

Part 6 — Offenses And Business Activities Code

Title I — General Offenses

Chapter 627 — Weapons And Explosives

Complete to June 30, 2006

Cross References

See sectional histories for similar State law.

License or permit to possess dangerous ordnance, RC 2923.18

Use of firearms in parks prohibited, [CO 559.40](#)

Use of firearms and explosives at airports restricted, [CO 571.20](#)

Reporting gunshot and stab wounds, [CO 615.04](#)

Property destruction by tear gas device, etc., [CO 623.03](#)

Handgun possession and sale, [CO Ch 674](#)

Section 627.01 Definitions

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b)(1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant or by pump action or by compressed gas. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.
- (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (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 adapted 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 thirty-one 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 a firearm;

(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) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(k) "Dangerous ordnance" means any of the following, except as provided in division (l) of this section:

(1) Any automatic or sawed-off firearm, zipgun or ballistic knife;

(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 for that weapon;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(l) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition for that weapon, 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 for that weapon, 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 division (l)(3) of this section 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.
(RC 2923.11; Ord. No. 2031-01. Passed 5-6-02, eff. 5-6-02)

Section 627.02 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 the actor was engaged in or was going to or from the actor's 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 person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor or a member of his family, or upon the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's 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 division (c) of Section 627.04.

(d) This section shall not apply if:

(1) The offender has previously been convicted of a violation of this section or of any offense of violence as defined in Section 601.01 or RC 2909.01;

(2) The weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand;

(3) The weapon involved is dangerous ordnance:

(4) The weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303 of the Revised Code;

(5) The offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved;

(e) Notwithstanding the provisions of division (a) of Section 601.99, whoever violates this section is guilty of carrying concealed weapons, a misdemeanor, and shall be fined one thousand dollars (\$1,000) and imprisoned for six months.

No part of this sentence shall, in any case, be suspended or otherwise reduced except that any person convicted under this section, if he is at the time of such conviction shown to be gainfully

employed, shall be released each day from the workhouse or other place of incarceration, to go to work, and shall at the conclusion of each such working day, during the term of his sentence, promptly return to the workhouse or place of incarceration until his sentence has been served. (Ord. 100-99. Passed 6-7-99, eff. 6-16-99)

Section 627.03 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) Notwithstanding the provisions of Sections 601.13 and 601.99(a), whoever violates this section is guilty of using weapons while intoxicated, and shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(RC 2923.15; Ord. No. 483-75. Passed 6-9-75, eff. 6-9-75)

Section 627.04 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 627.02(c)(1) and (2) are affirmative defenses to a charge under subsection (b) or (c) hereof.

(f) Notwithstanding the provisions of Sections 601.13 or 601.99(a), whoever violates this section is guilty of improperly handling firearms in a motor vehicle, and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less

than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(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.

(RC 2923.16; Ord. No. 483-75. Passed 6-9-75, eff. 6-9-75)

Section 627.05 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.

(RC 2923.19; Ord. No. 54-74. Passed 3-25-74, eff. 4-1-74)

Section 627.06 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 spring-loaded weapon capable of propelling a knife or knifelike projectile, including, but not limited to, a ballistic knife (sometimes referred to commonly as a KGB knife) or similar weapon and/or advanced martial arts weapons, including, but not limited to shurikan (throwing star), nunchuck, sword, knife, staff, Tonfa, Kama, and Sai and/or other similar weapons.

This paragraph does not apply to the possession and/or use of advanced martial arts weapons on the premises of a recognized martial arts school or during the time said weapons are being transported directly to or from said premises.

(2) As used in paragraph (a)(1) hereof, the following designated martial arts weapons are defined as follows:

(a) "Nunchuck" — two pieces of hardwood sticks, generally equal in size and weight, held together by a piece of string, leather or chain.

(b) "Sword" — a weapon with a long blade for cutting or thrusting designed, manufactured or

marketed as a martial arts weapon.

(c) "Knife" — a weapon consisting of a single- or double-edged short blade for cutting or throwing and designed, manufactured or marketed as a martial arts weapon.

(d) "Staff" — a hardwood stick the size of which can vary from two to six feet in length which can be used to strike, to block, to jab, to hold and throw an opponent.

(e) "Tonfa" — a hardwood shaft which measures about 17 inches in length with a handle approximately 4 1/2 inches in length affixed to the shaft.

(f) "Kama" — an instrument consisting of a handle with a long curved single-edged blade affixed at the end of the handle.

(g) "Sai" — a piece of steel or heavy metal that is approximately 12 inches in length with a pointed or blunted end and two prongs that extend down from the blade to form a handle and a protection for strikes.

