

MINUTES OF THE PUBLIC SAFETY COMMITTEE
May 6, 2019
East Conference Room

Present: Councilmembers Bullock, Litten, O’Leary, O’Malley

Also present: Councilmember Anderson, Mayor Summers, Chief Malley, Law Director Butler

Call to Order: 6:00 p.m.

Council Budget Priority – Traffic Calming

The Committee discussed the upcoming traffic calming meeting with neighbors on Marlowe Ave. Mayor Summers expressed that neighbors must be supportive for traffic calming efforts to succeed. He reflected on the process on Woodward Ave which was citizen-led. He explained the data that was collected regarding the Woodward Ave. project and concluded that the chicanes reduced speed.

Councilmembers spoke of the phenomenon of residents calling for traffic calming generally but not specifically on their streets

Councilmember Bullock noted that innovation is important and that 24/7 police presence is not a realistic or long-term solution.

In response to a Councilmember’s question, Mayor Summers explained that McDonald’s was the impetus for traffic calming on Woodward and that the fatality on Marlowe and Franklin was the impetus for the current discussion there. He explained that the administration discussed the possibility of reducing the speed limit on Franklin Ave. from 35 mph to 25mph but that there was not evidence that speed was responsible for the accident or that speed is generally a problem on Franklin. The sequence of the lights has been changed and now speed humps on Marlowe are being proposed.

Councilmember Litten expressed support of a pilot project on Marlowe.

Councilmember O’Malley expressed concern about safety at the intersection of W. 117th & Clifton. He discussed crashes and near-misses that residents call him about. He reported out on conversations he has had with the Cleveland Councilperson representing the Cleveland side of the intersection. He asked LPD for an increase of enforcement at this intersection until a permanent solution can be found.

Mayor Summers and Chief Malley responded, stating that enforcement can be challenging because many violations are occurring on the Cleveland side and furthermore, that the City purposely has diverted traffic to Clifton as the high-speed corridor.

President O’Leary suggested pedestrian-centric solutions at the intersection such as raised or textured crosswalks.

The Committee returned to discussing the potential pilot traffic calming project on Marlowe. Mayor Summers noted that the speed tables would have to be removed from the street before December due to interfering with snow plows.

ORDINANCE 05-19 - AN ORDINANCE to take effect at the earliest period allowed by law enacting Section 331.346, Using Mobile Telephones while Driving, of the Codified Ordinances of the City of Lakewood in order to update the Code so as to regulate the use of mobile phones while driving in the City. (Placed on 1st reading and referred to Public Safety 1/22/19; 2nd reading 2/4/19)

President O'Leary discussed his rationale for introducing the ordinance and why he feels it is necessary in addition to the City's current ordinance requiring drivers to devote full-time and attention to driving. First, the ordinance would make use of a handheld phone while driving a primary offense. Second, it would define use of a handheld phone as per se distraction. Currently, a driver could argue in court that while they were using their phone, they were not being distracted by it. As written, the ordinance includes any and all use of a phone as a violation, including talking. He asked for the committee's favorable consideration.

Chief Malley clarified that the ordinance would not allow for a phone to be confiscated and searched to prove phone use. Officer observation would be sufficient to issue a citation.

Director Butler clarified that state code allows for home rule in this area. The violation is considered a primary offense unless specifically called out as secondary.

Chief Malley suggested that the ordinance go further to ban all distracted driving and to provide specific examples such as use of kindles, ipads, smart watches etc. He noted that the current full time and attention ordinance does not call out any specific actions as distracting and that specificity would be helpful and easier to prove. He also suggested a higher penalty.

Director Butler stated that as currently written, a violation would be a minor misdemeanor with a \$150 fine plus court costs. He also suggested striking 331.346 (d) (2) (c) to prevent confusion.

Councilmember Bullock noted that the use of devices is increasing and so it is helpful to revisit the topic of distracted driving. He asked for more clarity about what is safe and appropriate use of devices while driving. He agreed that talking on a hand-held phone should be prohibited. He also suggested strengthening the penalties.

