

CITY OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 37 – 22

PASSED: June 27, 2022

AN ORDINANCE ENACTING SECTION 549.08, RELATING TO FIREWORKS SALE OR DISCHARGE, TO AUTHORIZE THE DISCHARGE OF 1.4G FIREWORKS ON PRIVATE PROPERTY DURING SPECIFIED DAYS, AND AMENDING SECTION 955.20, RELATING TO FIREWORKS AND EXPLOSIVES, 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, amends Ohio Revised Code Section 3743.45, effective July 1, 2022, to permit any person authorized to possess consumer grade fireworks and to discharge, ignite or explode (“discharge”) fireworks on their property, or if permitted, on another person’s property on certain designated days of the year; and,

WHEREAS, the discharge of consumer grade fireworks may cause significant disturbance of the public peace and residents’ quiet enjoyment of their homes if certain precautions are not taken and/or conditions met with regard to the time and location of the fireworks discharge; and,

WHEREAS, this Council finds that allowing the discharge of consumer fireworks but with certain restrictions and conditions is in the best interests of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, OHIO, THAT:

Section 1. Section 549.08 of the Obetz Codified Ordinances is hereby enacted to read as follows:

549.08 FIREWORKS SALE OR DISCHARGE.

- (a) Any person who intends to obtain possession in this State of 1.4G fireworks purchased in this State shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to this section.
- (b) Subject to the restrictions and limitations of subsection (E) below, any person authorized under this section to possess 1.4G fireworks in this State may discharge, ignite, or explode those fireworks on private property, with authorization from the property owner, on the following days each year:
 - (1) The first day of January (New Year’s Day);
 - (2) Chinese New Year’s Day;

- (3) The fifth day of May;
 - (4) The last Monday in May, and the Saturday and Sunday immediately preceding that day;
 - (5) The nineteenth day of June;
 - (6) The third, fourth, and fifth days of July;
 - (7) The first Friday, Saturday, and Sunday before and after the fourth day of July;
 - (8) The first Monday of September, and the Saturday and Sunday immediately preceding that day;
 - (9) Diwali;
 - (10) The thirty-first day of December (New Year's Eve).
- (c) Fireworks discharged, ignited, or exploded pursuant to this section shall not be considered a public exhibition.
- (d) For purposes of this Section, the term "1.4G fireworks" shall mean consumer fireworks 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.
- (e) Any discharge of 1.4G fireworks pursuant to this section shall be limited and restricted as follows:
- (1) Fireworks shall not be discharged after 11:00 PM except on New Year's Eve. On New Year's Eve, fireworks can be discharged until 12:30 AM on New Year's Day;
 - (2) Fireworks cannot be discharged in the front yard, directed toward neighboring properties, or directed toward the street; and,
 - (3) Property owner must clean up any debris that lands in the street or on neighboring properties.

Section 2. Section 955.20 of the Obetz Codified Ordinances is hereby amended to read as follows:

955.20 FIREWORKS AND EXPLOSIVES.

- (a) No person in a municipal park shall have in his/her possession or ignite any fireworks.
- (b) No person in a municipal park shall have in his/her possession or detonate any explosives or explosive devices.
- ~~(c) All fireworks displays shall be governed by and must comply with Chapter 3743 of the Ohio Revised Code and the penalties for any violations of Chapter 3743 are to be in accordance with Ohio Revised Code Section 3743.99.~~

Section 3. The foregoing Section 549.08 shall govern the discharge of 1.4G fireworks notwithstanding any other inconsistent provision of the Codified Ordinances of the City of Obetz.

Section 4. This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the need to meet the deadline of July 1st; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

Passed this 27 day of June, 2022.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

Angela M. Kirk
Angela M. Kirk, Mayor

Michael R. Flaherty
Michael Flaherty, Council President Pro-Tem

APPROVED AS TO FORM

Eugene Hollins
Eugene Hollins, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance 37-22 was duly posted at 1:00PM (time) on the 13 day of July, 2022, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.

Stacey Boumis
Stacey Boumis, Clerk

7/13/22
Date

