

ORDINANCE NO 49-2022

TITLE: FIREWORKS

AN ORDINANCE ADDRESSING THE PROVISIONS OF AMENDED SUBSTITUTE HB 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN THE REGULATIONS AND PROHIBITIONS ON THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF AMENDED SUBSTITUTE HB 172, AND DECLARING AN EMERGENCY.

WHEREAS: on October 27, 2021, the Ohio General Assembly passed Amended Substitute House Bill 172 (“HB 172”) concerning, among other things, the regulation, possession, discharge, ignition and exploding of fireworks in the State of Ohio; and

WHEREAS, Governor DeWine signed HB 172 into law on November 8, 2021; and

WHEREAS, various aspects of HB 172 will, without legislative action by Ohio municipalities and other governmental entities, permit the discharge, ignition and/or exploding of what are commonly referred to as “fireworks” on certain conditions and on certain days of the year; and

WHEREAS, provisions of HB 172 (including what is now RC 3743.45(D) and (E) and RC 3743.451(B)) expressly grant municipalities the home rule authority to retain all or any municipal ordinances that regulate and/or prohibit the discharge, ignition or exploding of fireworks and to retain all Ordinances that regulate noise, disturbance of the peace and disorderly conduct; and

WHEREAS, the discharge, ignition and/or exploding of fireworks poses a danger to the public and may cause injuries as well as property damage, especially in densely populated residential and business areas; and

WHEREAS, both Fire Chief Pursley and Police Chief Morber recommend that the Council of the City of Barberton opt-out of HB 172, and reaffirm the existing ban on discharging, igniting or exploding fireworks as set forth in Chapter 672.12 et seq. of the Codified Ordinances; and

WHEREAS, various portions of HB 172 will go into effect on July 1, 2022, including provisions concerning the right to possess, discharge, ignite and/or explode fireworks, thus making the prompt action on this ordinance an emergency measure.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That all provisions of Barberton Codified Ordinances, including but not limited to BCO 672.12 et seq., concerning the 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 permissions granted in HB 172;

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and

welfare of the City of Barberton and the inhabitants thereof, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed APRIL 11, 2022

Clerk of Council

President of Council

Approved _____ 2022

Mayor