

By:.....

No: 31957-21.....

AN ORDINANCE

**DRAFT**

Enacting R.C.G.O. Section 137.20  
Regarding the Ban of Fireworks in the City  
of Dayton on Account of the Passage of  
House Bill 172 into Law.

**WHEREAS**, Over the last several years, especially during the COVID-19 pandemic, the City of Dayton has experienced a proliferation of fireworks use in its neighborhoods; and

**WHEREAS**, With the passage of House Bill 172 into law, the discharge of fireworks on some holidays will now be legal, however with the discretion of cities within the state of Ohio to determine their own laws for the benefit of their citizens; and

**WHEREAS**, The unsafe and illegal discharge of fireworks poses a significant danger to the public and can cause serious injuries as well as significant property damage; and

**WHEREAS**, The City of Dayton receives numerous complaints every year from citizens regarding illegal firework use on the grounds of noise and nuisance; and

**WHEREAS**, The use of fireworks disturbs the peace, tranquility, and wellbeing of residents in the City of Dayton and their pets; and

**WHEREAS**, The Commission, in order to preserve the peace, tranquility, and wellbeing of its residents and communities, wishes to maintain the prohibition on the discharge, ignition, or explosion of fireworks within the City's territorial limits, and;

**WHEREAS**, The Revised Code of General Ordinances must be amended to include the aforementioned prohibition of the discharge, ignition, or explosion of fireworks within the City's territorial limits; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

**Section 1.** That this Commission hereby prohibits the discharge, ignition, or explosion of fireworks pursuant to its home rule authority and per Section 3743.45 of the Ohio Revised Code.

**Section 2.** That Section 137.20 of the Revised Code of General Ordinances of the City of Dayton is hereby enacted to read as follows:

- (A) No person shall discharge, ignite, or explode fireworks within the territorial limits of the City.
- (B) This prohibition is intended to operate to the furthest extent possible pursuant to Ohio Revised Code Section 3743.45.

- (C) As used herein, the term “fireworks” has the same meaning as “1.4G fireworks” as defined in R.C. 3743.01. This definition shall not include “novelties and trick noisemakers” or “wire sparklers” as those terms are defined in R.C. 3743.01.
- (D) The prohibition described in subsection (A) shall not apply to a licensed fireworks exhibitor in the exhibition of a public fireworks display approved by the City.

ADOPTED BY THE COMMISSION....., 2021

SIGNED BY THE MAYOR....., 2021

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Mayor of the City of Dayton, Ohio

ATTEST:

\_\_\_\_\_  
Clerk of Commission

APPROVED AS TO FORM:

*John M. ... for*  
\_\_\_\_\_  
City Attorney