

CITY OF OBERLIN, OHIO

ORDINANCE No. 22-22 AC CMS

AN ORDINANCE REAFFIRMING THE PROHIBITION OF THE POSSESSION, DISCHARGE, IGNITION, OR EXPLOSION OF FIREWORKS IN THE CITY OF OBERLIN AS SET FORTH IN SECTION 1519.04 OF THE OBERLIN CODIFIED ORDINANCES NOTWITHSTANDING THE PROVISIONS OF H.B. 172 AS SIGNED INTO LAW

WHEREAS, Section 1519.04 of the Oberlin Codified Ordinances prohibits the possession, discharge, ignition, or explosion of “1.4G” or “consumer” fireworks (“1.4G Fireworks”) within the City of Oberlin, except by licensed fireworks exhibitors; and

WHEREAS, in 2021, pursuant to House Bill 172, the Ohio General Assembly amended Section 3743.45(d) of the Ohio Revised Code to authorize the possession of and the discharge, ignition, and explosion of 1.4G Fireworks on certain holidays by persons other than licensed fireworks exhibitors, effective July 1, 2022; and

WHEREAS, on November 8, 2021, the Governor of the State of Ohio signed H.B. 172; and

WHEREAS, pursuant to House Bill 172 and amended Section 3743.45(d) of the Ohio Revised Code, the legislature expressly reserved to municipalities the authority to ban the discharge, ignition, or explosion of 1.4G Fireworks within the municipal limits of the municipality, except by licensed fireworks exhibitors, notwithstanding the amended state law; and

WHEREAS, notwithstanding the provisions contained in H. B. 172 and amended section 3743.45(d) of the Ohio Revised Code that reserves to municipalities the authority to prohibit or restrict the detonation or discharge of fireworks, the power to legislate restrictions on fireworks is granted by Section 3 of Article XVIII of the Ohio Constitution regardless of legislative enactments that conflict with or purport to grant such authority; and

WHEREAS, this Council affirms that continuing the prohibition on the possession, discharge, ignition, or explosion of consumer-grade fireworks as set forth in Chapter 1519 of the Oberlin Codified Ordinances will serve to protect this health and safety and will promote the peace and well-being of the citizens of Oberlin.

WHEREAS, pursuant to the home rule authority granted to the City of Oberlin under Section 3 of Article XVIII of the Ohio Constitution, the City of Oberlin will continue to prohibit the possession, discharge, ignition, or explosion of 1.4 G fireworks within the City in accordance with the existing provisions of Section 1519.04 of the Oberlin Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, COUNTY OF LORAIN, STATE OF OHIO:

SECTION 1. That notwithstanding amended Section 3743.45(B) of the Ohio Revised Code, effective July 1, 2022, or any other provision of state law which authorizes the possession, discharge, ignition, or explosion of 1.4G fireworks, no person other than a licensed fireworks exhibitor is permitted to possess, discharge, ignite or explode 1.4G fireworks within the limits of the City of Oberlin as is provided in Section 1519.04 of the Oberlin Code of Ordinances.

SECTION 2: That the publisher of the Codified Ordinances of the City of Oberlin is authorized and directed to integrate existing Section 1519.04 of the Codified Ordinances of the City of Oberlin at the time of the next update of the Codified Ordinances, which update will subsequently be enacted by the Council of the City of Oberlin.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect and be in force and effect from and after July 1, 2022.

PASSED: 1st Reading: April 4, 2022
 2nd Reading: April 18, 2022
 3rd Reading: May 2, 2022

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 05/03/2022

EFFECTIVE DATE: 07/01/2022