

CHAPTER 549
Weapons and Explosives

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CROSS REFERENCES

See sectional histories for similar State law
 License or permit to possess dangerous ordnance - see
 Ohio R.C. 2923.18
 Hunting prohibited - see GEN. OFF. 505.11
 Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)
 Property destruction by tear gas device, etc. - see GEN.
 OFF. 541.04

549.01 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) "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 firearm, and any firearm which is inoperable but which can readily be rendered operable.

(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 (31) 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 (18) inches long, or a rifle with a barrel less than sixteen (16) inches long, or a shotgun or rifle less than twenty-six (26) 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 such.
- (3) Any industrial tool, signaling 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.

- (1) "Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as Class A, Class B or Class C explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in this section, or any explosive that is not subject to regulation under the rules of the State Fire Marshal adopted pursuant to Ohio R.,C. 3737.82.

(Ord. 78-97. Passed 3-24-97.)

(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) "Dangerous ordnance" means any of the following, except as provided in Subsection (K) hereof:

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- (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife.
 - (2) Any explosive device or incendiary device.
 - (3) Nitrolycerin, 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 therefor.
 - (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.
- (K) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition therefor, 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 therefor 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 Subsection (k)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed

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. (ORC 2923.11.)

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

549.02 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 he was engaged in or was going to or from his 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 man in going armed.
- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent man in going armed.
- (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.

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- (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 Section 549.04(C).

(D) Whoever violates this Section is guilty of carrying concealed weapons, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this Section, Ohio R.C. 2923.12 or of any offense of violence, or if the weapon involved is not a firearm which is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is not a dangerous ordnance, or if the offense is not committed aboard an aircraft, nor with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved. (ORC 2923.12.)

549.03 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) Whoever violates this Section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15.)

549.04 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 549.02(C)(1) and (2) are affirmative defenses to a charge under Subsection (B) or (C) hereof.

(F) Whoever violates this Section is guilty of improperly handling firearms in a motor vehicle. Violation of Subsection (A) or (B) hereof is a misdemeanor of the first degree. Violation of Subsection (C) hereof is a misdemeanor of the fourth degree.

(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.(ORC 2923.16.)

549.05 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.
(ORC 2923.19.)

549.06 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, spring blade knife, gravity knife or similar weapon.
- (2) 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

Ohio R.C. 2923.17, 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.

- (3) 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.

(B) Whoever violates this Section is guilty of unlawful transactions in weapons. Violation of Subsections (A)(1) or (2) hereof is a misdemeanor of the second degree. Violation of Subsection (A)(3) hereof is a misdemeanor of the fourth degree. (ORC 2923.20.)

549.07 IMPROPERLY FURNISHING FIREARMS TO A MINOR.

(A) No person shall:

- (1) Sell any firearm to a person under age eighteen (18).
- (2) Sell any handgun to a person under age twenty-one (21).
- (3) Furnish any firearm to a person under age eighteen (18), except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this Section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree. (ORC 2923.21.)

549.08 FIREWORKS

(A) Definitions. As used in this section, unless otherwise provided:

- (1) "Beer" and "intoxicating liquor" have the same meanings given in Section 529.01.
- (2) "Class B and Class C fireworks" means fireworks classified as Class B and Class C fireworks by the State Fire Marshal in rules adopted pursuant to Ohio RC. 3743.05(A).
- (3) "Controlled substance" has the same meaning given in Section 513.01.
- (4) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in subsection (H) hereof.

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- (5) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage of manufactured fireworks by a manufacturer, takes place.
 - (6) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 through 3743.55.
 - (7) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 through 3743.08.
 - (8) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 through 3743.21 (ORC 3743.01)
- (B) Manufacturing.
- (1) No licensed manufacturer of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.05 or the requirements of Ohio R.C. 3743.06.
 - (2) No licensed manufacturer of fireworks shall fail to maintain complete inventory, wholesale sale or retail records, as required by Ohio R.C. 3743.07. or fail to permit inspection of these records or the premises of a fireworks plant pursuant to Ohio R.C. 3743.08.
 - (3) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(1), within the specified period of time.
 - (4) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08 (B)(2), until the nonconformities are eliminated, corrected or otherwise remedied or until the seventy-two hours period specified in that paragraph has expired, whichever first occurs.
 - (5) No person shall smoke or carry a lighted pipe, cigarette or cigar, or a match, lighter or other flame-producing item or open flame, on the premises of a fireworks plant, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer pursuant to Ohio R.C. 3743.06(C)
 - (6) No person shall have in his or her possession or under his or her control, or be under the influence of, any intoxicating liquor, beer or controlled substance while he or she is on the premises of a fireworks plant.
- (C) Wholesaling.
- (1) No licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.18 or the requirements of Ohio R.C. 3743.19.

