

BRUNSWICK CITY SAFETY & ENVIRONMENT COMMITTEE

Agenda APRIL 11, 2022 5:50 PM

1. Discussion Items

ORD. NO. 27-2022 - An emergency ordinance amending Section 672.09 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

RES. NO. 28-2022 - An emergency resolution authorizing the City Manager to purchase an emergency generator for the Division of Police from Hilscher-Clarke Electric for an amount not to exceed \$40,000. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

ORD. NO. 30-2022 - An ordinance amending Chapter 672 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

2. General Discussion

3. Adjournment

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE AMENDING SECTION 672.09 OF THE
CITY OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: On or about October 27, 2021, the Ohio General Assembly adopted House Bill 172 revising the provisions of Ohio law relative to fireworks, including providing that any person authorized to possess 1.4G fireworks in the State of Ohio may discharge, ignite, or explode those fireworks on private property, with authorization from the property owners, on the dates specified therein.

WHEREAS: House Bill 172 authorizes the City to restrict the dates and times a person may discharge, ignite, or explode 1.4G fireworks or otherwise prohibit same.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 672.09(a) of the Codified Ordinances is hereby amended to include the following definitions:

"(31) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria:

(A) It is non-aerial and non-report producing.

(B) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of the APA standard 87-1 (2001 edition).

(C) It is a ground-based or hand-held sparkler with one or more tubes containing a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.

(D) It contains not more than seventy-five grams of the non-explosive pyrotechnic mixture in any individual tube and not more than five hundred grains or less for multiple tubes.

(32) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to Ohio R.C. 3743.26.

(33) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels."

SECTION 2: That Section 672.09(b) of the Codified Ordinances is hereby amended to include

the following:

“(7) No licensed manufacturer of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by Ohio R.C. 3743.47(A).”

“(8) No licensed manufacturer of fireworks shall negligently fail to have safety glasses available for sale as required by Ohio R.C. 3743.47(B).”

SECTION 3: That Section 672.09(c) of the Codified Ordinances is hereby amended to include the following:

“(7) No licensed wholesaler of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by Ohio R.C. 3743.47(A).”

“(8) No licensed wholesaler of fireworks shall negligently fail to have safety glasses available for sale as required by Ohio R.C. 3743.47(B).”

SECTION 4: That Section 672.09(d) of the Codified Ordinances is hereby amended to read as follows:

“(1) No person who ~~resides in another state and~~ purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with ~~sections 3743.44 to 3743.46 of the Revised Code~~ Ohio R.C. 3743.44, provided that knowingly making a false statement on the fireworks purchasers form is not a violation of this section but is a violation of Ohio R.C. 2921.13 (Falsification) or a substantially similar municipal ordinance.

“(2) ~~Except for the purchase of 1.4G fireworks made under section 3743.45 of the Revised Code, No~~ person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within seventy-two hours after the time of their purchase. ~~No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.~~”

“(3) ~~No person who resides in this state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with Ohio R.C. 3743.45, provided that knowingly making a false statement on the fireworks purchasers form is not a violation of this section but is a violation of Ohio R.C. 2921.13 (Falsification) or a substantially similar municipal ordinance.~~”

“(4) No person who ~~resides in this state and who~~ purchases fireworks in this state under Ohio R.C. 3743.45 shall ~~obtain possession of fireworks in this state~~”

~~other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this state within forty-eight hours after the time of their purchase. — No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.~~

SECTION 5: That Section 672.09(f) of the Codified Ordinances is hereby amended to read as follows:

“(1) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 through 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C. 3743.27, a person authorized by Ohio R.C. 3743.44 and 3743.45, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this state as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially similar to any of these statutes, and except as provided in Ohio R.C. 3743.80 or a substantially similar municipal ordinance.

(2) Except as provided in Ohio R.C. 3743.80 or a substantially similar municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially similar municipal ordinance, no person shall discharge, ignite or explode fireworks in this Municipality except any person authorized to possess 1.4G fireworks in the State of Ohio pursuant to Ohio R.C. 3743.45 may discharge, ignite, or explode those fireworks on private property, with authorization from the property owners, on the third, fourth and fifth days of July from 8:00 p.m. to 11:00 p.m. Any such person shall comply with all rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.451.

(3) ***

(4) ***

(5) Except as otherwise provided in Ohio R.C. 3743.44, nNo person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3G fireworks in this Municipality.

