

VILLAGE OF BEAVERDAM
ALLEN COUNTY, OHIO

Ordinance No. 2020-3

Passed January 7, 2020

AN ORDINANCE TO CONFORM VILLAGE OF BEAVERDAM ORDINANCES, RULES, REGULATIONS, RESOLUTIONS, PRACTICES, OR ACTIONS, TO BE CONSISTENT WITH STATE OF OHIO LAW AND TO DECLARE AN EMERGENCY.

WHEREAS, the Ohio General Assembly has recognized the individual right to keep and bear arms is a fundamental individual right that predates the United States Constitution and Ohio Constitution, and is a constitutionally protected right in every part of Ohio; and,

WHEREAS, the Ohio General Assembly has found the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition; and,

WHEREAS, the General Assembly also has found and declared that it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others; and,

WHEREAS, the General Assembly has enacted Ohio Revised Code Section 9.68 (effective December 28, 2019), which provides in part that: except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process, may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any firearm, part of a firearm, its components, and its ammunition. Any such further license, permission, restriction, delay, or process interferes with the fundamental individual right described in this division and unduly inhibits law-abiding people from protecting themselves, their families, and others from intruders and attackers and from other legitimate uses of constitutionally protected firearms, including hunting and sporting activities, and the state by this section preempts, supersedes, and declares null and void any such further license, permission, restriction, delay, or process; and,

WHEREAS, the Village of Beaverdam desires to enact this ordinance in order to be consistent with State law and to prohibit any Village of Beaverdam ordinance, rule, regulation, resolution, practice, or action as being in conflict with division (A) of R.C. 9.68; and,

WHEREAS, this ordinance is necessary because of the immediate need for conformity to state law, and that in order to preserve the public peace, property, health, safety, and welfare of the community, and to provide for the effective operation of the municipal government, and by reason thereof, this Ordinance shall take effect immediately upon its passage;

Now, Therefore, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEAVERDAM, OHIO, WITH AT LEAST TWO THIRDS MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. Any Village of Beaverdam ordinance, rule, regulation, resolution, practice, or action, which is in conflict with division (A) of Ohio Revised Code §9.68, upon its effective date, as such section was amended by the 132nd General Assembly in HB 228, is hereby repealed.

Section 2. The Fiscal Officer is authorized and directed to cause publication of this Ordinance.


Section 3. Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 4. This ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it shall not so pass it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it shall not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Vote: 5 Yes 0 No

Passed: January 7, 2020

Approved: January 7, 2020



Pam Lepine, Mayor

Attest:


Trina Hirsh, Fiscal Officer