

ORD. 755-99 Enacting a New Section 549.25 of the Toledo Municipal Code entitled "Certain Handguns Prohibited".

WHEREAS, inexpensive, poorly manufactured handguns are frequently used to commit criminal offenses; and

WHEREAS, small handguns have few legitimate uses but are easily concealed by those intending to commit crimes; and

WHEREAS, poorly made handguns are likely to discharge unintentionally when dropped; and

WHEREAS, the United States Code currently prohibits the importation of small, or poorly made handguns commonly referred to as "Saturday Night Specials"; NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 549.25 of the Toledo Municipal Code be enacted to read as follows:

549.25 "Certain Handguns Prohibited",

(A) The Possession or Sale of Handguns with the following characteristics is Prohibited:

(1) A revolver or single shot handguns which:

(a) Has an overall frame length with conventional grips, not measured diagonally of less than 4 ½"; or

(b) Has a barrel length of less than 3": or

(c) Fails to pass a safety test as follows:

A Double Action Revolver must have a safety mechanism which automatically (or in a Single Action Revolver by manual operation) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge or when not in lawful use an external locking or safety device which prevents the firearm from discharging; or

(d) Fails to achieve a score of forty-five (45) points as set forth in Appendix "A" of this Chapter;

(2) A semiautomatic handgun which

(a) Does not have a positive manually operated safety device or a double action trigger pull; or when not in lawful use an external locking or safety device which prevents the firearm from discharging, or;

(b) Has a combined length and height of less than 10" with the height (right angle measurement to barrel without magazine or extension) being at least 4" and the length being at least 6"; or

(c) Fails to achieve a score of seventy-five (75) points as set forth in Appendix "A" of this Chapter.

(B) No person shall sell, transfer, give, offer for sale or possess any Handgun described in "A" above.

(1) Whoever violates this Section is guilty of a misdemeanor of the first degree.

(C) Exceptions.

(1) Whether or not they are prohibited by "A" above, the following Handguns are exempted from this Ordinance:

(a) Any handgun which is an antique or relic firearm, acquired primarily for display or investment, and not for the purpose of firing.

(b) Any handgun which has been modified to either render it permanently inoperable or to make it a device no longer prohibited by "A" above.

(c) Any handgun possessed or used by a law enforcement officer or law enforcement agency or a handgun purchased by a retired Toledo Police patrol officer pursuant to Section 2129.90 or Toledo Police Command Officer pursuant to Section 2109.88.

(d) Any person who acquires ownership of a Handgun described in "A" above, by inheritance or otherwise by operation of law shall not be in violation of this ordinance if the person takes possession of such Handgun solely for the purpose of disposing of it, rendering it permanently inoperable, or permanently making it a device no longer described in this ordinance, provided that within 30 days of acquiring ownership the person in fact disposes of it, renders it permanently inoperable, or permanently converts it into a device no longer prohibited by this Ordinance.

(e) No person shall be subject to prosecution under any section of Chapter 549 who voluntarily presents a handgun for inspection to the Toledo Police Department or who is transporting the hand gun(s) for the purpose of having the handgun inspected or turning the handgun in. Any gun confiscated by the police pursuant to such an inspection will be held for at least 10 days for the owner to provide an address outside of the city where such gun can be shipped.

(f) Any handgun manufactured 50 or more years ago, or any handgun determined by the U.S.B.A.T.F to be a relic, or curio or replica of a relic or curio or any firearm that does not fire fixed ammunition. (e.g Black Powder Guns)

(g) Any person who acquires ownership of a "grandfathered" prohibited handgun (Handguns that had previously been in compliance by virtue of having been properly listed on a Handgun Acknowledgement form by an owner who had a valid Handgun

Identification Card) by inheritance or otherwise by operation of law shall not be in violation of this Ordinance, so long as they obtain a Handgun Identification Card and complete a Toledo Handgun Acknowledgment Form within 30 days of acquiring ownership.

