

549.11 THROWING OR SHOOTING MISSILES.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

549.11 THROWING OR SHOOTING MISSILES.

CHAPTER 549 Weapons and Explosives

549.071 PROHIBITING ACCESS TO FIREARMS BY CHILDREN.

(a) Definitions.

(1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.

(2) "Ammunition" means any ammunition cartridge, shell or other device containing explosive or incendiary material and designed and intended to use in any firearm.

(3) "Child" means any person under the age of eighteen years and includes any person between the ages of eighteen and twenty-one years who is of sufficient mental incompetence to have had a legal guardian appointed by the Probate Court.

(4) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or especially adapted for use as a weapon or possessed, carried or used as a weapon.

(b) Access to Firearms and/or Deadly Weapons. Except as provided in subsection (c) hereof no person, including but not limited to a parent or legal guardian, shall store or leave a loaded or unloaded firearm and/or deadly weapon in any place where the person knows, or reasonably should know based on the totality of the circumstances, that a child is able to gain access to it.

(c) Exceptions. Subsection (b) hereof shall not apply when:

(1) A child's access to a firearm and/or deadly weapon is under the supervision or control of a responsible adult for purposes of lawful hunting or instruction in firearm and/or deadly weapon safety, care, handling or marksmanship;

(2) A child has access to a firearm and/or deadly weapon as the result of an unlawful entry into the place in which the firearm and/or deadly weapon was found;

(3) A child obtains a firearm and/or deadly weapon in a lawful act of self- defense or defense of another person or persons within a domicile;

(4) A child who, without permission of the lawful possessor of a firearm and/or deadly weapon, obtains the firearm and/or deadly weapon from the possessor's body.

(d) Responsibility of Firearms Dealers and/or Deadly Weapon Dealers.

(1) When selling any firearm, a licensed firearm dealer shall offer to sell or give the purchaser a trigger lock or similar device which prevents the firearm from discharging.

(2) At every purchase counter in every store, shop or sales outlet, licensed firearms dealers shall conspicuously post the following warning in block letters, not less than one inch in height: "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM AND/OR DEADLY WEAPON WHERE CHILDREN CAN OBTAIN ACCESS." The same warning shall be distributed to each firearm purchaser at the time of the sale of a firearm.

(e) Penalties. Whoever violates this section shall be guilty of a misdemeanor of the first degree. (Ord. 52-95. Passed 5-9-95.)

549.08 FIREWORKS SALE OR DISCHARGE.

(EDITOR'S NOTE: Former Ohio R.C. 3743.27 and 3743.32, from which this section was derived, were repealed by Amended Senate Bill 61, effective May 30, 1986. The new law on the possession, sale and discharge of fireworks generally is now codified as Section 1519.04 of the Fire Prevention Code.)

549.09 FIREWORKS DISPLAY PERMITS.

(EDITOR'S NOTE: Former Ohio R.C. 3743.33 from which this section was derived was repealed by Amended Senate Bill 61, effective May 30, 1986. The new law on fireworks exhibition permits is now codified as Section 1519.02 et seq. of the Fire Prevention Code.)

549.10 DISCHARGING FIREARMS AND AIR GUNS.

- (a) No person shall discharge any airgun within the corporate limits of the Municipality.
- (b) No person shall discharge any rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.
- (c) This section does not apply when air guns and/or firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.
- (d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 103-93. Passed 12-28-93.)

549.11 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.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

549.12 SALE AND POSSESSION OF FIREARMS AND EXPLOSIVES.

- (a) Definitions. As used in this section:
 - (1) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.
 - (2) "Pistol" means any firearm with a barrel less than twelve inches in length.
 - (3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.
 - (4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.
 - (5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(Ord. 100-70. Passed 12-29-70.)

- (b) Possession Restricted.
 - (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.
 - (2) No person who is a member of a subversive organization shall possess a firearm within the City.
 - (3) No person under the age of twenty-one shall possess a handgun. This subparagraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(c) Nonserialized Pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(Ord. 100-70. Passed 12-29-70.)

(d) Sales, Transfers and Displays Regulated.

(1) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows, or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, a habitual drunkard, or a member of a subversive organization.

(2) When delivered, all pistols must be securely wrapped and must be unloaded. (Ord. 12-09. Passed 2-24-09.)

(e) False Information Prohibited.

(1) No person, in applying for a license as a manufacturer or dealer, shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (b)(1) and (b)(2) hereof or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

(f) Confiscation and Destruction. Any firearm of any type or explosive of any type sold or possessed in violation of any provision of this section shall be confiscated by the Sheffield Lake Division of Police and destroyed by such Division.

(Ord. 100-70. Passed 12-29-70.)

(g) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree.

549.13 SALE, POSSESSION AND USE OF STUN GUNS.

(a) No person, firm, corporation or other entity within the City shall sell, offer for sale, or have in his or its possession or custody, any stun gun.

(b) As used in this section, "stun gun" means any electronic instrument, device or thing which produces, emits or discharges any current, pulse, volt or charge of electricity, regardless of voltage, amperage or frequency, and which is designed or specifically adapted to stun, daze, traumatize, incapacitate or paralyze a human being.

(c) This section does not apply to law enforcement officers acting within the scope of their duties.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 69-85. Passed 6-25-85.)

549.14 POSSESSING REPLICAS FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(b) (1) This section does not apply to any of the following:

A. An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties;

B. A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;

C. A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment;

D. 1. Any person not described in subsections (b)(1)A. to (b)(1)C. of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, provided both of the following apply:

a. Either the person has successfully completed the curriculum, instruction, and training established under Ohio R.C. 5502.703, or the person has received a certificate of having satisfactorily completed an approved basic peace officer training program or is a law enforcement officer;

b. The board or governing body has notified the public, by whatever means the affected school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school operated by the board or governing authority;

2. A district board or school governing body that authorizes a person under subsection (b)(1)D. of this section shall require that person to submit to an annual criminal records check conducted in the same manner as Ohio R.C. 3319.39 or Ohio R.C. 3319.391.

E. Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (b)(1)E. of this section does not apply to the person.

(2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.

(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

A. The person does not enter into a school building or onto school premises and is not at a school activity.

B. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).

C. The person is in the school safety zone in accordance with 18 U.S.C. § 922(q)(2)(B).

D. The person is not knowingly in a place described in Ohio R.C. 2923.126(B)(1) or (B)(3) to (8).

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

A. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).

B. The person leaves the handgun in a motor vehicle.

C. The handgun does not leave the motor vehicle.

D. If the person exits the motor vehicle, the person locks the motor vehicle.

(c) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

(d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in Ohio R.C. 4510.02(A)(4) and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in Ohio R.C. 4510.02(A)(4).

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in subsection (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in subsection (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

(ORC 2923.122(C) - (G))

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- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- orderly Conduct and Peace Disturbance
- ORDINANCE
- Ord. 52-95
- repealed by Amended Senate Bill 61, effective May 30, 1986
- Ord. 103-93
- Ord. 100-70
- Ord. 12-09
- Ord. 69-85
- ordinance and is acting within the scope of the officer's, agent's, or employee's duties;
- ordinance;
- ordinance into a school safety zone or to possess a deadly weapon or dangerous ordinance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordinance in
- ordinance with that authorization, provided both of the following apply:
- ords check conducted in the same manner as Ohio R
- ordinance, and who is subject to and in compliance with the requirements of Ohio R
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