

ORDINANCE 2022-05

INTRODUCED BY: VICE MAYOR WEISS

**AN ORDINANCE ENACTING CODIFIED ORDINANCE
CHAPTER 1615 ENTITLED "FIREWORKS."**

WHEREAS, the City wishes to regulate the practice possession, sale, and use of fireworks;

WHEREAS, the City wishes to enact regulations to preserve the citizens' quiet enjoyment of their residential properties and ensure the safety of dense residential and business areas;

WHEREAS, Governor DeWine recently signed House Bill 172 into law, allowing any person authorized to possess consumer grade fireworks to discharge them on their own property or on another person's property with permission on the certain designated days, and further allowing local municipalities to restrict the dates and times that individuals may discharge consumer-grade fireworks or to impose a complete ban on the use of consumer-grade fireworks; and

WHEREAS, the Council wishes to impose a complete ban on the use of consumer grade fireworks, and further wishes to except from said ban on fireworks certain categories of toy or trick devices that contain minute levels of combustible materials;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of University Heights, State of Ohio:

Section 1. The Council hereby enacts Codified Ordinance Chapter 1615 entitled "Fireworks," which shall read in its entirety as follows:

CHAPTER 1615 -- FIREWORKS

1615.01 Definitions

1615.02 Possession, Sale or Discharge Prohibited

1615.03 Exceptions

1615.04 Penalty

1615.01 DEFINITIONS.

As used in this chapter, terms shall have the meaning set forth below:

(a) "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.

(b) "Novelties and trick noisemakers" include the following items:

(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

(c) "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 item, and from which paper streamers are expelled when the item is ignited.

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

(e) "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.

(f) "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.

(g) "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.

1615.02 POSSESSION, SALE OR DISCHARGE PROHIBITED.

(a) No person shall possess fireworks in the City or shall possess for sale or sell fireworks in the City, except as permitted by licensure under applicable Ohio law.

(b) Except as specifically authorized by Section 1615.03 hereof, no person shall discharge, ignite or explode any fireworks in the City.

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

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

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

1615.03 EXCEPTIONS.

This Chapter does not prohibit or apply to the following

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for aviation or highway use.

(b) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals for ceremonial purposes.

(c) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps.

(d) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models.

(e) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

1615.04 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This ordinance shall take effect on the earliest date allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: _____

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR