

BOARD OF TRUSTEES  
KARL B. SCHULTZ  
KENDAL A. TRACY  
MARY MAKLEY WOLFF



ADMINISTRATION  
248-3725  
248-3730 (FAX)  
COMMUNITY DEVELOPMENT  
248-3731  
SERVICE DEPARTMENT  
248-3728  
POLICE DEPARTMENT  
248-3721  
FIRE / EMS  
248-3700  
PARKS / RECREATION  
248-3727

FISCAL OFFICER  
ERIC C. FERRY

ADMINISTRATOR  
JEFFREY A. WRIGHT

MIAMI TOWNSHIP  
6101 MEIJER DRIVE • MILFORD, OH 45150-2189

### RESOLUTION NO. 2016-37

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on June 21, 2016 with the following members present: Karl Schultz, Ken Tracy and Mary Makley Wolff.

Ms. Wolff made a motion to adopt the following Resolution:

#### **RESOLUTION AMENDING THE TOWNSHIP BYLAWS AND RULES FOR PARK GOVERNMENT, DISPENSING WITH A SECOND READING AND DECLARING AN EMERGENCY**

**WHEREAS**, Miami Township, Clermont County, Ohio (the “Township”) has five parks located throughout the Township and has promulgated certain rules governing those parks known as the Miami Township Bylaws and Rules for Park Government; and

**WHEREAS**, in 2008, in *Ohioans for Concealed Carry, Inc. v. City of Clyde*, the Ohio Supreme Court ruled that local governments, such as a township, were not permitted to prohibit the possession of a concealed firearm in a park with a valid state license to do so; and

**WHEREAS**, Ohio Revised Code Section 2923.126(A)(2) provides that 2923.162(A)(2) provides that “No person shall...discharge a firearm on a lawn, park, [or] pleasure ground...” Further, Ohio Revised Code Section 2923.11(B)(1) defines a “firearm” as “any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, including an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable;” and

**WHEREAS**, Ohio Revised Code Section 2923.126(B)(9) provides that concealed firearms may be prohibited in any building or facility that “is not a building used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility...” ;” and

**WHEREAS**, the Board of Trustees seek to amend the Miami Township Bylaws and Rules of Park Government to be consistent with current Ohio law regarding the possession of a concealed firearm in Township parks with a valid state license to do so.

**NOW THEREFORE BE IT RESOLVED** by the Board of Trustees of Miami Township, Clermont County, Ohio as follows:

**SECTION 1:** Pursuant to Ohio Revised Code Section 2923.126, Section 6 of the Miami Township Bylaws and Rules for Park Government shall be amended in its entirety as follows:

**6. WEAPONS**

No person shall discharge firearms, deadly weapons, dangerous ordinances, slings, bows, rockets, air rifles, missiles, projectiles, explosives, or volatile liquids within the park. The Township Administrator may prohibit by posting the possession of a concealed firearm in any building or structure not serving primarily as a shelter, restroom, parking facility for motor vehicles or rest facility.

**SECTION 2:** That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3:** The Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.

**SECTION 4:** This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township in order to regulate the activity described herein and protect residents.

**SECTION 5:** This Resolution shall take effect upon passage.

First Reading:	<u>June 21, 2016</u>
Second Reading:	<u>Dispensed With</u>
Effective:	<u>June 21, 2016</u>

Trustee \_\_\_\_\_ made the Motion and it was seconded by Mr. Tracy. On the roll call being called the vote resulted as follows:

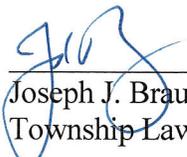
Mr. Tracy AYE  
Ms. Wolff AYE  
Mr. Schultz AYE

Resolution 2016-37 was adopted June 21, 2016

ATTEST:

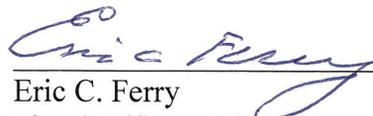
  
Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:

  
Joseph J. Braun,  
Township Law Director

**CERTIFICATION OF FUNDS**

I hereby certify that at the time of making of this certification the amount required to meet the obligations set forth in this Resolution has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

  
Eric C. Ferry  
Fiscal Officer, Miami Township