

VILLAGE OF ELMORE

ORDINANCE NO. 20-22

AN ORDINANCE AMENDING SECTION 1519.04(B) (FIREWORKS – POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS) OF THE VILLAGE OF ELMORE CODIFIED ORDINANCES

WHEREAS, Chapter 1519 of the Codified Ordinances of the Village of Elmore generally governs fireworks in the Village. In particular, Section 1519.04(b) states “no person shall discharge, ignite, or explode any fireworks in this Municipality”: and,

WHEREAS, on November 8, 2021, Governor Mike DeWine signed Amended Substitute House Bill 172 (HB 172). Known as the “Fireworks Bill,” HB 172 takes effect on July 1, 2022 and legalizes the private discharge of fireworks in Ohio on the following days:

- New Year’s Day
- Chinese New Year
- Cinco de Mayo
- Memorial Day weekend
- Juneteenth
- July 3rd, July 4th, and July 5th, as well as the Friday, Saturday, and Sunday preceding and following
- Labor Day weekend
- Diwali
- New Year’s Eve; and,

WHEREAS, despite the passage of House Bill 172, local jurisdictions are given the authority to restrict or eliminate the private discharge of consumer-grade fireworks. Specifically, HB 172 added R.C. 3743.45(D), which provides:

(D) A county with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following:

(1) Restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section.

(2) Ban the discharge, ignition, or explosion of fireworks purchased pursuant to this section; and,

WHEREAS, Council for the Village of Elmore now wants to amend Section 1519.04(b) to make clear its previous prohibition on discharging, igniting, or exploding fireworks in the Village continues and is consistent with, and made under, R.C. 3743.45(D)(2).

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELMORE, OHIO THAT:

Section 1. On and after July 1, 2022 and as allowed under R.C. 3743.45(D)(2), Section 1519.04(b) of the Village of Elmore Codified Ordinances shall be amended to read as follows:

(b) Notwithstanding anything to the contrary in R.C. 3743.45(B), except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite, or explode any fireworks in this Municipality.

Section 2. All other Sections and Sub-Sections of Chapter 1519 of the Codified Ordinances of the Village of Elmore shall remain unchanged, in effect, and enforceable.

Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

VOTES:

To pass

Yeas 5 Nays 0

Date: 08/08/2022



PRESIDENT OF COUNCIL

Approved: 


MAYOR



FISCAL OFFICER

FISCAL OFFICER'S CERTIFICATE AS TO PUBLICATION


This is to certify that publication of the foregoing Ordinance was duly made as provided in the Ohio Revised Code by publication in a newspaper of general circulation in Elmore, Ohio on the following date(s): Sept. 3, 2022



FISCAL OFFICER

FISCAL OFFICER'S CERTIFICATE AS TO AUTHENTICITY

I hereby certify that the foregoing Ordinance is a true copy of the aforesaid Ordinance No. 20-22 together with a true and accurate record of adoption by the Village of Elmore, Ohio.



FISCAL OFFICER

Prepared by Mark E. Mulligan, Solicitor for the Village of Elmore