(6) Except as otherwise provided in Ohio R.C. 3743.06(J) and 3743.19(K), no person shall knowingly disable a fire suppression system as defined in Ohio R.C. 3781.108 on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

(7) No person shall negligently discharge, ignite, or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(8) No person shall negligently discharge, ignite, or explode fireworks on the property of another person without that person's permission to use fireworks on that property.

SECTION 6: That Section 672.09(h)(4) is hereby amended to read as follows:

“The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the adjutant general of Ohio, of pyrotechnic devices.”

SECTION 7: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to comply with Ohio law. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura Timura



Hilscher-Clarke Electric

Canton, Akron, Coshocton, Massillon, Wintersville

Quote 1470-21

March 31, 2022

City of Brunswick – City Hall
4095 Center Rd
Brunswick, Ohio 44212

Attn: Bob Kirkpatrick

Re: Brunswick City Hall – Generator Replacement Rev. 2

Bob,

As per your request, we are submitting the electrical pricing to perform the above-listed project. This quote is based on the following:

1. Hilscher Clarke to disconnect and remove existing 60KW Generator and 300A ATS switch and turn over to owner. HC to deliver the materials to the maintenance building as directed by owner.
2. Hilscher Clarke to provide and install new 60KW Generator and ATS switch in exact location of the demo'd. New Remote Annunciator panel will be installed in same location as old in the dispatch office.
3. Proposal includes re-using existing 120V circuits for battery charger and block heater.
4. Owner is responsible for all mechanical work for this project.(disconnect of natural gas and reconnect of natural gas to new unit.
5. Proposal does not include any temporary emergency system being put in place during the removal and installation of the new. If temporary system is needed there will be additional costs.
6. Proposal is based on new unit going in same location as existing Generator, re-using existing concrete pad.
7. Proposal is based on re-using all existing feeder cables.
8. Electrical Permit has been **excluded**.
9. Plans examination fees for electrical have been excluded. It has been told that no drawings or permit are required for project.
10. HC to provide a project that meets all NEC codes and AHJ review requirements.
11. Engineering Costs have been **excluded**. If engineering is needed this is a service that we would be glad to price at a later time.
12. Cutting, patching, and finishes have been **excluded**.
13. Bonding or special insurance costs have been **excluded**.

- 14. Allowances have been **excluded**.
- 15. Lightning protection has been **excluded**.
- 16. Ohio State sales tax has been **excluded** on materials and labor.
- 17. Working hours Monday-Friday, 7:00am-3:30pm, excluding holidays. No premium time has been included in the cost below.
- 18. This proposal is valid **UNTIL 5/15** after which may be subject to material/labor increases.

Total Electrical Cost..... \$38,685.00

Please call if you have any questions.

Sincerely,

HILSCHER-CLARKE ELECTRIC COMPANY

Mike Davis – Project Manager – 330-323-4856

If you have questions regarding this quotation and are unable to reach me please contact:

Greg Blile, Akron Division Manager: 330-323-5984; gblile@hilscher-clarke.com

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE AN EMERGENCY GENERATOR FOR THE DIVISION OF POLICE FROM HILSCHER-CLARKE ELECTRIC IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS: The City of Brunswick is a member of the OMNIA Partners, Public Sector, joint purchasing program;

WHEREAS: Ohio Revised Code Section 9.48 permits the City to purchase supplies or services from another party without competitive bidding and outside the joint purchasing program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the joint purchasing program; and

WHEREAS: The proposed purchase of an emergency generator for the Division of Police from Hilscher-Clarke Electric in an amount not to exceed \$40,000.00 is upon equivalent terms, conditions and specifications and at a lower price than through the OMNIA Partners, Public Sector, joint purchasing program.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager is hereby authorized to purchase an emergency generator for the Division of Police from Hilscher-Clarke Electric in an amount not to exceed \$40,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for ordering with an estimate delivery date of 35 weeks. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura Timura

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING CHAPTER 672 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: On or about March 14, 2022, Governor DeWine signed Senate Bill 215 (effective June 13, 2022), which will make it legal to carry a carry a concealed handgun without a license.