(3) 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 627.05 or RC 2933.17, 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;

(4) 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;

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated. However, this prohibition shall not apply to any person who is in possession of such a handgun on June 9, 1975, and who within a period of thirty days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number according to a numbering system established by the Chief of Police. In no case shall a person sell, transfer, give, deliver or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsection (a)(1) or (3) hereof is a misdemeanor of the second degree. Notwithstanding the provisions of Section 601.13 or 601.99(a), whoever violates subsection (a)(4) hereof shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) and shall be imprisoned not more than thirty days. No part of the fine of this sentence shall, in any case, whatsoever, be suspended or otherwise reduced. Notwithstanding the provisions of Section 601.13 or 601.99(a), whoever violates subsection (a)(5) hereof shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000) and imprisoned not less than three

days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

Section 627.07 Reserved

Note: Former Section 627.07 was repealed by Ord. No. 483-75, passed 6-9-75, eff. 6-9-75.

Section 627.08 Possession of Firearms by Minors

(a) No minor shall purchase, own, possess, receive, have on or about his person or use any firearm except pursuant to Section 627.07(a)(3).

(b) A juvenile who violates this section shall be adjudged an unruly child, with such disposition of the case as may be appropriate under RC Chapter 2151.

(Ord. No. 483-75. Passed 6-9-75, eff. 6-9-75)

Section 627.081 Prohibited Weapon Defined

For purposes of Section 627.082, a "prohibited weapon" is any weapon defined, described, or listed in any division of Section 627.01 other than division (a) or (1) of that section, division (a) or (b) of Section 627.06, division (a) of Section 627.14, division (a) or (b) of Section 627.15, division (a) of Section 627.17, or division (a) of Section 627.18.

(Ord. No. 1130-92. Passed 5-11-92, eff. 5-15-92)

Section 627.082 Prohibited Weapons on School Property; Duty to Notify Police

(a) Subject to division (b) of this section, any school official or employee who discovers a prohibited weapon, as defined in Section 627.081, upon school grounds or in a school building shall immediately notify the Chief of Police or his designee and request the assistance of the Division of Police.

(b) Division (a) of this section shall not apply:

(1) To any school official or employee who has personal knowledge that the notification required by division (a) has already been given with respect to a particular discovery of a particular prohibited weapon; or

(2) When the prohibited weapon is in the possession of an officer, agent or employee 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, or law enforcement officers, as defined in division (k) of Section 601.01, to the extent that any such person is authorized to possess a prohibited weapon and is acting within the scope of his or her duties.

(c) Any school official or employee who fails to comply with division (a) of this section is guilty of

a misdemeanor of the first degree.
(Ord. No. 1130-92. Passed 5-11-92, eff. 5-15-92)

Section 627.09 Possessing Deadly Weapons on Public Property

(a) No person shall knowingly have in his possession or ready at hand any deadly weapon while on public property or in a public building.

(b) For the purpose of this section, public property and public buildings shall include, but not be limited to parks, playgrounds, beaches, marinas, courthouses, auditoriums, stadiums, office buildings, jails, storage areas and yards, greenhouses, plants and works and any other property, building or structure owned, leased or rented by a governmental unit, to schools, colleges, and other learning institutions, whether public, private or parochial, and to churches, synagogues and other places of worship.

(c) This section does not apply to officers, agents or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons or to persons with private or special police commissions, and acting within the scope of their duties, or if the deadly weapon was part of a public weapons display, show or exhibition or was in the possession of a person participating in an organized match, competition or practice session on public property, or in a public building.

(d) Notwithstanding the provisions of Sections 601.13 and 601.99(a), whoever violates this section is guilty of possessing deadly weapons on public property, and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(Ord. No. 483-75. Passed 6-9-75, eff. 6-9-75)

Section 627.10 Possessing Certain Weapons at or About Public Places

(a) No person shall knowingly carry, have in his possession or ready at hand any handgun, BB gun, pellet gun, dangerous ordnance, shotgun, rifle, knife having a blade two and one-half inches in length or longer, brass knuckles, cestus, billy, karate stick, blackjack, sword or saber while at or about a public place.

(b) As used in this section, "public place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It also includes the front or immediate area of any store, shop, restaurant, tavern or other place of business and any grounds, areas or parks where persons would congregate.

(c) This section does not apply to officers, agents or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons or to persons with private or special police commissions, and acting within the scope of their duties.

(d) This section shall not apply if any weapon in division (a) of this section was part of a public weapon display, show or exhibition, or was in the possession of a person participating in an organized match, competition or practice session.

(e) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing the weapon, and that the weapon was kept ready at hand by the actor for defense purposes, while he was engaged in his lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in having the weapon ready at hand.

