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MUNICIPAL ORDINANCE - OHIO

Ohioans for Concealed Carry, Inc. v. Columbus

Supreme Court of Ohio - December 18, 2020 - N.E.3d ----2020 WL 7409665 - 2020 -Ohio-6724

Gun rights organizations, allegedly composed of gun owners from across the state, filed complaint against city, seeking an injunction and declaratory relief against city ordinances.

The Court of Common Pleas granted activists' request for a permanent injunction enjoining enforcement of ordinance prohibiting the possession of certain firearm accessories, and denying injunctive relief regarding enforcement of ordinance prohibiting individuals convicted of domestic violence from possessing firearms.

The Tenth District Court of Appeals reversed and remanded. Plaintiffs' petition for discretionary review was granted.

The Supreme Court held that:

- Firearms statute did not provide basis for standing;
- Organizations did not have associational standing by virtue of one member's individual-taxpayer standing; and
- Organizations lacked standing to pursue relief under the Declaratory Judgment Act.

Firearms statute, which pertained to ensuring that laws throughout the state regarding right to bear arms were uniform, did not provide basis for gun rights activists to have standing, in declaratory judgment action, to challenge two firearms-related city ordinances that restricted the rights of individuals convicted of misdemeanor domestic-violence offenses from possessing firearms and prohibited "bump stocks" firearms accessories; even if statute implied a private right of action, that did not abrogate the need to establish standing, and plaintiffs' arguments that whether any of them owned or planned to own any of the several firearm components banned by the city did not show they had a personal stake in the outcome of the case.

Gun rights organizations, allegedly composed of firearm owners across the state, did not have associational standing, by virtue of one member's individual-taxpayer standing, to pursue taxpayer action for injunctive relief for allegedly unconstitutional city ordinances that restricted some individuals from possessing firearms and "bump-stocks" firearms accessories, where complaint did not allege that corporations were bringing the action on behalf of that member, but rather, made clear that corporations and their members were suing on behalf of themselves.

Gun rights organizations lacked standing to pursue relief under the Declaratory Judgment Act for allegedly unconstitutional city ordinances that restricted some individuals from possessing firearms and "bump stocks" firearms accessories, where complaint was devoid of any allegation signaling a significant possibility of future injury, as complaint did not contain allegations that organizations' members owned firearms with bump stocks or some other accessory that could be considered within purview of the bump-stocks ordinance, or that any members offered bump stocks for sale, nor did it

contain any allegations specific to the weapons-under-disability ordinance.

Gun rights organizations lacked standing to pursue relief under the Declaratory Judgment Act for allegedly unconstitutional city ordinances that restricted some individuals from possessing firearms and “bump stocks” firearms accessories, where complaint was devoid of any allegation signaling a significant possibility of future injury.

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