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- (2) No licensed wholesaler of fireworks shall fail to maintain complete inventory, wholesale sale and retail records, as required by Ohio R.C. 3743.20, or fail to permit inspection of these records on the premises of wholesaler pursuant to Ohio R.C. 3743.21.
 - (3) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(1), within the specified period of time.
 - (4) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied, or until the seventy-two hour period has expired, whichever occurs first.
 - (5) No person shall smoke or carry a lighted pipe, cigarette or cigar, or a match, lighter, other flame-producing item or open flame, on the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a wholesaler pursuant to Ohio R.C. 3743.19(D).
 - (6) No person shall have in his or her possession or under his or her control, or be under the influence of, any intoxicating liquor, beer or controlled substance, while he or she is on the premises of a wholesaler of fireworks. (ORC 3743.61)
- (D) Purchasing and Transporting.
- (1) No person who resides in another state and purchases fireworks in this State shall obtain possession of the fireworks in this State unless the person complies with Ohio R.C. 3743.44. (Ord. 79-97. Passed 3-24-97.)
 - (2) No person who resides in another state and who purchases fireworks in this State shall obtain possession of fireworks in this State other than from a licensed manufacturer or wholesaler, or fail, when transporting the fireworks, to transport them directly out of this State within seventy-two hours after the time of their purchase. No such person shall give or sell to any other person in this State fireworks that the person has acquired in this State.
 - (3) No person who resides in this State and purchases fireworks in this State shall obtain possession of the fireworks in this State unless he or she complies with Ohio R.C. 3743.45.
 - (4) No person who resides in this State and who purchases fireworks in this State under Ohio R.C. 3743.45 shall obtain possession of fireworks in this State other than from a licensed manufacturer or licensed wholesaler,

or fail, when transporting the fireworks, to transport them directly out of this State within forty-eight hours after the time of their purchase. No such person shall give or sell to any other person in this State fireworks that the person has acquired in this State. (ORC 3743.63).

(E) Exhibitions.

- (1) No licensed exhibitor of fireworks shall fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.53(B).
- (2) No licensed exhibit of fireworks shall conduct a fireworks exhibition unless a permit has been secured from the Director of Public Safety-Service. Application for such permits shall be made to the Director and shall be issued under such reasonable regulations to protect the safety of persons or property as the Fire Chief may prescribed. In such cases parties in charge of such exhibitions shall be held strictly responsible for any damage to persons or properties resulting from the use of fireworks so used. Fireworks being held in storage for such exhibitions must be kept in a closed wooden box or tarpaulin until they are to be used.
- (3) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.
- (4) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have in his or her possession or under his or her control, or be under the influence of, any intoxicating liquor, beer or controlled substance, while he or she is on the premises on which the exhibition is being conducted.

(F) Possession, Sale, Discharge and Advertising; Falsification.

- (1) No person shall possess, possess for sale or sell fireworks in the Municipality, except a licensed manufacturer of fireworks, as authorize by Ohio R.C. 3743.02 through 3743.08, a licensed wholesaler of fireworks, as authorized by Ohio R.C. 3743.15 through 3743.21, an out-of-state resident, as authorized by Ohio R.C. 3743.44, a resident of this State, as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks, as authorized by Ohio R.C. 3743.50 through 3743.55, and except as provided in Ohio R.C. 3743.80.
- (2) Except as provide in subsection (h) hereof, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55, no person shall discharge, ignite or explode any fireworks in the Municipality.