(f) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing a knife having a blade two and one-half inches in length or longer, and that either (i) the actor at the time was engaged in a lawful business or pursuit and that business or pursuit requires a knife having a blade two and one-half inches in length or longer as a tool of trade or pursuit, or (ii) the knife having a blade two and one-half inches in length or longer was kept ready at hand by the actor for defense purposes, while he was engaged in his lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in having such a knife ready at hand.

(g) Notwithstanding the provisions of Section 601.13 and division (a) of Section 601.99, whoever violates this section is guilty of possessing certain weapons on or about public places and shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000), and imprisoned for not less than three (3) days, nor more than six (6) months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(Ord. No. 1361-01. Passed 8-15-01, eff. 8-24-01)

Section 627.11 Seizure and Confiscation of Deadly Weapons

(a) In any situation where a deadly weapon is present and a person has been drinking or disturbing the peace, threatening bodily harm or causing or threatening a disturbance or violence, and there is reasonable cause for the investigating police officer to believe that such deadly weapon may be used to cause bodily harm, such deadly weapon may be seized by the police and kept in the custody of the Chief of Police until released by an order of a court of competent jurisdiction.

(b) Any deadly weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this chapter, or any felony or misdemeanor involving the use of a deadly weapon or the use of force or violence or the threat of the use of force or violence against the person of another, shall be confiscated by the Division of Police for disposal. However, any deadly weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by the owner would constitute a violation of any provision of these Codified Ordinances or of State or Federal law.

(Ord. No. 483-75. Passed 6-9-75, eff. 6-9-75)

Section 627.12 Voluntary Disposition of Handguns

(a) Any handgun, declared to be illegal under the provisions of Section 627.06(a)(4) may be disposed of by presenting the handgun by the person owning or possessing the gun, at any district police station in the City of Cleveland, at the Central Police Station or the Detective Bureau of the Division of Police.

(b) No person disposing of a handgun in the manner and at the places herein designated, shall be required to make any written or oral statement or report concerning the handgun or the circumstances surrounding its acquisition, possession or present or past ownership. Receipt can be made available upon request.

(Ord. No. 1522-75. Passed 6-16-75, eff. 6-19-75)

Section 627.13 Reserved

Note: Former Section 627.13 was repealed by Ord. No. 3080-88, passed 12-17-90, eff. 12-21-90.

Section 627.14 Sale of Long Bladed Pocket Knives

(a) No person shall give or sell a pocket knife having a blade of two and one-half inches in length or longer, without first requiring a purchaser to properly identify himself and register in a book kept for such purpose giving his name, address and age. The register shall be subject to inspection by any officer of the law upon demand.

(b) No person shall give, sell or exhibit for sale to a minor a knife having a blade two and one-half inches in length or longer.

(c) Every person, firm or corporation dealing in the sale of knives shall post a copy of this section in a conspicuous place in such place of business.

(d) Whoever violates this section is guilty of unlawful pocket knife sale, a misdemeanor of the third degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.15 Sale or Possession of Sling Shots and Pea Shooters

(a) No person shall carry on or about his person, sell or exhibit for sale a sling shot, commonly consisting of a forked stick with an elastic band attached, or a piece of elastic such as rubber, with a bag attached for shooting of projectiles.

(b) No person shall carry on or about his person, sell or exhibit for sale a pea shooter, commonly consisting of a hollow cylindrical object made of one or more materials through which an object may be propelled by blowing air through the same.

(c) Whoever violates this section is guilty of unlawful sale or possession of sling shots or pea

shooters, a minor misdemeanor.
(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.16 Unlawful Display of Weapons

(a) No person, firm or corporation shall exhibit for sale in showcases or show windows any revolvers, daggers, stilettos, brass or iron knuckles and billies, or display any signs, posters, cartoons or display cards, suggesting the sale of such weapons.

(b) Whoever violates this section is guilty of unlawful display of weapons, a misdemeanor of the first degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.17 Possession or Use of Stench Bombs

(a) No person shall possess or use a tear gas device, stink bomb, smoke generator or other device releasing a substance which is harmful or offensive to persons exposed or which tends to cause public alarm. This section does not apply to law enforcement agents in the discharge of official duty.

(b) Whoever violates this section is guilty of unlawful possession or use of stench bombs, a misdemeanor of the first degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.18 Tear Gas Guns

(a) No person not being a law enforcement officer acting in line of duty or a person engaged in repelling robbers, thieves, murderers or other law violators in the defense and protection of his home or place of business, shall aim and discharge at any person a weapon or device of any kind which impels by compressed air, spring release or other means a projectile containing any liquid or gas which is dangerous to the safety or health of such person, or which otherwise discharges any such liquid or gas upon the person of another.