Director Butler and Chief Malley will discuss the possibility of increasing the penalty.

President O'Leary expressed support for the suggestion to strike subsection C. but hesitated to increase the penalty. He asked for clarification on the other suggested changes. Councilmember Bullock asked for language that would clarify if GPS use was allowed, if a mounted device was permitted, and what kind of built-in technology is allowed to use or not use. He requested that a substitute be prepared by the June 3rd meeting.

Councilmember Anderson asked Chief Malley to provide data on the number of full-time and attention citation issued from 2016-2018 and which were secondary to another citation and which were primary.

ORDINANCE 06-19 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, repealing Section 549.051, Sale, Possession and use of Stun Guns, of the Codified Ordinances of the City of Lakewood as this section is no longer enforceable. (Placed on 1st reading and referred to Public Safety 2/4/19; 2nd reading 2/19/19)

Director Butler distributed the attached revised version of the ordinance which attempts to regulate stun guns. Chief Malley has not had the opportunity to review it yet. He requested deferral at this time.

RESOLUTION 9063-19 – A RESOLUTION supporting the Vision Zero initiative, a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all, and committing to work with the Administration and community stakeholders to create a Vision Zero plan for the City, and to incorporate that plan into the City’s Bicycle Master Plan and other planning documents. (Referred to Public Safety 3/4/19)

President O’Leary introduced the spirit behind the resolution, which is to state that no amount of fatality is acceptable and that communities require a multi-faceted approach to traffic safety. The resolution calls upon Council and the administration to refocus on pedestrian and bicycle safety and is part of a broad international initiative.

Motion by Councilmember Bullock, seconded by Councilmember O’Malley to recommend adoption of Resolution 9063-19 to full Council.

All members voted in favor.

Public Safety Committee adjourned at 7:00 p.m.

ORDINANCE NO. 06-19

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, repealing Section 549.051, Sale, Possession and use of Stun Guns, and amending various related provisions of Chapter 549, Weapons and Explosives, of the Codified Ordinances of the City of Lakewood as Section 549.051 is no longer enforceable but stun guns stand nevertheless to be regulated.

WHEREAS, the United States Supreme Court has recently held that stun guns are protected by the Second Amendment's right to bear arms; and

WHEREAS, local ordinances prohibiting the possession or use of such devices are unenforceable, but such devices stand nevertheless to be regulated; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that these ordinances should be updated within the Codified Ordinances in order to keep them up to date; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Section 549.051, Sale, Possession and use of Stun Guns, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.051 SALE, POSSESSION AND USE OF STUN GUNS.

(a) No person, firm or corporation shall, within the City, 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, plus, 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.

is hereby repealed.

Section 2. Section 549.01, Definitions, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.01 DEFINITIONS.

As used in this chapter;

(a) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(b) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(c) "Chief of Police" means the Chief of the Lakewood Division of Police or his designee.

(d) "Commercial District" is established to provide for commercial uses that generally require independent, free-standing buildings, larger parking areas, and may have unique traffic patterns because of such factors as drive-in facilities.

(e) "Dangerous ordnance" means any of the following, except as provided in subsection (f) hereof:

(1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives, amatol, tritonal, tetrytol, pentolite, peacetol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

(5) Any firearm muffler or suppressor;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(f) "Dangerous ordnance" does not include any of the following:

(1) Exemptions covered by Section 549.98;

(2) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;

(3) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as used or as modified and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;

(4) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(5) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in paragraph (f)(4) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(6) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(7) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), as amended and regulations issued under that Act.

(g) “Deadly weapon” means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(h) “Dealer” means any person, firm or corporation licensed by the Federal Bureau of Alcohol, Tobacco and firearms engaged in the business of selling or trading handguns at wholesale or retail within the limits of the City, whether as the principle business of such person, firm or corporation, or in addition thereto.

(i) “Explosive device” means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. “Explosive device” includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(j) “Firearm” means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. “Firearm” includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(k) “Handgun” means any of the following:

(1) Any firearm that has short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (k)(1) can be assembled.

