

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

 Ordinance No. 17-2022

 Passed AUGUST 1, 2022

VILLAGE OF NAVARRE
STARK COUNTY, OHIO
ORDINANCE NO. 17-2022

AN ORDINANCE LIMITING USE OF FIREWORKS
WITHIN VILLAGE, AND ENACTING MUNICIPAL REGULATION 91.13

Whereas, on or about February 7, 2022, by House Bill 172, the General Assembly amended Chapter 3743 of the Ohio Revised Code to, in essence, to allow individuals to possess and set off consumer-grade fireworks on certain days each year, that include the Fourth of July, and

Whereas, House Bill 172 becomes effective July 1, 2022, and

Whereas, House Bill 172 further permits municipal corporations to restrict the days and times that persons may discharge consumer-grade fireworks or to impose a complete ban on the use of consumer-grade fireworks, and

Whereas, the Village of Navarre has previously adopted the Ohio Basic Code, published by American Legal Publishing, by reference, and to the extent its provisions do not conflict with other Navarre codified municipal regulations passed by Village Council, and

Whereas, many fire departments in Ohio are concerned about the use of such fireworks in municipal corporation with older homes, and homes in close proximity to each other, and with the overall general fire safety with such fireworks, in general, and

Whereas, many Ohio municipal corporations have enacted complete or partial bans on fireworks within their corporate limits in response to House Bill 172, and

Whereas, Village Council is concerned about the fire safety, and peace and tranquility within the Village,

Now Therefore, the Village Council of Navarre, Ohio Ordains as follows, and Enacts new Municipal Regulation 91.13

Section 90.13 – Use and possession of fireworks in the Village of Navarre

(A) As used in this section, terms shall have the meaning set forth below and as they may be defined in the Ohio Fire Code and in Ohio Revised Code, Section 3743.01:

(1) “1.3G fireworks” means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation “division 1.3” in Title 49, Code of Federal Regulations;

(2) “1.4G fireworks means consumer fireworks, including fountain devices as defined in Ohio Revised Code, Section 3743.01, consistent with regulations of the United States department of transportation as expressed using the designation “division 1.4” in Title 49, Code of Federal Regulations.

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(3) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in the Ohio Fire Code and Ohio Revised Code.

"Fireworks" does not include hand-held wire sparklers, toy caps for use in toy pistols, toy canes, and novelties and trick noisemakers, not containing more than an average of twenty-five hundredths (0.25) grains (sixteen (16) mg) of explosive composition per cap, provided they are so constructed that the hand cannot come in contact with the cap when it is in place for explosion.

(4) "Novelties and trick noisemakers" include the following items: (a) devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers (b) snakes or glow worms, (c) smoke devices, and (d) trick matches.

(5) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the items, and from which paper streamers are expelled when the item is ignited.

(6) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(7) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.

(8) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.

(9) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(B) No person shall possess fireworks in the Village or shall possess for sale or sell fireworks in the Village, except as specifically authorized by Ohio law.

(C) No person shall discharge, ignite or explode any 1.4G fireworks in the Village at any time.

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

(E) No person shall sell fireworks, sparklers, novelties or trick noisemakers of any kind to a person under eighteen years of age.

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(F) No person under eighteen years of age shall discharge, ignite or explode novelties, trick noisemakers or sparklers of any kind unless in the company of a person of at least eighteen years of age.

(G) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3G fireworks. No person shall discharge, ignite or explode display fireworks *1.3G) without a State license and a permit issued by the Fire Department pursuant to Section 901.07 of the Ohio Fire Code.

(H) No person shall negligently discharge, ignite, or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

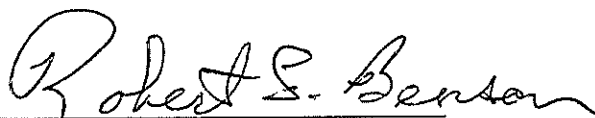
(I) Whoever violates any provision of this section 91.01 or any provision of the Ohio Fire Code relating to the sale, possession, exhibiting or exploding of fireworks is guilty of a misdemeanor of the first degree.

(J) To the extent any provision of the Ohio Basic Code, Sections 91.01 through 91.12 and 91.99, conflict with this Section 91.13, this Section 91.13 controls and applies.

First reading – June 20, 2022

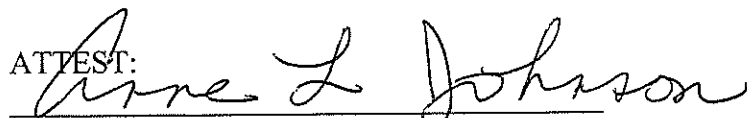
Second reading – July 18, 2022

Third reading and passed – August 1, 2022:



ROBERT L. BENSON, MAYOR

ATTEST:



ANNE C. JOHNSON, CLERK-TREASURER

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I, Anne L. Johnson, Clerk-Treasurer for the Village of Navarre, Ohio, do hereby certify that the forgoing is a true copy of Ordinance 17-2022 duly passed and adopted by the Council of the Village of Navarre on the 1st day of August, 2022 as compared by me with the original on file in my office.

Anne L Johnson

I, Anne L. Johnson, Clerk- Treasurer for the Village of Navarre, Ohio, do hereby certify that there is no newspaper in said Village and that publication of the above Ordinance was duly made by posting one copy thereof at the Village of Navarre's website, the Navarre Post Office and the Village Clean Laundromat and that said Ordinance will remain posted for at least fifteen days thereafter.

Anne L Johnson