

ORDINANCE NO. 2022-11

**AN ORDINANCE
PROHIBITING THE DISCHARGE, IGNITION, OR EXPLOSION
OF FIREWORKS WITHIN ORANGE VILLAGE, AND
DECLARING AN EMERGENCY.**

WHEREAS, under existing state law the discharge, ignition, or explosion of “1.4G” or “consumer” fireworks (“1.4G Fireworks”) are prohibited within the Village of Waite Hill, except by licensed fireworks exhibitors; and

WHEREAS, in 2022, pursuant to House Bill 172, the Ohio General Assembly amended Section 3743.45 of the Ohio Revised Code to authorize 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, pursuant to House Bill 172 and amended Section 3743.45(D) of the Ohio Revised Code, municipalities are expressly reserved 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, the Council of the Village of Waite Hill desires to continue to maintain the peace and safety of the Village by prohibiting the discharge, ignition, or explosion of 1.4G Fireworks within the Village of Waite Hill, except by licensed fireworks exhibitors, consistent with the authority enacted by House Bill 172, as found in amended Section 3743.45(D) of the Ohio Revised Code, effective July 1, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF WAITE HILL, LAKE COUNTY, 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 discharge, ignition, or explosion of 1.4G fireworks, no person other than a licensed fireworks exhibitor is permitted to discharge, ignite, or explode 1.4G fireworks within the limits of the Village of Waite Hill.

SECTION 2. “1.4G fireworks” means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.4” in Title 49, Code of Federal Regulations. This definition does not include “novelties and trick noisemakers” or “wire sparklers” as those terms are defined in Section 3743.01 of the Ohio Revised Code.

SECTION 3. That a violation of Section 1 of this ordinance is a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each offense thereafter.

SECTION 4. That the publisher of the Codified Ordinances of the Village of Waite Hill is authorized and directed to integrate this ordinance into the Codified Ordinances of Waite Hill in its usual and customary manner, and in a manner which does not conflict with any general law of the State of Ohio, at the time of the next update of the Codified Ordinances, which update will subsequently be enacted by the Council of the Village of Waite Hill.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation 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 action were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of Waite Hill.

SECTION 6. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Waite Hill and, further, provides for the passage of this legislation pursuant to the July 1, 2022 effective date of the Ohio General Assembly’s amended Section 3743.45 of House Bill 172, of the Ohio Revised Code to authorize the discharge, ignition and explosion of 1.4G Fireworks.

PASSED: _____, 2022

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2022

Approved by the Mayor

ATTEST:

_____, 2022

Clerk-Treasurer

Mayor