

CHAPTER 549  
Weapons and Explosives

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CROSS REFERENCES

See sectional histories for similar State law  
 License or permit to possess dangerous ordnance - see Ohio R.C. 2923.18  
 Hunting prohibited - see GEN. OFF. 505.11  
 Reporting gunshot or stab wounds - see GEN OFF 525.05 (b)  
 Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

549.01 DEFINITIONS

As used in this chapter:

(a) "Dangerous or deadly weapon" shall mean any instrument, device or thing capable of inflicting death or serious physical injury and designed or specifically adapted for use as a weapon, including an air gun, BB gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk or other device possessed, carried or used as a weapon. (Amended Ord. 1589. Passed 6-17-80)

(b) "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.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

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

(e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "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.

- (g) "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 such;
  - (3) Any industrial tool, signalling 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.
- (h) "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 which has been knowingly tampered with or arranged so as to explode.
- (i) "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.
- (j) "Dangerous ordnance" means any of the following, except as provided in subsection (k) hereof:
- (1) Any automatic or sawed-off firearm, or zip-gun;
  - (2) Any explosive device or incendiary device;
  - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, 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 a 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 therefor.
- (k) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;
  - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;
  - (3) 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;
  - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (k)(3) 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.

- (5) 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.
- (6) Any device which 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), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder. (ORC 2923.11)

#### 549.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon.

(b) 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 concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(c) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed.
- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent man in going armed.
- (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.
- (4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Section 549.04(c).

(d) Whoever violates this section is guilty of carrying concealed weapons, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, Ohio R.C. 2923.12 or of any offense of violence, or if the weapon involved is not a firearm which is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is not a dangerous ordnance, or if the offense is not committed aboard an aircraft, nor with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved. (ORC 2923.12)

#### 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)

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)

549.05 UNLAWFUL POSSESSION OF DANGEROUS ORDNANCE.

(a) No person shall knowingly acquire, have, carry or use any dangerous ordnance.

(b) This section does not apply to:

- (1) Officers, agents, or employees of this or any other state or the United States members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry or use dangerous ordnance and is acting within the scope of his duties;
- (2) Importers, manufacturers, dealers and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions

- thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable Federal law;
- (3) Importers, manufacturers and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried or used under the laws of this state and applicable Federal law;
  - (4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat, 262 and 263, 10 U.S.C. 4684, 4685 and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections:
  - (5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.
  - (6) Carriers, warehousemen and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable Federal law;
  - (7) The holders of a license or temporary permit issued and in effect pursuant to Ohio R. C. 2923.18, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for the purposes and in the manner specified in such license or permit.

(c) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree. (ORC 2923.17)

#### 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)

#### 549.07 UNLAWFUL TRANSACTIONS IN WEAPONS.

(a) No person shall:

- (1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) is a misdemeanor of the fourth degree. (ORC 2923.20)

#### 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.
- (4) Sell, barter, lend or give to a minor under the age of 18 years a dangerous weapon, and no minor under the age of 18 years shall buy, barter, hire, borrow, receive or possess a dangerous weapon. (Amended Ord. 1589. Passed 6-17-80)

(b) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree. (ORC 2923.21)

#### 549.09 SALE OF EXPLOSIVES TO MINORS.

(a) No person shall sell, give away or otherwise dispose of or deliver to any person under eighteen years of age any explosives, as defined in Ohio R.C. 3743.01 (a), whether such person is acting for himself or for any other person. (ORC 3743.02)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

#### 549.10 SALE OF FIREWORKS.

(a) No person shall possess for sale at retail, or sell at retail, or discharge, ignite or explore any fireworks, as defined herein, within the Municipality, except as provided in Section 549.11.

The term "fireworks" means any combustible or explosive compositions, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, deflagratic or detonation, but shall not mean or include toy pistols, toy canes, toy guns

- or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain twenty hundredths grains or less of explosive mixture. (ORC 3743.27, 3743.32)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

#### 549.11 FIREWORKS DISPLAY PERMITS.

Upon written permission secured from the Fire Chief, fireworks may be used for public or private exhibitions of fireworks in connection with fairs, carnivals or other celebrations. Application for such permits shall be made to the Chief and shall be issued under such reasonable regulations to protect the safety of persons or property as the Chief may prescribe. In such cases parties in charge of such exhibitions shall be held strictly responsible for any damage to persons or property resulting from the use of fireworks so used. Fireworks being held in storage for such exhibitions must be kept in a closed wooden box or tarpaulin until they are to be used. Sections 549.10 and 549.11 do not prohibit any wholesaler, dealer or jobber from selling at wholesale such fireworks as are permitted to be used by such sections or the sale of fireworks to be shipped directly out of the State. (ORC 3743.33)

#### 549.12 DISCHARGING FIREARMS.

(a) No person shall discharge any BB gun, 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, nor shall this section apply when a BB Gun is discharged by a person 18 years of age, or older, upon said persons's own property, or with permission from the owner of such property, for the purpose of exterminating undesirable varmints or birds.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Amended Ord. 1589. Passed 6-17-80)

#### 549.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)