(D) It shall be an affirmative defense to prosecution under this ordinance that at the time of the violation the offender possessed:

(1) a valid handgun owner's identification card; and

(2) a Toledo Handgun Acknowledgment form describing by make, model and serial number the handgun(s) which would otherwise be unlawful to possess under this ordinance and which form was signed by the person charged with the violation and acknowledged before a Notary Public on or before the effective date of this ordinance;

(E) The Toledo Handgun Acknowledgment form, Notice, and Appendix A shall be mailed to all persons who possess a Handgun Identification Permit.

SECTION 2.

(A) That this Ordinance shall be in force and effect from and after the 120th day after its passage.

(B) This ordinance shall expire and be of no further force and effect three years from the initial effective date.

Passed: September 28, 1999: yeas 7, nays 5.

ATTEST:

MICHAEL J. BEAZLEY
Clerk of Council

PETER UJVAGI

President of Council

Approved: October 1, 1999
CARLETON S. FINKBEINER
Mayor

**CITY OF TOLEDO
HANDGUN ACKNOWLEDGMENT FORM**

I _____, of _____ hereby
acknowledge I am currently in ownership of the following handguns;

	Serial Number	Caliber	Make	Model
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

Signature of Owner

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF
_____.

Notary Public

My Commission expires _____.

** When filling out the above form, all unused lines must be filled
by the notary with x's.

APPENDIX "A"

FACTORING CRITERIA FOR HANDGUNS

SEMI-AUTOMATIC HANDGUNS INDIVIDUAL CHARACTERISTICS	POINT VALUE
OVERALL LENGTH FOR EACH ¼" OVER 6"	1
FRAME CONSTRUCTION INVESTMENT CAST OR FORGED STEEL	15
INVESTMENT CAST OR FORGED HTS ALLOY OR POLYMER	20
WEAPON WEIGHT W/MAGAZINE (UNLOADED) PER OUNCE	1
CALIBER .22 SHORT AND 25 AUTO	0
.22 LR AND 7.65mm TO .380 AUTO	3
9mm PARABELLUM AND OVER	10
SAFETY FEATURES LOCKED BREECH MECHANISM	5
LOADED CHAMBER INDICATOR	5
GRIP SAFETY	3
MAGAZINE SAFETY	
TRIGGER SAFETY	5
FIRING PIN BLOCK OR LOCK	10
MISCELLANEOUS EQUIPMENT EXTERNAL HAMMER	2
DOUBLE ACTION	10
DRIFT ADJUSTABLE SIGHT	5
CLICK ADJUSTABLE SIGHT	10
TARGET GRIPS	5
TARGET TRIGGER	2

(QUALIFYING SCORE IS 75 POINTS)

REVOLVER AND SINGLE SHOT HANDGUNS INDIVIDUAL CHARACTERISTICS	POINT VALUE
BARREL LENGTH (MUZZLE TO CYLINDER FACE) LESS THAN 4"	0
FOR EACH ¼" OVER 4"	½
FRAME CONSTRUCTION INVESTMENT CAST OR FORGED STEEL	15
INVESTMENT CAST OR FORGED HTS ALLOY	20

WEAPON WEIGHT (UNLOADED)
PER OUNCE

1

CALIBER

.22 SHORT TO .25 ACP

0

.22 LR AND .30 TO .38 S&W

3

.38 SPECIAL

4

.357 MAG AND OVER

5

MISCELLANEOUS EQUIPMENT

ADJUSTABLE SIGHTS

(*DRIFT OR CLICK*)

5

TARGET GRIPS

5

TARGET HAMMER AND TARGET TRIGGER

5

(QUALIFYING SCORE IS 45 POINTS)

