currently Section 936.10 prohibits any person from possessing a firearm in a park; and

WHEREAS, the Ohio Supreme Court has recently ruled that such an ordinance is an invalid exercise of a municipality's home rule power according to Section 3, Article XVIII, of the Ohio Constitution; and

WHEREAS, such an invalid exercise of a municipality's home rule power renders such an ordinance unconstitutional; and

WHEREAS, it is the desire of the City Council for the City of Mason to have the Codified Ordinances conform to all Constitutional requirements.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

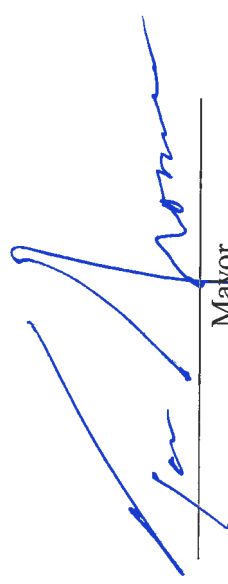
Section 1. That Section 963.10 of the Mason Codified Ordinances is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of the City of Mason and shall take effect at the earliest date provided by law. The reason for said emergency is the need for the Codified Ordinances to comply with all Constitutional requirements at the earliest possible date.

Passed this 18th day of May, 2009.

Attest:


Clerk of Council


Mayor

963.10 FIREARMS AND WEAPONS.

- (a) No person in a park, except a police officer, shall possess a firearm, deadly weapon, dangerous ordnance, air rifle, slingshot or missile-throwing device, or discharge any firearm, deadly weapon, dangerous ordnance or air rifle. This prohibition shall not be construed to infringe upon the rights of any person who has been issued a license or temporary emergency license to carry a concealed handgun under sections 2923.125 or 2923.1213 of the Ohio Revised Code.
- (b) Unauthorized firearms, bows and arrows, knives, air or gas guns, missiles, slingshots or other missile-throwing devices, or any snares or traps brought into a park may be confiscated by peace officers.
- (c) Any person who is convicted of or pleads guilty to a violation of this section shall be guilty of a misdemeanor of the fourth degree on the first offense; on a second offense within one year after the first offense, such person shall be guilty of a misdemeanor of the third degree; on each subsequent offense within one year after the first offense such person shall be guilty of a misdemeanor of the first degree.