**ORDINANCE NO. 48-2019**

**REPEALING SECTIONS 130.29 AND 130.30 OF THE VILLAGE OF FAIRFAX CRIMINAL CODE AND DECLARING AN EMERGENCY**

 **WHEREAS,** sections 130.29 (Improperly Handing Firearms in a Motor Vehicle) and 130.30 (Carrying Concealed Weapons) of the Village of Fairfax’s (the “Village’s”) Criminal Code (the “Criminal Code”) are modeled after the corresponding sections in the Ohio Revised Code; and

 **WHEREAS,** the Village’s Police Department relies on such corresponding sections in the Revised Code to enforce appropriate weapons regulation in the Village; and

**WHEREAS,** the General Assembly of the State of Ohio amends or supplements such corresponding sections and related sections in the Revised Code often enough that it is burdensome and not necessarily advisable for the Village to match its own ordinances to the Revised Code continually; and

**WHEREAS,** the General Assembly recently passed H.B. 228, amending and supplementing R.C. 9.68, effective at the end of December 2019; and

**WHEREAS,** when effective, R.C. 9.68 purports to expand the remedies available against municipalities such as the Village for infringing on the right to carry firearms provided by the Revised Code, including providing for the payment of attorney fees to a person who prevails in challenging a municipal law governing firearms; and

**WHEREAS,** in consultation with the Village Chief of Police, Council determined that it is sufficient, for the time being, to enforce appropriate weapons regulation in the Village in reliance on the Revised Code, and without reliance on sections 130.29 and 130.30 of the Criminal Code; and

**WHEREAS,** this Council does not wish to risk a civil action or other remedies under R.C. 9.68 based on any alleged, material inconsistency between state law and sections 130.29 and 130.30 of the Criminal Code;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio that**:**

 **SECTION I:** Sections 130.29 and 130.30 of the Criminal Code are hereby repealed.

 **SECTION II:** This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to ensure compliance with R.C. 9.68, as such statute will be in effect by the end of December 2019.

Passed this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk-Treasurer

CERTIFICATE

I hereby certify this to be a true and correct copy of Ordinance No. 48-2019, passed at a meeting of the Council of the Village of Fairfax on this 16th day of December, 2019.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_