

**COUNCIL OF THE
VILLAGE OF HIGHLAND HILLS**

ORDINANCE NO. 2026-43

For the September 16, 2026
Council Meeting

Introduced by: Mayor Michael L. Booker
Supported by:

**AN ORDINANCE REPEALING VILLAGE CODIFIED ORDINANCE SECTION 549.05,
“FAILURE TO SECURE DANGEROUS ORDNANCE,” AND
DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 9.68 establishes a statewide and comprehensive firearms-preemption framework, providing that the ownership, possession, storage, transportation, and use of firearms, their components, and ammunition shall be regulated only by state and federal law; and

WHEREAS, the Ohio Supreme Court in *City of Cleveland v. State*, 128 Ohio St.3d 135 (2010), held that R.C. 9.68 is a valid and constitutional general law that preempts municipal firearm regulations; and

WHEREAS, the First District Court of Appeals in *West v. City of Cincinnati*, 2024-Ohio-1951, and the Tenth District Court of Appeals in *Doe v. City of Columbus*, 2026-Ohio-1095, reaffirmed that municipal firearm-storage and firearm-handling ordinances are expressly preempted by R.C. 9.68 and expose municipalities to civil liability, damages, and mandatory attorney-fee awards; and

WHEREAS, Village Codified Ordinance Section 549.05, titled “Failure to Secure Dangerous Ordinance,” regulates the storage and securing of dangerous ordnance, including certain firearms as defined in R.C. 2923.11, and therefore conflicts with R.C. 9.68; and

WHEREAS, retaining Section 549.05 in the Village Codified Ordinances exposes the Village to litigation risk, including declaratory judgment, injunctive relief, damages, and mandatory attorney fees under R.C. 9.68(B); and

WHEREAS, Council finds it necessary and appropriate to repeal Section 549.05 to ensure compliance with state law and eliminate unnecessary legal exposure.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF HIGHLAND Hills, OHIO:

Section 1: That Village Codified Ordinance Section 549.05, titled “Failure to Secure Dangerous Ordinance,” is hereby repealed in its entirety.

Section 2: The Clerk of Council is directed to update the Village Codified Ordinances accordingly and ensure removal of Section 549.05 from all published and electronic versions.

Section 3: Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an orderly meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary to provide for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Highland Hills, and for the reason it is necessary to immediately move forward with this update without delay due to the time constraints and for the orderly operation of the Police Department, and provided it receives the affirmative vote of two-third (2/3) of all members elected to Council, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 16th day of September, 2026.

First Reading ✓ Second Reading _____ Third Reading _____

Vote: Pride ✓ yea ___ nay Greene ✓ yea ___ nay Mills ✓ yea ___ nay

McManus ✓ yea ___ nay Wright ✓ yea ___ nay

Cassandra Pride 9/16/26
Cassandra Pride Date
President of Council

Attest: Margaret Sikin 9/16/26
Margaret Sikin, Clerk of Council Date

Filed with the Mayor: ✓ 9/22/26
Date

Approved By: Michael L. Booker 9/22/26
Michael L. Booker, Mayor Date