(l) “Incendiary device” means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(m) “Nonresident” means any person who does not have a place of residence within the limits of the City of Lakewood.

(n) “Person” means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(o) “Registration receipt” means a handgun registration receipt issued pursuant to Section 549.25.

(p) “Resident” means any person who has a place of residence within the limits of the City of Lakewood.

(q) “Retail District” is established to provide standards for the continued operation of small commercial establishments. This district would permit those retail uses that typically locate side by side to create a shopping environment that encourages pedestrian interaction between stores and where stores thrive on being adjacent to other retail uses.

(r) “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(s) “Sawed-off firearm” means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(t) “Semi-automatic firearm” means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(u) “Shotgun” means a firearm, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

(v) “Zip-gun” means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including, without limitation, a starter’s pistol, not designed as a firearm, but which is specially adapted for use as a firearm;

(3) Any industrial tool, signaling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

is hereby repealed, and new Section 549.01, Definitions, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

549.01 DEFINITIONS.

As used in this chapter;

(a) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(b) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(c) "Chief of Police" means the Chief of the Lakewood Division of Police or his designee.

(d) "Commercial District" is established to provide for commercial uses that generally require independent, free-standing buildings, larger parking areas, and may have unique traffic patterns because of such factors as drive-in facilities.

(e) "Dangerous ordnance" means any of the following, except as provided in subsection (f) hereof:

(1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives, amatol, tritonal, tetrytol, pentolite, pectretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

(5) Any firearm muffler or suppressor;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(f) "Dangerous ordnance" does not include any of the following:

(1) Exemptions covered by Section 549.98;

(2) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;

(3) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as used or as modified and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;

(4) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(5) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in paragraph (f)(4) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(6) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;

(7) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), as amended and regulations issued under that Act.

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

(h) "Dealer" means any person, firm or corporation licensed by the Federal Bureau of Alcohol, Tobacco and firearms engaged in the business of selling or trading handguns at wholesale or retail within the limits of the City, whether as the principle business of such person, firm or corporation, or in addition thereto.

(i) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes, without limitation, any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(j) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can readily be rendered operable.

(k) "Handgun" means any of the following:

(1) Any firearm that has short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (k)(1) can be assembled.

(l) "Incendiary device" means any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

(m) "Nonresident" means any person who does not have a place of residence within the limits of the City of Lakewood.

(n) "Person" means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(o) "Registration receipt" means a handgun registration receipt issued pursuant to Section 549.25.

(p) "Resident" means any person who has a place of residence within the limits of the City of Lakewood.

(q) "Retail District" is established to provide standards for the continued operation of small commercial establishments. This district would permit those retail uses that typically locate side by side to create a shopping environment that encourages pedestrian interaction between stores and where stores thrive on being adjacent to other retail uses.

(r) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(s) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(t) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(u) "Shotgun" means a firearm, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

(v) "Stun gun" means any electronic instrument, device or thing which produces, emits or discharges any current, plus, 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.

(w) "Zip-gun" means any of the following:

- (1) Any firearm of crude and extemporized manufacture;
- (2) Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;
- (3) Any industrial tool, signaling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

Section 3. Section 549.03, Using Weapons While Intoxicated, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.03 USING WEAPONS WHILE INTOXICATED.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

(ORC 2923.15)

is hereby repealed, and new Section 549.03, Using Weapons While Intoxicated, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

549.03 USING WEAPONS WHILE INTOXICATED.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm, stun gun or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

(ORC 2923.15)

Section 4. Section 549.04, Improperly Handling Firearms in a Motor Vehicle, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly discharge a firearm while in or on a motor vehicle.

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

(c) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(d) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties.

(e) The affirmative defenses contained in Section 549.02(c)(1) and (2) are affirmative defenses to a charge under subsection (b) or (c) hereof.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) or (b) hereof is a misdemeanor of the first degree.

Violation of subsection (c) hereof is a misdemeanor of the fourth degree.

(g) As used in this section, “unloaded” means, with respect to a firearm employing a percussion cap, flintlock or other obsolete ignition system, when the weapon is uncapped, or when the priming charge is removed from the pan.

