

CITY OF OBERLIN, OHIO

ORDINANCE No. 13-66 AC CMS

AN ORDINANCE REPEALING SECTIONS 549.02 THROUGH 549.07, 549.10 AND 549.12 OF THE OBERLIN CODIFIED ORDINANCES FOR THE REASONS THAT SUCH ORDINANCES MAY BE PREEMPTED BY STATE LAW AND THEY ARE NOT REQUIRED FOR CRIMINAL PROSECUTIONS AND DECLARING AN EMERGENCY.

WHEREAS, Sections 549.02 through 549.07, 549.10 and 549.12 of the Oberlin Codified Ordinances establish certain criminal offences relating to firearms; and

WHEREAS, pursuant to Section 9.68 the Ohio Revised Code, the local regulation of firearms may be preempted by State law; and

WHEREAS, there can be substantial penalties, costs and expenses incurred by municipalities that maintain firearm regulations that are in conflict with State law; and

WHEREAS, Sections 549.02 through 549.07, 549.10 and 549.12 of the Oberlin Codified Ordinances have generally not been used in criminal prosecutions because violations of firearms laws are charged and prosecuted under the Ohio Revised Code and therefore, Sections 549.02 through 549.07, 549.10 and 549.12 of the Oberlin Codified Ordinances are not required for criminal prosecutions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Sections 549.02 through 549.07, 549.10 and 549.12 of the Oberlin Codified Ordinances be and are hereby repealed.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

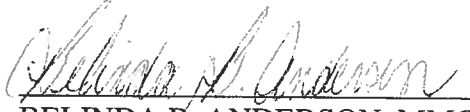
SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department to wit: to eliminate local firearm ordinances that are not required for criminal prosecutions and to assure that no such ordinance comes into conflict with state law and thereby preclude a challenge thereto.

PASSED: 1st Reading: November 19, 2013 (E)

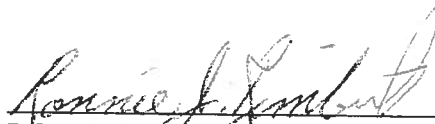
2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



RONNIE RIMBERT
PRESIDENT OF COUNCIL

POSTED: 11/19/2013

EFFECTIVE DATE: 11/18/2013