WHEREAS: It is necessary to update Chapter 672 of the City of Brunswick Codified Ordinances pursuant to Senate Bill 215.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 672.011 of the Codified Ordinances is hereby established to read as follows:

“672.011 CONCEALED HANDGUN LICENSE – EXEMPTIONS

- (a) As used in this section:
 - (1) “Restricted firearm” means a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the subject person from possessing, having, or carrying.
 - (2) “Qualifying adult” means a person who is all of the following:
 - A. Twenty-one years of age or older;
 - B. Not legally prohibited from possessing or receiving a firearm under 18 U.S.C. 922(g)(1) to (9) or under Ohio R.C. 2923.13 or any other Revised Code provision;
 - C. Satisfies all of the criteria listed in divisions (D)(1)(a) to (j), (m), (p), (q), and (s) of Ohio R.C. 2923.125.
- (b) Notwithstanding any other Revised Code section to the contrary:
 - (1) A person who is a qualifying adult shall not be required to obtain a concealed handgun license in order to carry in this state, under authority of subsection (b)(2) of this section, a concealed handgun that is not a restricted firearm.
 - (2) Regardless of whether the person has been issued a concealed handgun license, subject to the limitation specified in subsections (b)(3) and (d) of this section, a person who is a qualifying adult may carry a concealed handgun that is not a restricted firearm anywhere in this state in which a person who has been issued a concealed handgun license may carry a concealed handgun.
 - (3) The right of a person who is a qualifying adult to carry a concealed handgun that is not a restricted firearm that is granted under subsections

(b)(1) and (2) of this section is the same right as is granted to a person who has been issued a concealed handgun license, and a qualifying adult who is granted the right is subject to the same restrictions as apply to a person who has been issued a concealed handgun license.

(c) For purposes of any provision of Ohio R.C. 1547.69, 2923.12, or 2923.124 to 2923.1213, or any other section of the Revised Code, that refers to a concealed handgun license or a concealed handgun licensee, except when the context clearly indicates otherwise, all of the following apply:

(1) A person who is a qualifying adult and is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm shall be deemed to have been issued a valid concealed handgun license.

(2) If the provision refers to a person having been issued a concealed handgun license or having been issued a concealed handgun license that is valid at a particular point in time, the provision shall be construed as automatically including a person who is a qualifying adult and who is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm, as if the person had been issued a concealed handgun license or had been issued a concealed handgun license that is valid at the particular point in time.

(3) If the provision in specified circumstances requires a concealed handgun license to engage in specified conduct, or prohibits a concealed handgun licensee from engaging in specified conduct, the provision shall be construed as applying in the same circumstances to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

(4) If the application of a provision to a person depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

(5) If the provision pertains to the imposition of a penalty or sanction for specified conduct and the penalty or sanction applicable to a person who engages in conduct depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

(d) The concealed handgun license expiration provisions of Ohio R.C. 2923.125 and 2923.1213, and the concealed handgun license suspension and revocation provisions of Ohio R.C. 2923.128, do not apply with respect to a person who is a qualifying adult unless the person has been issued a concealed handgun license. If a person is a qualifying adult and the person thereafter comes within any category of persons specified in 18 U.S.C. 922(g)(1) to (9) or in Ohio R.C. 2923.13 or any other Revised Code provision so that the person as a result is legally prohibited under the applicable provision from possessing or receiving a firearm, both of the following apply automatically and immediately upon the person coming within that category:

(1) Subsection (b) of this section and the authority and right to carry a concealed handgun that are described in that subsection do not apply to the person.

(2) The person no longer is deemed to have been issued a concealed handgun license as described in subsection (c)(1) of this section, and the provisions of subsections (c)(1) to (5) of this section no longer apply to the person in the same manner as if the person had been issued, possessed, or produced a valid concealed handgun license or was a concealed handgun licensee.”

SECTION 2: That Section 672.02 of the Codified Ordinances is hereby amended to read as follows:

“672.02 CARRYING CONCEALED WEAPONS

(a) ***

(1) ***

(2) ***

(3) ***

(b) ***

(1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this subsection if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop.

(2) ***

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person’s hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

~~(3)~~(4) ***

(c) (1) ***

A. ***

B. ***

C. ***

(2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, ~~either is carrying a valid concealed handgun license or~~ 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 division (G)(1) of Ohio R.C. 2923.125, unless the person knowingly is in a place described in division (B) of Ohio R.C. 2923.126.