(ORC 2923.16)

is hereby repealed, and new Section 549.04, Improperly Handling Firearms in a Motor Vehicle, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly discharge a firearm or stun gun while in or on a motor vehicle.

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

(c) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

(1) In a closed package, box or case;

(2) In a compartment which can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made for the purpose;

(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(d) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms or stun guns in motor vehicles, and acting within the scope of their duties.

(e) The affirmative defenses contained in Section 549.02(c)(1) and (2) are affirmative defenses to a charge under subsection (b) or (c) hereof.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) or (b) hereof is a misdemeanor of the first degree.

Violation of subsection (c) hereof is a misdemeanor of the fourth degree.

(g) As used in this section, “unloaded” means, with respect to a firearm employing a percussion cap, flintlock or other obsolete ignition system, when the weapon is uncapped, or when the priming charge is removed from the pan.

(ORC 2923.16)

Section 5. Section 549.06, Failure to Secure Dangerous Ordnance, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.06 FAILURE TO SECURE DANGEROUS ORDNANCE.

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;

- (2) To insure the safety of persons and property.
- (b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.
(ORC 2923.19)

is hereby repealed, and new Section 549.06, Failure to Secure Dangerous Ordinance, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

549.06 FAILURE TO SECURE DANGEROUS ORDNANCE.

- (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance or stun gun shall negligently fail to take proper precautions:
 - (1) To secure the dangerous ordnance or stun gun against theft, or against its acquisition or use by any unauthorized or incompetent person;
 - (2) To insure the safety of persons and property.
- (b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.
(ORC 2923.19)

Section 6. Section 549.08, Improperly Furnishing Firearms to a Minor, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.08 IMPROPERLY FURNISHING FIREARMS TO A MINOR.

- (a) No person shall:
 - (1) Sell any firearm to a person under age eighteen;
 - (2) Sell any handgun to a person under age twenty-one;
 - (3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.
- (b) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.
(ORC 2923.21)

is hereby repealed, and new Section 549.08, Improperly Furnishing Firearms to a Minor, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

549.08 IMPROPERLY FURNISHING FIREARMS TO A MINOR.

- (a) No person shall:
 - (1) Sell any firearm or stun gun to a person under age eighteen;
 - (2) Sell any handgun to a person under age twenty-one;
 - (3) Furnish any firearm or stun gun to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.
- (b) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.
(ORC 2923.21)

Section 7. Section 549.12, Discharging Firearms, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.12 DISCHARGING FIREARMS.

- (a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.

(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.

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

is hereby repealed, and new Section 549.12, Discharging Firearms, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

549.12 DISCHARGING FIREARMS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm or stun gun within the corporate limits of the Municipality.

(b) This section does not apply when firearms or stun guns are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.

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

Section 8. Section 549.27, Failure to Secure Weapons; Minors and Incompetent Persons, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

549.27 FAILURE TO SECURE WEAPONS; MINORS AND INCOMPETENT PERSONS.

(a) All firearms and deadly weapons must be secured in a manner which prohibits the accessibility, acquisition and/or use of such item by any minor or incompetent person.

(b) Firearms furnished to a person under age eighteen (18) must be in accordance with Ohio Revised Code Section 2923.21.

(c) Any person who owns or possesses a firearm and/or deadly weapon and fails to comply with paragraph (a) is guilty of a misdemeanor of the first degree.

is hereby repealed, and new Section 549.27, Failure to Secure Weapons; Minors and Incompetent Persons, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

549.27 FAILURE TO SECURE WEAPONS; MINORS AND INCOMPETENT PERSONS.

(a) All firearms, stun guns and deadly weapons must be secured in a manner which prohibits the accessibility, acquisition and/or use of such item by any minor or incompetent person.

(b) Firearms furnished to a person under age eighteen (18) must be in accordance with Ohio Revised Code Section 2923.21.

(c) Any person who owns or possesses a firearm, stun gun and/or deadly weapon and fails to comply with paragraph (a) is guilty of a misdemeanor of the first degree.

Section 9. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 10. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble

to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

Working draft