(b) Whoever violates this section is guilty of unlawful tear gas gun use, a misdemeanor of the first degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.19 Containers of Combustibles

(a) No person shall make, use, have on or about his person or under his control any device or container, having a combustible material or substance which can be used as a means of igniting such device or container attached thereto as a fuse and containing therein any flammable or combustible material or substance, which device or container can be used as a firebomb by igniting the fuse or igniting the fuse and breaking the device or container by dropping, tossing or throwing such device or container against or upon an object. However, this section does not apply to any person using, making or having such device or container in his possession or under his control in

the course of a legitimate business, employment or occupation.

(b) Whoever violates this section is guilty of unlawful manufacture, possession or use of combustible container, a misdemeanor of the first degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.20 Discharging Firearms

(a) No person shall discharge any firearm except in self-defense or except a law enforcement agent in the discharge of official duty.

(b) Whoever violates this section is guilty of unlawful firearm discharge, a misdemeanor of the first degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.21 Jump Traps

(a) No person shall use or permit the use within the City of any steel jump animal trap or similar device with spring activated jaws of the types commonly used for the trapping of fur bearing animals, which is capable of inflicting cruelty upon dogs or cats or which constitutes a hazard to small children.

(b) Whoever violates this section is guilty of unlawful jump trap use, a misdemeanor of the third degree.

(Ord. No. 1020-76. Passed 6-14-76, eff. 6-18-76)

Section 627.22 Law Enforcement Officers Possessing or Using Nonissued Firearms on Duty

(a) No law enforcement officer of the City shall, while on duty, and in the course and scope of his duties, knowingly carry or have in his possession or use any firearm, as defined in Section 627.01(b), other than a firearm lawfully issued or authorized by the Department of Public Safety.

(b) The Division of Police shall confiscate and destroy the firearm of any person who is found guilty of violating this section, and such person shall also be subject to disciplinary action under the rules of the Civil Service Commission and, where applicable, to a violation of the rules and regulations of the Department of Public Safety.

(c) Notwithstanding the provisions of Sections 601.13 and 601.99, whoever violates this section is guilty of carrying, possessing or using unauthorized firearms, and shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the first offense; and for each and every subsequent violation of this section, not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) and imprisoned not less than thirty days nor more than sixty days.

(Ord. No. 1656-75. Passed 5-17-76, eff. 5-24-76)

Section 627.23 Facsimile Firearms

(a) (1) "Firearm" shall have the same meaning as used in Section 627.01(b) of this Chapter.

(2) "Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal or any other material which is a replica, facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, inoperative firearms or any other device which might reasonably be perceived to be a real firearm.

(b) No person shall display, market for sale or sell any replica or facsimile of a firearm in the City. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm.

(c) Except in self-defense, no person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry or threatening manner, with the intent to frighten, vex, harass or annoy or with the intent to commit an act which is a crime under the laws of the City, State or Federal government against any other person.

(d) No person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a law enforcement officer, fire fighter, emergency medical technician or paramedic engaged in the performance of his or her duties, when the person committing such brandishing knows or has reason to know that such law enforcement officer, fire fighter, emergency medical technician or paramedic is engaged in the performance of his or her duties.

(e) (1) Whoever violates Section 627.23(b) is guilty of unlawful sale of a replica firearm, a misdemeanor of the third degree.

(2) Whoever violates Section 627.23(c) is guilty of brandishing a replica firearm, a misdemeanor of the first degree.

(3) Whoever violates Section 627.23(d) is guilty of brandishing a replica firearm in the presence of a public safety officer, a misdemeanor of the first degree.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

PART SIX — OFFENSES AND BUSINESS ACTIVITIES CODE

Title I — General Offenses

Chapter 627A — POSSESSION OF FIREARMS BY CHILDREN

Complete to June 30, 2006

627A.01 Definitions

For purposes of this chapter:

(a) “Firearms” 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 that is inoperable but that can readily be rendered operable.

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

(c) “Child” means any person under the age of eighteen (18) years, and includes any person between the ages of eighteen (18) and twenty-one (21) years who is of sufficient mental incompetence as to have had a legal guardian appointed by the Probate Court. (RC 2923.11)

(Ord. No. 1631-05. Passed 3-20-06, eff. 3-24-06)

627A.02 Access to Firearms

(a) Except as provided in division (b) of this section, 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.

(b) Division (a) of this section shall not apply when:

(1) 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;

(2) A child has access to a firearm as a result of an unlawful entry into the place in

which the firearm was found;

(3) A child obtains a firearm in a lawful act of self-defense or defense of another person or persons within a domicile;

(4) A child who, without permission of the lawful possessor of a firearm, obtains the firearm from the possessor's body.

(Ord. No. 1130-92. Passed 5-11-92, eff. 5-15-92)

627A.03 Responsibility of Firearms Dealer

(a) 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 firearm from discharging.

