

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 22-61

INTRODUCED BY: Wos, Dietrich

AN ORDINANCE ADDRESSING THE PROVISIONS OF AMENDED SUBSTITUTE H.B. 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN THE REGULATIONS AND PROHIBITIONS ON THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF AMENDED SUBSTITUTE H.B. 172, AND DECLARING AN EMERGENCY

WHEREAS: On October 27, 2021, the Ohio General Assembly passed Amended Substitute House Bill 172 (“H.B. 172”) concerning, among other things, the regulation, possession, discharge, ignition and exploding of fireworks in the State of Ohio; and

WHEREAS: Governor DeWine signed H.B. 172 into law on November 8, 2021; and

WHEREAS: Various aspects of H.B. 172 will, without legislative action by Ohio municipalities and other governmental entities, permit the discharge, ignition and/or exploding of what are commonly referred to as “fireworks” on certain conditions and on certain days of the year; and

WHEREAS: Provisions of H.B. 172 (including what is now RC 3743.45(D) and (E) and RC 3743.451(B)) expressly grant municipalities with home rule authority the right to retain all or any municipal ordinances that regulate and/or prohibit the discharge, ignition or exploding of fireworks and to retain all Ordinances that regulate noise, disturbance of the peace and disorderly conduct; and

WHEREAS: The discharge, ignition and/or exploding of fireworks poses significant danger to the public and will cause injuries as well as property damage, especially in densely populated residential areas; and

WHEREAS: Council desires to opt-out of H.B. 172 before its provisions take effect and to reaffirm the existing ban on discharging, igniting or exploding fireworks as set forth in Section 672.10 of the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1. All existing ordinances of the City of North Royalton that govern the possession, discharge, ignition and/or explosion of fireworks are hereby reaffirmed and ratified and shall be in full force and effect as permitted by the terms of H.B. 172 and the Ohio Revised Code and the City of North Royalton affirmatively opts out of the provisions of H.B. 172 that would and do otherwise allow for the use of fireworks as specified therein.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to regulate the possession, discharge, ignition and/or explosion of fireworks for the safety and protection of all and to do so before the effective date of H.B. 172.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: May 4, 2022

DATE APPROVED: May 9, 2022

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading April 5, 2022
Second reading April 19, 2022
Third reading May 4, 2022

YEAS: Marnecheck, Nickell, Barath, Krejci,
Dietrich

NAYS: Carbone-McDonald, Wos