AUTO PISTOLS PROHIBITED

Ordinance No. 755-99

Accu-Tek AT-25
Accu-Tek AT-32
Accu-Tek AT-380
Accu-Tek BL-9/BL-380
Advantage Arms 422
American Arms PX-22 DA Automatic Pistol
American Arms PX-25 DA Automatic Pistol
American 25 Auto Pistol
American 380 Auto Pistol
AMT Backup Automatic Pistol
AMT Backup II Automatic Pistol
AMT Backup DAO
Astra 200 Firecat Vest Pocket Auto Pistol
Astra 202 Firecat Vest Pocket Auto Pistol
Astra 2000 Cub Vest Pocket Auto Pistol
Bauer 25 Auto Pistol
Baretta Model 20
Baretta Model 21
Baretta Model 950B
Baretta Model 950BS
Baretta Model 950CC
Bernardelli Vest Pocket Auto
Browning 25 Automatic Pistol
Bryco/Jennings Model J22/J25 Auto Pistol
Bryco/Jennings Model M25/M32/M38
Bryco/Jennings Model M58
Budischowsky TP-70 DA Automatic Pistol
Colt MKN/Series 80 Mustang 380 Auto
Colt MKN/Series 80 Mustang Plus II
Colt MKN/Series 80 Mustang Pocketlite
Colt Pocket Junior Model Automatic Pistol
CZ Duo Pocket Auto Pistol
Davis Model P-32
Davis Model P-380
Detonics Pocket 9
FN Browning Baby Auto Pistol
Galesi Model 6 Pocket Automatic Pistol
Galesi Model 9 Pocket Automatic Pistol
Grendel Model P-10 Automatic Pistol
Grendel Model P-12 Automatic Pistol
Intratec Model Pro Tec 22 DA Semiautomatic
Intratec Model Pro Tec 25 DA Semiautomatic
Iver Johnson Model TP-22 DA Automatic
Iver Johnson Model TP-25 DA Automatic
KBI Model PSP-25 Auto Pistol
Kel-Tec Model P-11 DAO Pistol

LEGEND
DA = Double Action
DAC - Double Action De-Cocker
DAO = Double Action Only
BBL = Barrel
ADJ = Adjustable Sights
SA = Single Action

AUTO PISTOLS PROHIBITED

Ordinance No. 755-99

North American Arms Guardian DAO Pistol
Phoenix Arms Model HP22/HP25 SA Auto Pistols
Phoenix Arms Model "Raven" SA Auto Pistols
Plainfield Model 71 Automatic Pistol
Seccamp Model LWS 25 DAO Pistol
Seccamp Model LWS 32 DAO Pistol
SIG/Sauer P-230
S&W 422 SA 4.5"/6" Barrel
Springfield Armory Lynx Auto Pistol
Sterling Model 287 PPL-380 Automatic Pistol
Sterling Model 300 PPL-380 Automatic Pistol
Sterling Model 300S PPL-380 Automatic Pistol
Sterling Model 302 PPL-380 Automatic Pistol
Sterling Model 302S PPL-380 Automatic Pistol
Sterling Model PPL-22 Automatic Pistol
Targa Model GT265 Auto Pistol
Taurus Model PT-22 DA Automatic Pistol
Taurus Model PT-25 DA Automatic Pistol
Unique Model L Automatic Pistol
Unique Model Mikros Pocket Automatic Pistol
Walther Model TPH DA Pocket Pistol

AUTO PISTOLS IN COMPLIANCE

Ordinance No. 755-99

AMT 1911 Style Pistols
Astra Mod A-80
Astra Mod A-90 DA
Astra Mod A-100 DA
Auto Ordnance 1911 A1
Beretta Mod 84B DA
Beretta Mod 86
Beretta Mod 92 DA
Beretta Mod 92D DA
Beretta Mod 92F Compact DA
Beretta Mod 92F DA
Beretta Mod 92F-EL DA
Beretta Mod 92SB DA
Beretta Mod 92SB-F DA
Beretta Mod 96
Bersa Thunder 9
Browning Hi-Power
Browning BDA DA
Browning BDA-380 DA
Colt 1911
Colt Mod 2000
Colt Commander & Lightweight
Colt MK11/Series 90/Commander
Colt Woodsman Match Target 4½"
Colt Woodsman Match Target 1st Issue
Coonan Arms 357 Mag. Auto Pistol
Daewoo DH40
Daewoo DH45
Daewoo DP51
Detonics Service Master
Glock Mod 17
Glock Mod 19
Glock Mod 20
Glock Mod 21
Glock Mod 22
Glock Mod 23
Glock Mod 24
Glock Mod 26 DA
Glock Mod 27 DA
Glock Mod 29
Glock Mod 30
Heckler & Koch P7K3
Heckler & Koch P7M8
Heckler & Koch P95 DA
Heckler & Koch USP
Heckler & Koch VP702