(b) At every purchase counter in every store, shop or sales outlet, licensed firearms dealers shall conspicuously post the following warning in block letters not less than one inch (1") 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 a firearm.

(Ord. No. 1130-92. Passed 5-11-92, eff. 5-15-92)

627A.99 Penalties

(a) Whoever violates the provisions of Section 627A.02 shall be guilty of a misdemeanor of the first degree.

(b) Whoever violates the provisions of Section 627A.03 shall be guilty of a misdemeanor of the third degree.

(Ord. No. 1631-05. Passed 3-20-06, eff. 3-24-06)

Part 6 — Offenses And Business Activities Code

Title I — General Offenses

Chapter 628 — Possession Or Sale Of Assault Weapons Prohibited

Complete to June 30, 2006

Section 628.01 Findings

The Council finds and declares that the proliferation and use of assault weapons is resulting in an ever-increasing wave of violence in the City, especially because of an increase in drug trafficking and drug-related crimes, and poses a serious threat to the health, safety, welfare and security of the citizens of Cleveland. The Council finds that the primary purpose of assault weapons is anti-personnel and any civilian application or use of such weapons is merely incidental to such primary anti-personnel purpose. The Council further finds that the function of this type of weapon is such that any use as a recreational weapon is far outweighed by the threat that the weapon will cause injury and death to human beings. Therefore, it is necessary to establish regulations to restrict the possession or sale of these weapons. It is not the intent of the Council to place restrictions on the use of weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.

(Ord. No. 2661-91. Passed 11-18-91, eff. 11-20-91)

Section 628.02 Definitions

For the purpose of this chapter:

(a) "Assault weapon" means:

(1) any semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of 20 rounds or more;

(2) any semiautomatic shotgun with a magazine capacity of more than six rounds;

(3) any semi-automatic handgun that is:

A. a modification of a rifle described in division (a) (1), or a modification of an automatic firearm; or

B. originally designed to accept a detachable magazine with a capacity of more than 20 rounds.

(4) any firearm which may be restored to an operable assault weapon as defined in divisions (a) (1), (a) (2) or (a) (3).

(5) any part, or combination of parts, designed or intended to convert a firearm into an assault weapon as defined in divisions (a) (1), (a) (2) or (a) (3), or any combination of parts from which an assault weapon as defined in divisions (a) (1), (a) (2) or (a) (3), may be readily assembled if those parts are in the possession or under the control of the same person.

(b) Assault weapon does not include any of the following:

(1) any firearm that uses .22 caliber rimfire ammunition with a detachable magazine with a capacity of 30 rounds or less.

(2) any assault weapon which has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(c) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(d) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(e) "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 fire arm, and any firearm which is inoperable but which can readily be rendered operable.

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

(g) "Person" means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(h) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(i) "Semiautomatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(j) "Shotgun" means a firearm, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

(Ord. No. 2661-91. Passed 11-18-91, eff. 11-20-91)

Section 628.03 Unlawful Conduct

(a) No person shall sell, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

(b) This section shall not apply to any officer, agent, or employee 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 as defined in division (k) of Section 601.01, to the extent that any such person is authorized to acquire or possess an assault weapon and is acting within the scope of his duties. Further, this section shall not apply to the transportation of firearms through the City of Cleveland in accordance with federal law.

(Ord. No. 2661-91. Passed 11-18-91, eff. 11-20-91)

Section 628.04 Seizure and Destruction of Assault Weapons

Any assault weapon is hereby declared to be contraband and shall be seized and disposed of in accordance with RC 2933.43.

(Ord. No. 2661-91. Passed 11-18-91, eff. 11-20-91)

Section 628.99 Penalty

Whoever violates Section 628.03 is guilty of unlawful possession of an assault weapon, and shall be sentenced to six months imprisonment and fined one thousand dollars (\$1,000.00) and no part of said sentence shall be reduced in any manner.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

Part 6 — Offenses And Business Activities Code

Title VII — Business Regulation

Chapter 674 — Handgun Possession And Sale

Complete to June 30, 2006

Cross References

Falsification, [CO 615.02](#)

Unlawful weapon transactions, [CO 627.06](#)

Minors possessing weapons, [CO 627.08](#)

Voluntary handgun disposition, [CO 627.12](#)

Section 674.01 Definitions

As used in this chapter:

(a) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable handguns which cannot be rendered operable, curios, relics or antique handguns as presently or hereafter defined in Title 27, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

(b) "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(c) "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

(d) "Nonresident" means any person who does not have a place of residence within the limits of the City of Cleveland.

(e) "Identification card" means a handgun owner's identification card issued pursuant to Section 674.04.

