

OHIO

*How Ohio Communities
Are Addressing the Epidemic
of Firearm Violence*



Communities
on the
Move
2003



LCAV LEGAL COMMUNITY AGAINST VIOLENCE



*Firearms
Law Center*

INTRODUCTION

In Ohio, firearms killed 4,772 people from 1996 through 2000, including 480 who were age 19 and under.¹ The vast majority of the time, the firearm in question was a handgun.

Ohio Communities on the Move was established by Legal Community Against Violence (LCAV) and our project, the Firearms Law Center, to track actions taken by cities, villages and counties throughout the state to combat firearm violence.

In the summer of 2002, a Firearms and Ammunition Local Ordinance Survey was sent to approximately 250 of Ohio's largest cities, villages and counties, and a comprehensive review of their online codes was undertaken. Within each jurisdiction, the survey was distributed to numerous local officials, including mayors and other local legislators; city, village and board clerks; law directors and other municipal attorneys; and chiefs of police and sheriffs.

As of July 1, 2003, over 100 jurisdictions had either responded to the survey or made their firearms-related codes available for review. Based on that information, we determined that **20** cities/villages have adopted at least **83** significant firearms regulations. Local provisions that simply duplicate state law, and common ordinances such as discharge bans, are not counted for the purposes of this summary.

This booklet presents a summary of the survey and ordinance information accumulated to date. Jurisdictions are listed as having enacted a specific provision only if a copy of that law was obtained and reviewed by LCAV and the Firearms Law Center. Code citations and more detailed ordinance descriptions are available through our web site, www.firearmslawcenter.org, or you can call us at (415) 433-2062.

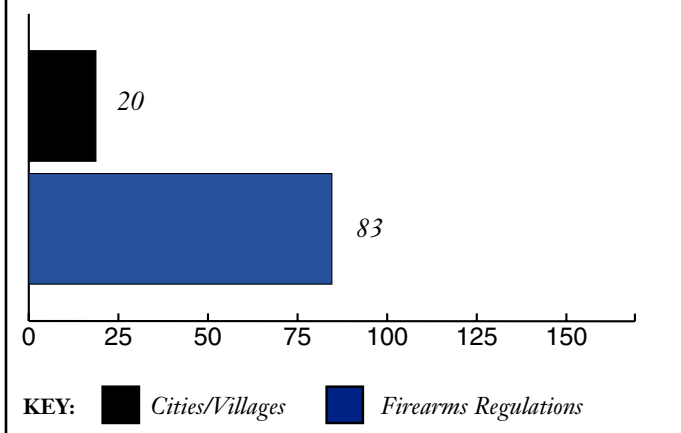
LCAV was founded in 1993 in response to an assault weapon massacre in San Francisco. LCAV's sole purpose is to provide legal assistance in support of gun violence prevention. We believe that community education and action are critical to achieving meaningful firearms policies

and to ending America’s gun violence epidemic. By making legal information and expertise easily available, LCAV empowers communities to take violence prevention measures that are effective and legally defensible.

In 2001, LCAV created the Firearms Law Center to provide a free national resource for legal information and expertise to support effective firearms regulation. Most of our assistance is focused on options that can be pursued at the state or local levels. The Center conducts legal research and analysis, develops regulatory strategies, drafts gun regulations, and engages in educational outreach. The Center’s web site, www.firearmslawcenter.org, is the most comprehensive site for information on firearms regulation in the United States.

TABLE OF CONTENTS

| | |
|--|----|
| Assault Weapons | 4 |
| Child Access Prevention | 4 |
| Regulating Firearms Dealers | 5 |
| Firearms Dealers Prohibited | 5 |
| Local License/Permit | 5 |
| Prohibiting Dealers Near Sensitive Areas | 5 |
| Record Keeping Requirements | 6 |
| Security Requirements | 6 |
| Junk Guns/Saturday Night Specials | 7 |
| Large-Capacity Ammunition Magazines | 7 |
| Licensing of Gun Purchasers/Owners | 8 |
| Locking Devices | 8 |
| Registration of Guns | 9 |
| Waiting Periods | 10 |
| Other Approaches | 10 |



ASSAULT WEAPONS

The following jurisdictions generally prohibit the transfer or possession of assault weapons. Assault weapons are a class of semiautomatic firearms characterized by a high rate of fire and military features such as flash suppressors, silencers, forward pistol grips, barrel shrouds, folding stocks and bayonet mounts.

Cincinnati
Cleveland
Dayton

Dublin²
Toledo

CHILD ACCESS PREVENTION

The following jurisdictions generally hold adults liable for allowing minors (under the age of 18) access to firearms. In some cases, a crime or injury must occur for the ordinance to apply. The specific provisions vary significantly from jurisdiction to jurisdiction, in particular, in the exceptions or affirmative defenses to the laws. The Firearms Law Center web site (www.firearmslawcenter.org) has more detailed summaries of these ordinances.

Akron
Cincinnati
East Cleveland
Garfield Heights³

Lakewood
Parma³
Toledo

REGULATING FIREARMS DEALERS

Firearms Dealers Prohibited

The following jurisdiction makes it unlawful for any person to engage in the business of selling firearms.

Cuyahoga Heights

Local License/Permit

The following jurisdictions make it unlawful for any person to engage in the business of selling firearms (or handguns) without obtaining a local dealer's license. Other transfers, such as gifts, loans or rentals, often require a dealer's license as well.

All Firearms Dealers

Akron

Lakewood

Cincinnati⁴

Mayfield Heights

Cleveland Heights

Springdale⁴

Columbus

Stow

Dublin

Toledo

East Cleveland

Handgun Dealers

Kent

Youngstown

Prohibiting Dealers Near Sensitive Areas

The following jurisdiction prohibits retail firearms dealers from operating within 1,000 feet of school property (K-12).

