

AN ORDINANCE

BY: MRS. HILTON

NO. 4959

REPEALING CURRENT SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE OAKWOOD GENERAL OFFENSES CODE, AND ENACTING NEW SECTION 549.01, *SALE OR DISCHARGE OF FIREWORKS*, OF THE OAKWOOD GENERAL OFFENSES CODE, FOR THE PURPOSE OF ADDRESSING THE PROVISIONS OF H.B. 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN REGULATIONS AND PROHIBITIONS ON THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF H.B. 172.

WHEREAS, the Governor of Ohio recently signed H.B. 172, amending Ohio Revised Code 3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property, or if permitted, on another person's property on certain designated days of the year; and

WHEREAS, H.B. 172 also provides that pursuant to home rule authority, a city may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, Council finds that the possession, sale, or discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in residential and business areas; and

WHEREAS, the Oakwood Director of Public Safety recommends that Council opt out of H.B. 172, and reaffirm the existing ban on possessing, selling or discharging fireworks as set forth in Section 549.01 *et seq.* of the Codified Ordinances of the city of Oakwood, Ohio; and

WHEREAS, Council finds that it is in the best interests of the public to continue to ban the possession, sale or discharge of fireworks otherwise permitted in H.B. 172, as set forth in Section 549.01 *et seq.* of the Codified Ordinances of the city of Oakwood, Ohio; and

WHEREAS, Council has determined that the current Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code requires revision to reaffirm the existing ban on the possession, sale or discharge of fireworks otherwise permitted in H.B. 172; and

WHEREAS, Council has determined that the current Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code should be repealed in its entirety and replaced with a new Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Existing Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code, is hereby repealed.

SECTION II.

New Section 549.01, *Sale or Discharge of Fireworks*, of the Oakwood General Offenses Code, is hereby adopted to read as follows:

(a) No person shall possess fireworks in this City or shall possess for sale or sell fireworks in this City, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 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 to 3743.55 and Section 549.02.

(b) Except as provided in Ohio R.C. 3743.80 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 549.02, no person shall discharge, ignite or explode any fireworks in this City.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) All provisions of the Codified Ordinances of the City of Oakwood, Ohio, including but not limited to Chapter 549 concerning the possession, sale or discharge, ignition or exploding of fireworks, and all ordinances that regulate noise, disturbance of the peace and disorderly conduct, will remain in full force and effect regardless of the permission granted in H.B. 172 and the amendments to Ohio R.C. 3743.45.

(g) Whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION IV.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 6th day of June, 2022.



Mayor William D. Duncan

ATTEST:



Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.



City Attorney Robert F. Jacques