(f) "Registration card" means a handgun registration card issued pursuant to Section 674.05.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

Section 674.02 General Prohibitions

(a) No person shall sell, purchase, own, possess, transfer, give, deliver, receive or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification. However, this prohibition shall not apply to any person who is in possession of such handgun on the effective date of this section, and who within a period of thirty days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number pursuant to law.

(b) No person shall receive or possess any handgun unless such person has an identification card issued to him and in effect, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(c) No person shall have on or about his person or use any handgun unless such person has in his possession an identification card issued to him and in effect, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(d) No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an identification card valid on its face and issued to the transferee, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(e) No person shall use or attempt to use his handgun owner's identification card to obtain any handgun for any person who does not have a handgun owner's identification card issued to him and in effect pursuant to this chapter. No person shall knowingly permit his identification card to be used by another to purchase, own, possess, receive, have on or about the person or use any handgun or handgun ammunition.

(Ord. No. 407-76. Passed 5-10-76, eff. 5-14-76)

Section 674.03 Handguns Confiscated

Any handgun which any person owns or possesses in violation of any of the provisions of this chapter shall, upon conviction of such person, be confiscated and destroyed by the Division of Police, except that any such handgun which has been reported stolen pursuant to Section 674.10 shall be returned to the owner thereof unless possession thereof by the owner would constitute a violation of any provision contained in this chapter.

(Ord. No. 975-A-75. Passed 2-9-76, eff. 2-9-76)

Section 674.04 Handgun Owner's Identification Card; Application; Prohibitions

(a) Application for an identification card shall be made in writing, and shall be accompanied by an application fee of fifteen dollars (\$15.00) which shall be paid into the treasury of the City, with a separate accounting made for it. If it does not appear upon investigation that the applicant is prohibited by this section from being issued an identification card, the Chief of Police shall issue an identification card to the applicant no sooner than seven (7) days and no more than sixty (60) days after the date of application.

For purposes of procuring an identification card, any and all forms and applications required shall be available, and may be filled out at the Central Police Station or any district police station.

(b) All handgun identification cards issued under this section shall be entitled "City of Cleveland, Ohio, Handgun Owner's Identification Card," be serially numbered according to a system devised by the Chief of Police; bear the date of issue, the date of expiration, the name of the Chief of Police, and the applicant's name, home address, birth date, physical description, and full face photograph; and shall be signed by the holder. A copy of each identification card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall be confidential and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) An identification card shall expire three (3) years after the birthday of the applicant that follows the date of issuance.

(d) An identification card shall not be issued to:

(1) A person now or subsequent prohibited by Section 2923.13 of the Revised Code from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance;

(2) A person under twenty-one (21) years of age;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one conviction of being drunk and disorderly or driving a motor vehicle while intoxicated, either of which occurs within one (1) year before the date of application;

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within two (2) years before the application for the identification card.

(e) No person shall knowingly give any false information in making application for an identification card, and no person shall use or attempt to use an identification card to purchase, own, possess, receive, have on or about his person, or use any handgun, knowing the identification card belongs to another, or knowing it was obtained by means

of false information, or when it is void by reason of the holder becoming a member of the class of persons prohibited by division (d) of this section from being issued an identification card.

(f) A possessor of an identification card shall become ineligible to possess such a card if he becomes one of that class of persons to whom an identification card cannot be issued under division (d) of this section, then that person shall immediately forfeit the card and return it to the Chief of Police. Any and all handguns owned by that person or in their possession shall be confiscated and disposed of by the Division of Police as provided in Section 674.03.

(Ord. No. 2393-03. Passed 2-3-03, eff. 2-3-03)

Section 674.05 Registration of Handguns; Application; Fee

(a) Application for a handgun registration card shall be made in writing by the person claiming to be the owner of the handgun to be registered at any office where identification cards may be issued under Section 674.04. The application shall be accompanied by an application fee of two dollars (\$2.00) for each handgun to be registered, which shall be paid into the Treasury of the City, with separate accounting made for it. When satisfied that the applicant holds a valid identification card and is not in that class of persons prohibited from holding the same, a registration card shall be issued to the applicant no sooner than three (3) days and no more than sixty (60) days after the date of application.

(b) All registration cards issued under this section shall be entitled "City of Cleveland, Ohio, Handgun Registration Card;" be serially numbered according to a system devised by the Chief of Police; bear date of issue, the name of the Chief of Police, the applicant's name, home address, identification card number, the signature of the applicant; and contain the name, type, caliber, and serial number of the handgun. A copy of each registration card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall not be deemed a public record nor be disclosed to unauthorized persons.

(c) Any person who sells or otherwise transfers possession of a registered handgun shall, within five days of the date of transfer of possession of the handgun, surrender the registration card for the handgun with the name, address, or social security number, and identification card number, if required by law, of the buyer endorsed on it, to any office where identification cards are issued, and obtain a receipt for it. The office receiving the same shall immediately cancel the registration card.

