

Proposed: 6/6/2022

ORDINANCE NO. 74-2022 (PSH), *First Reading*

By Mayor Seren

An Ordinance amending Section 1509.04(b) of the Codified Ordinances of the City of Cleveland Heights to prohibit the discharge, ignition, or explosion of fireworks at all times and dates, including certain days each year pursuant to State law; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Ohio General Assembly recently adopted Sub. House Bill 172;

WHEREAS, Sub. House Bill 172 amended Ohio R.C. 3743.45 to allow any person authorized to possess 1.4 G fireworks in Ohio to discharge, ignite, or explode those fireworks on private property on ten (10) specific days of the year;

WHEREAS, Sub. House Bill 172 expressly permits municipal corporations to restrict and/or ban the discharge, ignition, or explosion of fireworks within the municipality, including the specific days authorized by Ohio R.C. 3743.45; and

WHEREAS, this Council desires to continue to prohibit the discharge, ignition, or explosion of fireworks in the City in order to preserve the public health, safety, and welfare of the residents of the City of Cleveland Heights.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1: Section 1509.04(b) of the Codified Ordinances of the City of Cleveland Heights is hereby amended to read as follows:

1509.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

* * *

(b) Except as provided in Ohio R.C. 3743.80 or Section 1509.05 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 1509.02, no person shall discharge, ignite or explode any fireworks in this Municipality. Pursuant to Ohio R. C. 3743.45(D), this prohibition applies to ban the discharge, ignition, or explosion within this Municipality of all fireworks purchased pursuant to Ohio R.C. 3743.45 on all dates and at all times, including any and all of the dates set forth in Ohio R.C. 3743.45(B).

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SECTION 2. Subsection 1509.04(b) of the Codified Ordinances of the City of Cleveland Heights as it existed prior to the effective date of this Ordinance is hereby repealed.

SECTION 3. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to prohibit the discharge, ignition and explosion of fireworks on a timely basis as we move into the summer holiday season. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor