



Ohio Municipal League

Our Cities and Villages ★ Bringing Ohio to Life

Date: November 28, 2006

To: Members, Ohio Senate

From: Susan J. Cave, Executive Director

Subject: Sub. H.B. 347 - OML Points of Opposition

Sub HB 347 is the most recent of the attacks on municipal home rule. The provisions in this proposal which attempt to preempt municipalities from adopting laws and regulations of a purely local nature are a slap in the face to local officials charged with protecting the residents of their city or village. Moreover, should a city or village have a local regulation or ordinance successfully challenged, the court is required to award attorneys fees and costs to the party bringing the action. Would the General Assembly ever offer such an incentive to challenge any category of state laws? Are the democracies closest to the people always more fallible than the General Assembly?

One of the most egregious provisions in current law (and retained in the proposed revision to the law) is that which purports to deny municipalities the ability to regulate or prohibit the presence of firearms on their own property.

At the very least municipalities should have the same ability to prohibit or regulate guns on their own property as is specifically granted to private property owners. Public parks, playgrounds and other recreation areas where children and their parents and grandparents may gather are an integral part of community living. If these facilities were privately owned, firearms could be prohibited by the owner. However, the vast majority of such facilities are public and the Apublic@ owners would be denied the ability to prohibit or regulate firearms. This double standard just does not make good sense and certainly is not fair.

Home Rule should not be treated as an impediment. Municipalities need to retain the ability to provide for the safety of their citizens even if those protections are greater than those offered by the state.