

ORDINANCE NO.: 22-1201

AN ORDINANCE AMENDING SECTION 1519.04 POSSESSION, SALE OR DISCHARGE PROPHIBITED, EXCEPTIONS OF CHAPTER 1519 FIREWORKS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RUSSELLS POINT, AND DECLARING AN EMERGENCY

WHEREAS, Chapter 1519 Fireworks of the Codified Ordinances of the Village of Russells Point generally governs fireworks in the Village. Section 1519.04(b) Possession, Sale or Discharge Prohibited; Exceptions, states, in its entirety:

Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

and;

WHEREAS, on November 8, 2021, Governor Mike DeWine signed Amended Substitute House Bill 172 ("HB 172"). HB 172, known as the "Fireworks Bill," takes effect on July 1, 2022 and legalizes the private discharge of fireworks in Ohio on the following days:

- New Year's Day
- Chinese New Year
- Cinco de Mayo
- Memorial Day weekend
- Juneteenth
- July 3rd, July 4th and July 5th as well as the Friday, Saturday, and Sunday preceding and following
- Labor Day weekend
- Diwali
- New Year's Eve

and;

WHEREAS, the Fireworks Bill empowers local jurisdictions with authority to restrict (by dates and times) or ban the private discharge of consumer-grade fireworks. The Fireworks Bill states:

(D) A county with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following:

(1) Restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section.

(2) Ban the discharge, ignition, or explosion of fireworks purchased pursuant to this section.
R.C. 3743.45(D).

and;

WHEREAS, Council for the Village of Russells Point desires to amend Village of Russells Point Codified Ordinance, Section 1519.04(b), to continue its current ban disallowing all people, except licensed exhibitors of fireworks, from discharging, igniting, or exploding fireworks in the Village of Russells Point, under the Fireworks Bill, R.C. 3743.45(D)(2), effective July 1, 2022.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Russells Point, County of Logan, State of Ohio:

SECTION 1: In accordance with R.C. 3743.45(D), effective July 1, 2022, the Village of Russells Point Codified Ordinance Section 1519.04 shall be amended to read as follows:

**1519.04 POSSESSION, SALE OR DISCHARGE
PROHIBITED; EXCEPTIONS.**

- (a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

- (b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality. ***This ban prohibiting any person from discharging, igniting, and exploding any fireworks in this Municipality continues to remain in force and have full effect pursuant to RC 3743.45(D).***

- (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.
- (c) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.
- (d) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(ORC 3743.45; ORC 3743.65)

SECTION 2: Except as amended herein, all other Sections and Sub-Sections of Chapter 1519 of the Codified Ordinances of the Village of Russells Point shall remain unchanged, in effect, and enforceable.

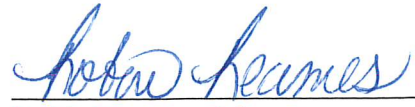
SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Shawnee Hills which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 4: Any past legislation inconsistent with this Ordinance is hereby repealed regarding the inconsistent part or parts only.

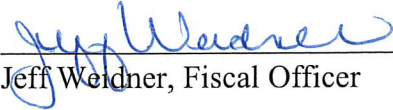
SECTION 5: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this Village as dictated by the Ohio General Assembly.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law, on July 1, 2022.

Passed in Council this 30th day of June 2022.



Robin Reames, Mayor

ATTEST: 
Jeff Weidner, Fiscal Officer

APPROVED:

Approved as to form this 24th day of June, 2022.



Lynnette Dinkler, Esq.
Village Solicitor