Cincinnati

Record Keeping Requirements

The following jurisdictions generally require dealers to maintain registers of firearm sales (or handgun sales), including the names of the purchasers and descriptions of the firearms.

All Firearms Dealers

Akron
Mayfield Heights⁵

Springdale

Handgun Dealers

Cleveland Heights
East Cleveland

Toledo

Security Requirements

Alarms

The following jurisdiction requires dealers to have a security alarm.

Lakewood

Display Regulations

The following jurisdictions regulate the public display of firearms (or handguns) by dealers.

All Firearms

Cincinnati
Columbus

Mayfield Heights

Handguns

Akron
Cleveland Heights
Garfield Heights

Lakewood
Springdale
Youngstown

Other Security Measures

The following jurisdiction requires that certain types of dealer inventory be locked, and/or that other security measures be implemented.

Lakewood

Warnings

The following jurisdictions require that dealers conspicuously post a warning in block letters not less than one inch in height at every purchase counter: "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM WHERE CHILDREN CAN OBTAIN ACCESS." The same warning must be distributed to each firearm purchaser at the time of sale.

Garfield Heights

Parma

JUNK GUNS/SATURDAY NIGHT SPECIALS

The following jurisdictions prohibit the possession and sale of poorly constructed, easily concealable handguns that often lack safety features and are disproportionately used in crimes.

Akron⁶

Toledo

Kent⁷

LARGE-CAPACITY AMMUNITION MAGAZINES

The following jurisdictions generally prohibit the possession of large-capacity ammunition magazines (i.e., magazines that hold more than a certain number of rounds).

Cincinnati (>5-15 rounds)⁸

Toledo (>10 rounds)⁹

Columbus (>20 rounds)

LICENSING OF GUN PURCHASERS/OWNERS

All Firearms

The following jurisdictions generally require all firearm purchasers or owners to obtain a local firearms permit. Firearms can generally be sold only to permittees.

Cheviot¹⁰ Dayton
Columbus

Handguns

The following jurisdictions generally require handgun purchasers or owners to obtain a local handgun permit. Handguns can generally be sold only to permittees (although in Kent, this only applies to licensed dealers).

Cleveland Heights Kent
East Cleveland Toledo

LOCKING DEVICES

The following jurisdictions generally require that a safety mechanism to prevent unintentional discharge be included or offered with all firearms (or handguns) transferred by licensed dealers.

All Firearms

Garfield Heights Parma

Handguns

Akron

REGISTRATION OF GUNS

Owner Registration

The following jurisdictions generally require certain firearms to be registered with local law enforcement by the owner or possessor.

Assault Weapons

Cincinnati¹¹

Handguns

Cleveland Heights Lakewood¹²
East Cleveland

Seller Registration

The following jurisdictions generally require dealers to deliver records, registers or reports of firearms sales to local law enforcement.

Every day, or every business day

Akron Dublin
Columbus Mayfield Heights
Cleveland Heights

Within 3 days of any firearm transfer

Youngstown¹³

Within 5 days of any firearm transfer

Dayton East Cleveland¹⁴

Weekly

Kent

Monthly

Toledo¹³

WAITING PERIODS

The following jurisdictions require prospective firearms buyers to wait a set number of days between the time they file a firearm purchase application (or similar document), and the time they are allowed to take possession of the firearm. A waiting period serves as a “cooling-off” period for persons who impulsively seek to obtain a firearm (perhaps to harm themselves or others), and provides law enforcement with additional time to conduct a thorough background check.

Cincinnati (15 days)

Dublin (7 days)

Dayton (5 days)

OTHER APPROACHES

In addition to the ordinances Ohio communities have adopted, jurisdictions across the country have adopted or are considering other local regulations to reduce gun violence, such as those:

- Imposing gross receipts taxes on all merchandise sold by firearms dealers; and
- Prohibiting the sale of .50 caliber sniper rifles.

For more local violence prevention ordinances, please contact the Firearms Law Center or visit our website at www.firearmslawcenter.org.

ENDNOTES

- ¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (2000).
- ² Transfer ban only.
- ³ “Minors” also include persons between the ages of 18 and 21 who have had a legal guardian appointed by the Probate Court.
- ⁴ Only retail establishments have to obtain a local dealer’s license.
- ⁵ The recording requirement is not limited to dealers – any person who sells firearms or ammunition must make and keep a permanent record of such sales.
- ⁶ All transfers are prohibited, not just sales.
- ⁷ Only sales are prohibited, not possession.
- ⁸ Cincinnati prohibits both the transfer and possession of ammunition magazines capable of holding more than 15 handgun rounds, more than 10 rifle or carbine rounds, or more than 5 shotgun rounds.
- ⁹ An ammunition magazine must actually be “loaded with” more than 10 rounds to violate the ordinance.
- ¹⁰ Only the carrying or discharge of firearms without a local license is prohibited.
- ¹¹ The transfer or possession of assault weapons is generally prohibited, unless they were lawfully acquired and possessed before 4/1/89, and registered by 10/27/89. In addition, no registered assault weapons may be transferred to anyone within the city of Cincinnati.
- ¹² Registration is voluntary.
- ¹³ Handguns only.
- ¹⁴ A monthly report is also required.

LEGAL COMMUNITY AGAINST VIOLENCE
FIREARMS LAW CENTER, A PROJECT OF LCAV
268 Bush Street, #555 San Francisco, CA 94104
Tel 415-433-2062 Fax 415-433-3357
www.firearmslawcenter.org
OhioSurvey@firearmslawcenter.org