(Ord. No. 2393-02. Passed 2-3-03, eff. 2-3-03)

Section 674.06 Exemptions

(a) The following shall be exempt from the provisions of this chapter:

- (1) Any state of the United States, the United States or any political subdivision, department or agency of either;
 - (2) An officer or agent of any state of the United States, or any agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry or use handguns and not for the personal use of such individual.
- (b) The requirements of an identification card and registration card contained in Sections 674.04 and 674.05 shall not apply to:
- (1) A holder of a dealer's license issued pursuant to Section 674.07.
 - (2) A nonresident of the City who holds and exhibits upon request a valid permit, authorization or identification issued by the chief of police or the sheriff of his place of residence, to purchase, own, possess, receive, carry or use any handgun. It is provided further that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition.
 - (3) A new resident of the City, during a period not exceeding thirty days after he becomes a resident. However, such person shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of his former domicile to own, possess, receive or have on or about the person any handgun, or proof of former residence in a jurisdiction which does not require the same.
 - (4) An executor, administrator, guardian, receiver, trustee in bankruptcy, or other fiduciary duly qualified and appointed by a court of competent jurisdiction, when acting in his fiduciary capacity, and an attorney for such a person, when such handgun constitutes property of the estate or trust, but not for the personal use by such individual.
 - (5) The next of kin or legatee of a decedent acquiring a handgun through distribution of an estate, during a period not exceeding thirty days from the date of his coming into possession thereof, but in any event not more than fifteen days after the appointment of an executor, administrator or other fiduciary.
 - (6) Carriers, warehousemen and others engaged in the business of transportation and/or storage and their employees, to the extent that the possession, receipt or having on or about the person of any handgun is in the ordinary course of business and in conformity with State or Federal laws, but not for the personal use of any such person.
 - (7) A person owning or possessing any handgun on February 9, 1976, who files an application for an identification card during a period not to exceed 100 days from such date, until such application is granted or denied. During any 100-day period, any person

required to register a handgun shall cause the handgun to be brought, unloaded and securely wrapped, to the Central Police Station or to a district police station for verification of its type, caliber and serial number.

(8) A Federally licensed manufacturer of handguns.
(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

Section 674.07 Handgun Dealer's License; Fee

(a) Every dealer in the City shall procure a license to engage in such business. Any dealer engaged in such business at more than one location in the City shall procure a separate license for each such location.

Application for a dealer's license shall be made in writing at the office of the Chief of Police and shall be accompanied by an application fee of one hundred dollars (\$100.00), which shall be paid into the City treasury, with a separate accounting made therefor. If it appears upon investigation that the applicant holds a Federal dealer's license, the Chief of Police shall issue a dealer's license to the applicant within not less than seven days nor more than sixty days from the date of application. A copy of each dealer's license shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief.

(b) A dealer's license shall remain in effect for one year or until such time as it is revoked, surrendered or the dealer discontinues business as a dealer. Licenses issued pursuant to the provisions of this section are not transferable.

(c) Notwithstanding the provisions of division (a) hereof, no dealer's license shall be issued to any applicant whose dealer's license has been revoked, nor to any applicant who has been convicted of a violation of any provision of this chapter, until the expiration of five years from the effective date of such revocation or five years from the date of conviction. The license issued pursuant to this section shall be prominently displayed by every dealer at his place of business.

(d) The issuance of a dealer's license shall be restricted to locations within a general retail district or a semi-industrial district. Further, a dealer's license shall not be issued to an applicant whose location is within 1,000 feet of a school, church, day care center, liquor establishment or another handgun dealer.

(e) Ninety days after February 9, 1976, no person, firm or corporation shall engage in business as a dealer in the City without a dealer's license. Each day of continuing violation of this section shall be deemed a separate offense.

(f) No dealer, or any agent or employee of a dealer, shall fail to comply with this section or knowingly cause any false information to be entered on a record of purchase or sale of any handgun. No purchaser of any handgun shall give any false information for entry on such record of sale.

(Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

Section 674.08 License Revocation

(a) When any licensed dealer has been convicted of a violation of any of the provisions of this chapter, the Chief of Police shall revoke the license of such dealer. A certified copy of the order of revocation shall be sent forthwith to the dealer, who may appeal such order or revocation to the Director of Public Safety within ten days from the receipt of the order. The Director of Public Safety shall conduct a hearing upon such appeal within ten days from the receipt of a written notice of appeal from such order or revocation.

(b) No dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation whose dealer's license has been revoked.