LEGEND
DA = Double Action
DAC - Double Action De-Cocker
DAO = Double Action Only
BBL = Barrel
ADJ = Adjustable Sig Sauerhts
SA = Single Action

AUTO PISTOLS IN COMPLIANCE

Ordinance No. 755-99

Hi-Point JS-9mm
Llama Large-Frame (1XA)
Llama M-82 DA
Magnum Research Desert Eagle (All Cal.)
Magnum Research Model One Pro 45
Ruger Mark I w/5.5" Untapered Barrel
Ruger Mark II w/6" Barrel
Ruger P-85
Ruger P-89
Ruger P-89 DAC/DAO
Ruger P-90
Ruger P-91DA
Ruger P-93 Compact
Russian PM Makarov
Sig Sauer Sauer P-220
Sig Sauer Sauer P-225
Sig Sauer Sauer P-226
Sig Sauer Sauer P-228
Sig Sauer P-229
Sig Sauer P-239
Smith & Wesson M-39
Smith & Wesson M-59
Smith & Wesson M-410
Smith & Wesson M-411
Smith & Wesson M-439
Smith & Wesson M-457
Smith & Wesson M-459
Smith & Wesson M-469
Smith & Wesson M-639
Smith & Wesson M-645
Smith & Wesson M-659
Smith & Wesson M-669
Smith & Wesson M-745
Smith & Wesson M-908/909/910
Smith & Wesson M-915
Smith & Wesson 1000 Series
Smith & Wesson 3904/3906
Smith & Wesson 3913/3914
Smith & Wesson 3953/3954
Smith & Wesson 4000 Series
Smith & Wesson 4500 Series
Smith & Wesson 5900 Series
Smith & Wesson Sig Sauerma SW9
Smith & Wesson 6900 Series
Taurus PT-58
Taurus PT-92 AF

*** THIS IS NOT AN ALL-INCLUSIVE LIST, BUT A GUIDE ***

AUTO PISTOLS IN COMPLIANCE

Ordinance No. 755-99

Taurus PT-92 AFC
Taurus PT-99 AF
Taurus PT-100 DA
Taurus PT-101 DA
Taurus PT-908
Walther PP
Walther PPK/s
Walther 88/Compact

REVOLVERS PROHIBITED (Including Derringers)

Ordinance No. 755-99

American Derringer Model 1 Stainless
American Derringer Model 2 Steel "Pen" Pistol
American Derringer Model 3
American Derringer Model 4
American Derringer Model 7
American Derringer Model 10
American Derringer Model 11
American Derringer Model 38 DA Derringer
American Derringer Cop DA Derringer
American Derringer Lady Derringer
American Derringer Mini-Cop DA Derringer
Charter Arms Bulldog 44 DA Revolver
Charter Arms Bulldog Police 38 Special
Charter Arms Bulldog Pug DA Revolver
Charter Arms Off-Duty
Charter Arms Undercover Models
Colt 38 DS 11 Revolver
Colt Agent DA Revolver 1st & 2nd Issue
Colt Cobra DA Revolver 1st & 2nd Issue
Colt Commando Special DA Revolver
Colt Detective
Feather Guardian Angel Derringer
Freedom Arms Mini-Revolver
Harrington & Richardson Revolvers *(Must be scrutinized as to barrel Length and Weight)*
High Standard Derringer
North American Arms Mini-Revolvers
Rossi Model 31 DA Revolver
Rossi Model 68 DA Revolver
Rossi Model 88 DA Revolver
Rossi Model 89 DA Revolver
Security Model PM357 DA Revolver
Security Model PPM357 DA Revolver
Security Model PSS38 DA Revolver
Smith & Wesson Model 12 38 M&P Airweight
Smith & Wesson Model 36 Chiefs Special
Smith & Wesson Model 37 Airweight Chiefs Special
Smith & Wesson Model 38 Airweight
Smith & Wesson Model 38 Bodyguard Airweight
Smith & Wesson Model 40 Centennial
Smith & Wesson Model 42 Centennial Airweight
Smith & Wesson Model 43
Smith & Wesson Model 49
Smith & Wesson Model 60
Smith & Wesson Model 63
Smith & Wesson Model 640 2", 2.1" BBL
Smith & Wesson Model 642