(d) ***

(1) ***

(2) ***

(3) ***

(e) (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition of the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to the effective date of this amendment, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) (1) ***

(2) ~~Except as provided in subsection (f)(5) of this section, if a~~ person ~~being shall not be~~ arrested for a violation of subsection (a)(2) of this section ~~solely because the person does not~~ promptly produces a valid concealed handgun license, ~~and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection.~~ If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

A. ***

1. ***

2. ***

B. ***

1. ***

2. ***

3. ***

C. ***

(3) ~~Except as otherwise provided in this subsection, e~~Carrying concealed weapons in violation of subsection (b)(1) hereof is a

~~misdemeanor of the first second degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).—If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender had been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.~~

- (4) ***
- (5) ***
 - A. ***
 - B. ***
- (6) ***
 - A. ***
 - B. ***
 - C. ***
 - D. ***
- (g) ***
- (h) ***"

SECTION 3: That Section 672.04 of the Codified Ordinances is hereby amended to read as follows:

“672.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE

(a) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

- ~~(a)~~ (b) ***
- (1) ***
 - (2) ***
 - (3) ***
 - (4) ***

(c) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

- (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- (2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in Ohio R.C. 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this

subsection is the operator of or a passenger in the motor vehicle.

~~(b)~~ (d) ***

(1) ~~Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and~~ Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this subsection if the person fails to disclose that fact to an officer during the stop and the person has already notified another officer of that fact during the same stop;

(2) ~~Fail to promptly inform the employee of the unit that approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and~~ Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this subsection if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;

(3) ***

(4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

~~(4)~~ (5) ***

~~(e)~~ (e) (1) Subsections (a), (b) and (d) of T~~this section does~~ not apply to any of the following:

A. ***

B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, 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 herein subsection- ~~(e)(1)(B)~~ does not apply to the person.

(2) Subsections (a) and (b) of this section ~~does~~ not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

A. The person transporting or possessing the handgun ~~is either carrying a valid~~ has been issued a concealed handgun

license that is valid at the time in question 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 division (G)(1) of Ohio R.C. 2923.125.

B. ***

(3) Subsections (a) and (b) of this section ~~does~~ not apply to a person if all of the following apply:

A. ***

B. ***

C. ***

~~(d)(f)~~(1) ***

(2) It is an affirmative defense to a charge under subsections (a) or (b) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's owner property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsections (a) or (b) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

~~(e)(g)~~(1) No person who is charged with a violation of subsection (a), (b) or (c) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection ~~(d)(b)~~ of this section as it existed prior to September 30, 2011, and ~~if~~ the conduct that was the basis of the violation no longer would be a violation of subsection ~~(d)(b)~~ of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsections (d)(1) or (2) of this section as it existed prior to the effective date of this amendment, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsections (a) or (b) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsections (a) or (b) of this section on or after September 30, 2011, due to the application of subsection ~~(e)(2)(b)(4)~~ of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

~~(f)(h)~~ Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. ~~Violation of subsection (a) of this section is a misdemeanor of the fourth degree.—Except as otherwise provided in this subsection, a~~ violation of subsection (b) of this section is a misdemeanor of the fourth degree. A

violation of subsection (c) of this section is a felony of the fifth degree or, if the loaded handgun is concealed on the person's person, a felony of the fourth degree. A violation of subsection (d)(1) or (2) of this section is a misdemeanor of the second degree. ~~subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).— If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.~~ A violation of subsection (d)(4) of this section is a felony of the fifth degree. A violation of subsection (d)(b)(3) or (54) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (db)(3) or (54) of this section, a felony ~~and shall be prosecuted under appropriate State law of the fifth degree.~~ In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (db)(3) or (54) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of division (a) of this section is a felony of the fourth degree.

~~(g)~~(i) ***

~~(h)~~(j) ***

(1) ***

(2)A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (jh)(2)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loaded containing ammunition is inserted into the firearm in question and one of the following applies:

a. ***

b. ***

2. For the purposes of subsection (jh)(2)A.1.b of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

a. ***

b. ***

3. For the purposes of subsection (jh)(2)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

B. ***

(3) ***

(4) ***

(i)(k) Subsection (jh)(2) of this section does not affect the authority of a person who ~~is carrying~~ has been issued a ~~valid~~ concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in at subsection, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter or Ohio R.C. Chapter 2923. A person who ~~is carrying~~ has been issued a ~~valid~~ concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under and provision of this chapter of Ohio R.C. Chapter 2923.

SECTION 4: That this Ordinance shall take effect and be in force from and after June 13, 2022.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council

Laura Timura