(Ord. No. 975-A-75. Passed 2-9-76, eff. 2-9-76)

Section 674.09 Handgun Dealer's Records

(a) Every dealer shall maintain records of the purchase and sale of handguns. Such records shall be maintained on forms prescribed by the Chief of Police; contain the name of the dealer; and identify each handgun by manufacturer, model number or name, type, caliber and serial number. If such weapon is other than a standard model, or has been modified and improved, the record of sale shall give a brief description of the weapon including such information as may be necessary to identify it.

(b) The record of purchase shall also contain the name of the person from whom each handgun was purchased and the serial number of the seller's identification card, if any, and the serial number of the registration card of each handgun, if any.

(c) The record of sales shall also contain the place and date of the sale; the name, address, age and Social Security number of the purchaser; the serial number of the identification card of the purchaser, if any, or if the purchaser is a nonresident of Cleveland who is exempt from the requirement of an identification card pursuant to Section 674.06(b)(2), then such information as is contained in a valid and effective permit, authorization or identification issued at the purchaser's place of residence. The record of the sale shall also include the serial number of the registration card issued to the purchaser with respect to the handgun purchased. In the case of a sale from one dealer to another, the license number of the dealer shall be recorded instead of the serial numbers of the identification card and registration card. The record of any sale required to be made under this section shall be turned over to the Chief within twenty-four hours of the sale.

(d) The Chief shall keep permanent records of all sales and transfers of handguns as required in this chapter, together with all copies of and applications for identification cards and registration cards. Such records shall be kept in such manner as to record all of the handguns in the ownership and/or possession of all persons who have been issued an identification card or registration card. Such records shall not be deemed public records and shall not be disclosed to unauthorized persons.

(Ord. No. 1107-76. Passed 5-10-76, eff. 5-14-76)

Section 674.10 Stolen or Lost Handguns; Reports

Whenever any handgun is stolen or lost, the person losing possession thereof shall, immediately upon discovery of such theft or loss, make a report thereof to the Chief of Police showing the following:

- (a) Name, address and Social Security number of the person owning or having possession of such handgun;
- (b) Kind of handgun;
- (c) Serial number of handgun;
- (d) Model;
- (e) Caliber;
- (f) Manufacturer of handgun;
- (g) Handgun registration card number, if any;
- (h) Date and place of theft or loss;
- (i) A complete statement of the facts and circumstances surrounding such theft or loss.
(Ord. No. 975-A-75. Passed 2-9-76, eff. 2-9-76)

Section 674.11 Construction and Interpretation

Wherever possible the provisions of this chapter shall not be deemed to be in conflict with the provisions of Chapter 627, but wherever possible shall be construed so as to give effect to both chapters. However, when a provision of this chapter conflicts or duplicates a provision of Chapter 627, the more restrictive provision and/or penalties shall control and govern.

(Ord. No. 975-A-75. Passed 2-9-76, eff. 2-9-76)

Section 674.99 Penalty

Whoever violates any of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000), or imprisoned not more than twelve months, or both. Each day such violation is continued or permitted to continue constitutes a separate offense.

(Ord. No. 975-A-75. Passed 2-9-76, eff. 2-9-76)

PART FIVE — MUNICIPAL UTILITIES AND SERVICES CODE

Title IX — Municipal Services

Chapter 559 — Parks

Complete to June 30, 2006

Note: The legislative history of this Chapter, except where specifically noted at the end of a section, is as follows: Ordinance No. 63410-A, passed September 22, 1924.

CROSS REFERENCES

Power to regulate shade trees and shrubbery, RC 715.20

Land appropriation for parks, RC 715.21, 719.01

Municipal parks, RC 715.21, 755.01 et seq.

Assessments for tree planting or maintenance, RC 727.011

Establishment and extension, RC 755.08

Supervision and maintenance of recreational facilities, RC 755.13

Power to regulate vehicle speed, RC 4511.07

Department of Parks, Recreation and Properties, [CO Ch 133](#)

Tree injury and destruction prohibited, [CO 509.01](#) et seq.

Littering in parks, [CO 613.08](#)

Destruction of shrubs, trees and crops, [CO 623.06](#)

559.01 Use of Parks

The parks are constructed and maintained for the use of the public at large, and shall be opened daily to all citizens on absolutely equal terms and none shall be given special privileges therein, or be permitted to make use of them for any purpose not practically common to all and not in consonance with the proper use of the park.

To that end no person shall have or give any musical, theatrical or other entertainment nor shall any military society or other parade, procession, public gathering or meeting of any kind, take place in any of the parks. No person shall in any of the parks or in any refectory, restaurant, building or place on the same, solicit fares, or beg or publicly solicit subscriptions or make any oration, harangue, demonstration or address; nor shall the speakers' stand be used, except upon the written permission of the Director of Public Properties.

559.40 Use of Firearms

No person shall use firearms, fireworks, firecrackers, torpedoes or explosives of any kind within the parks.