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- (3) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulfur.
 - (4) No person shall knowingly make a false statement on a purchaser's form completed under Ohio R.C. 3743.07, 3743.20, 3743.44 or 3743.45.
 - (5) No person shall sell fireworks or sparklers of any kind to person under eighteen (18) years of age.
 - (6) No person shall advertise fireworks for sale. A sign located on a seller's premises identifying him or her as a seller of fireworks is not the advertising of fireworks for sale. (ORC 3743.65).
- (G) Transporting and Shipping.
- (1) No person shall transport fireworks in the Municipality except in accordance with rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.58.
 - (2) As used in this paragraph, "fireworks" includes only Class B and Class C fireworks.
 - (3) No person shall ship fireworks into the Municipality by mail, parcel post or common carrier, unless the person possesses a valid shipping permit under Ohio R.C. 3743.03, 3743.16 or 3743.51.
 - (4) No person shall ship fireworks within the Municipality by mail, parcel post or common carrier, unless the fireworks are shipped directly to the holder of a license issued under Ohio R.C. 3743.03, 3743.16 or 3743.51. (ORC 3743.66).
- (H) Exceptions. This section does not prohibit or apply to the following:
- (1) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
 - (2) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
 - (3) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
 - (4) The manufacture for, the transportation, storage, possession or use by, or sale to, the Armed Forces of the United States and the militia of this State of pyrotechnic devices;

- (5) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive materials are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or the manufacture, sale, possession, transportation, storage or use of those caps;
- (6) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models; or
- (7) The manufacture, sale, possession, transportation, storage or use of sparklers on a wire stick, as this term is defined in the regulations of the United States Department of Transportation (ORC 3743.80)

(I) Forfeiture and Disposal. Fireworks manufactured, sold, possessed, transported or used in violation of this section shall be forfeited by the violator. The Police Division shall dispose of seized fireworks pursuant to the procedures specified in Ohio R.C. 2933.41.

(J) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree, provided the offender has not previously been convicted of a violation of any of the provisions of this section. Punishment shall be as provided in Section 501.99. (ORC 3743.99(C)).

549.09 DROPPING STONES OR FLAMMABLES FROM BRIDGES; THROWING STONES.

(A) No person shall willfully throw, drop or cause to be thrown or dropped, a stone, or other hard substance, or a lighted cigarette, cigar or other flammable material from any bridge or part thereof, located in the City.
(Ord. 137-61. Passed 7-24-61.)

(B) No person shall willfully and maliciously throw, or by other means propel, a stone or other hard substance at or towards any person.

(C) No person shall willfully and maliciously throw a stone or other substance or shoot a missile at or from a railway car, train or locomotive, or a motorbus or other motor vehicle.
(Ord. 122-65. Passed 11-22-65.)

(D) Whoever violates this Section is guilty of a misdemeanor of the fourth degree.

549.10 DISCHARGING FIREARMS OR MISSILES; EXCEPTIONS.

(A) No person shall fire or shoot any cannon, gun, rifle, pistol, air gun or firearm of any kind, or make use of any sling, pea shooter, bow and arrow or other missile, within the City. The provisions of this Section shall not apply to:

- (1) any military company when drilling under the command of any officer thereof,
- (2) the use of firearms in the lawful defense of the person, family or property of any person and
- (3) the firing of pyrotechnics as set forth in (b) below.

(B) Permission for the firing of pyrotechnics limited to specialized fireworks such as screamers, bangers and shell crackers for the purpose of deterring prior nesting habits of fowl on rivers and ponds within the City limits shall be considered by the Director of Public Safety-Service for sanitary, health and safety reasons. These devices may be fired from a starters pistol or a twelve gauge shotgun between the hours of 6:00 p.m. and 8:00 p.m. Approval, in writing, from the Director of Public Safety Service is required prior to discharge of any of the above-described devices. Written notification of the proposed firing of pyrotechnics shall be made to property owners that are adjacent to the discharge site(s) prior to the beginning of the nest season.

(C) Whoever violates this Section is guilty of a misdemeanor of the third degree.

(Amended Ord. No. 202-02. Passed 12/16/02.)

549.11 CARRYING CERTAIN WEAPONS PROHIBITED.

(A) No person shall carry on or about his person any weapon known or designated as brass knuckles, billy, slingshot, sandbag, blackjack, stun guns, throwing stars, numbchucks, electric shock gun, or other weapon of similar character, or any knife fitted with a mechanical device for automatic release of he blade, opening the knife and locking the knife in the open position, commonly known as a switch or automatic spring knife, or any knife having a blade two and one-half (2-1/2) inches in length or longer, or any straight edge razor.

(B) This Section does not apply to any such weapons designated for use by officers of the law, or when a person is engaged in lawful business or pursuit justifying possession of such weapon.

(C) Whoever violates this Section is guilty of a misdemeanor of the first degree.(Ord. 38-91. Passed 6-10-91.)