LEGEND
DA = Double Action
DAC - Double Action De-Cocker
DAO = Double Action Only
BBL = Barrel
ADJ = Adjustable Sights
SA = Single Action

REVOLVERS PROHIBITED (Including Derringers)

Ordinance No. 755-99

Smith & Wesson Model 649
Taurus Model 74 DA Revolver
Taurus Model 85 DA Revolver
Taurus Model 741/761 DA Revolver

*** THIS IS NOT AN ALL-INCLUSIVE LIST, BUT A GUIDE ***

REVOLVERS IN COMPLIANCE

Ordinance No. 755-99

Astra 357 DA 6" Barrel
Astra 41 DA 6" Barrel
Astra 44 DA 6" Barrel
Astra 45 DA 6" Barrel
Charter Arms Bulldog 357 DA
Charter Arms Bulldog Target DA
Charter Arms Bulldog Tracker 4" Barrel
Colt Anaconda DA
Colt Diamondback 22 LR/38 Cal.
Colt King Cobra 4" BBL
Colt Lawman MK111 4" BBL
Colt Python 6" BBL
Colt Trooper 4" BBL
Erma ER-772 Match 6" BBL
FIE Arminius DA Revolver 6" BBL 22 LR
FIE Titan Tiger DA 4" BBL
Hammerli 33 MP Free Pistol
Harrington & Richardson 22 Special DA
Harrington & Richardson 666 DA 6" BBL
Harrington & Richardson 676 DA 5.5 BBL
Harrington & Richardson 686 DA 4.5 BBL
Harrington & Richardson 732/733 DA 4" BBL Adj. Sights
Harrington & Richardson 826 DA 3" BBL
Harrington & Richardson 829/830 DA 3" BBL
Harrington & Richardson 832/833 3" BBL
Harrington & Richardson 900/901 6" BBL
Llama Comanche I/II/III
Llama Martial
Llama Super Comanche IV/V
Rossi 51 DA
Rossi 84 DA
Rossi 85 DA
Rossi 94 DA
Rossi 95
Rossi 515 DA
Rossi 720 DA
Rossi 841 DA
Rossi 851 DA
Rossi 971 DA
Ruger Speed Six
Ruger Police Service Six
Ruger Redhawk
Ruger Security-Six 4" BBL
Smith & Wesson 10 4" Heavy BBL
Smith & Wesson 13 Heavy BBL
Smith & Wesson 14 4" or Longer BBL

LEGEND
DA = Double Action
DAC = Double Action De-Cocker
DAO = Double Action Only
BBL = Barrel
ADJ = Adjustable Sights
SA = Single Action

REVOLVERS IN COMPLIANCE

Ordinance No. 755-99

Smith & Wesson 15 4" or Longer BBL
Smith & Wesson 17
Smith & Wesson 19 4" or Longer BBL
Smith & Wesson 20
Smith & Wesson 21
Smith & Wesson 23
Smith & Wesson 24
Smith & Wesson 25
Smith & Wesson 27
Smith & Wesson 28 Highway Ptlm.
Smith & Wesson 29
Smith & Wesson 48
Smith & Wesson 57
Smith & Wesson 58
Smith & Wesson 64
Smith & Wesson 65
Smith & Wesson 66
Smith & Wesson 547
Smith & Wesson 581
Smith & Wesson 586
Smith & Wesson 610
Smith & Wesson 617
Smith & Wesson 624
Smith & Wesson 625
Smith & Wesson 627
Smith & Wesson 629
Smith & Wesson 648
Smith & Wesson 657
Smith & Wesson 681
Smith & Wesson 696
Taurus 44 DA
Taurus 65 DA
Taurus 66 DA
Taurus 80 DA
Taurus 82 DA
Taurus 83
Taurus 84
Taurus 94
Taurus 431
Taurus 441
Taurus 669/669 VR
Thompson Center Contender
Dan Wesson