

CITY OF MIDDLEBURG HEIGHTS, OHIO

33

Ordinance No. 2022-

Introduced By: Mr. McGregor Co-Sponsors: Mr. Sage, Mr. Bortolotto

**AN ORDINANCE
AMENDING CODIFIED ORDINANCE SECTION 672.12
TO PROHIBIT THE DISCHARGE, IGNITION OR EXPLOSION
OF FIREWORKS ON CERTAIN DAYS EACH YEAR**

WHEREAS, Substitute House Bill 172 was recently adopted by the Ohio General Assembly; and

WHEREAS, Governor DeWine recently signed Substitute House Bill 172 into law, amending Section 3743.45 of the Ohio Revised Code allowing the possession and discharge of consumer grade fireworks on certain designated days, and further allowing municipalities to restrict the dates and times of the use of consumer grade fireworks or to impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, the City desires to continue to regulate the possession, sale, discharge, ignition and/or explosion of fireworks; and

WHEREAS, the City desires to enact regulations to preserve residents' quiet enjoyment of their residential properties and ensure the safety of dense residential and business areas; and

WHEREAS, the City desires to impose a complete ban on the use of consumer grade fireworks with exceptions listed in Section 672.12(h) of the Middleburg Heights Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Section 672.12(f)(2) *Possession, Sale, Discharge and Advertising: Falsification*. shall be amended to read as follows:

(2) Except as provided in Ohio R.C. 3743.80 or a substantially similar municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially similar municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this Municipality, **including a prohibition of the discharge, ignition or explosion of fireworks purchased pursuant to Ohio R.C. Section 3743.45 intending to prohibit the discharge, ignition or explosion of fireworks on private property on any of the days set forth in Ohio R.C. Section 3743.45(b).**

Section 2: That Section 672.12(f)(6) *Possession, Sale, Discharge and Advertising: Falsification*. shall be amended to read as follows:

(6) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder shall possess 1.3G fireworks **or 1.4G fireworks** in this Municipality.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 4-12-22

Attest: M Meala
Clerk of Council

Presented to Mayor: 4-13-22

David Bortolotto
President of Council

Approved On: 4-13-22

Matthew Cash
Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Grech	<u>X</u>	_____

CERTIFICATE

I, Mary Ann Meala Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2022-33 passed on the 12th day of April 2022 by said Council.

Mary Ann Meala
Clerk of Council

I, Mary Ann Meala Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2022-33 adopted by the Council of the City of Middleburg Hts., on 4/12/22 was posted for a period of fifteen days, beginning 4/14/22 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meala
Clerk