

## ORDINANCE NO. 226-13

BY: **BRIAN DAY**  
 (By Request – Safety Director)

AN ORDINANCE TO REPEAL SECTIONS  
 672.13 AND 672.16 OF THE CODIFIED  
 ORDINANCES OF THE CITY OF PARMA, AND  
 DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 672.13 “Loaded Weapons” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“672.13 LOADED WEAPONS.

(a) No person, except properly authorized officers of law, shall carry any firearm, air gun or other missile-propelling device within the City when the same is loaded. For the purpose of this section, the firearm, gun or device shall be deemed loaded when the cartridge or missile is within the loading mechanism, notwithstanding that the same is not in the firing chamber or position.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.”

**is hereby repealed in its entirety.**

Section 2. That Section 672.16 “Possession of Firearms by Children” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“672.16 POSSESSION OF FIREARMS BY CHILDREN.

(a) Definitions. As used in this chapter:

(1) “Ammunition” means any ammunition cartridge, shell or other device containing explosive or incendiary material and designed and intended for use in any firearm.

(2) “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 as to have had a legal guardian appointed by the Probate Court.

(b) Access to Firearms.

(1) Except as provided in paragraph (b)(2) hereof, no person, including, but not limited to, a parent or legal guardian, shall store or leave a loaded or unloaded firearm 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.

(2) Paragraph (b)(1) hereof shall not apply when:

A. A child’s access to a firearm is under the supervision or control of a responsible adult for purposes of lawful hunting or instruction in firearms safety, care, handling or marksmanship;

- B. A child has access to a firearm as a result of an unlawful entry into the place in which the firearm was found;
  - C. A child obtains a firearm in a lawful act of self-defense or defense of another person or persons within a domicile;
  - D. A child, without permission of the lawful possessor of a firearm, obtains the firearm from the possessor's body.
- (c) Responsibility of Firearms Dealer.
- (1) When selling any firearm, a licensed firearms dealer shall offer to sell or give the purchaser a trigger lock or similar device which prevents the firearms from discharging.
  - (2) At every purchase counter in every store, shop or sales outlet, licensed firearm 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 WHERE CHILDREN CAN OBTAIN ACCESS." The same warning shall be distributed to each firearm purchaser at the time of the sale of the firearm.
- (d) Penalty.
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.
  - (2) Whoever violates subsection (c) hereof shall be fined not more than five hundred dollars (\$500.00)."

**is hereby repealed in its entirety.**

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order for these sections to be repealed in the near future, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by Law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO