

ORDINANCE NO.: Mr. Kelly  
INTRODUCED BY: 22-14

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE SECTION 549.11 REGARDING**  
**FIREWORKS, AND DECLARING AN EMERGENCY**

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

**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; and

**WHEREAS**, The Governor recently signed House Bill 172 into law amending Ohio Revised Code 3743.45 effective July 1, 2022, 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**, this Council wishes continue the present ban on the use of consumer-grade fireworks as defined in our code;

**NOW THEREFORE BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 549.11 which presently reads as follows:

**549.11 - Fireworks sale, possession or discharge prohibited; exception.**

- (a) No person shall sell, possess for sale, or offer for sale any fireworks, as defined in Section 549.10.
- (b) No person shall unlawfully and knowingly have in his possession or under his control any fireworks, as defined in Section 549.10.
- (c) No person shall carry on or about his person or in any vehicle owned or used by such person any fireworks, as defined in Section 549.10.
- (d) No person shall unlawfully and knowingly discharge, explode or ignite, or cause the discharge, explosion or ignition of any fireworks, as defined in Section 549.10, except as provided in subsection (e) hereof.

(Ord. 72-201. Passed 12-21-72.)

- (e) Nothing in this section shall prohibit the Fire Chief from permitting pyrotechnical displays of fireworks or the firing of any gun or cannon as part of such fireworks display, when the Chief has been duly authorized and directed by resolution of Council and the applicant obtains a permit, pays a permit fee and provides an indemnity bond or proof of insurance coverage as required by Ohio R.C. 3743.54.

(f) Whoever violates this section is guilty of a misdemeanor of the third degree.

**be and the same is amended to read:**

**549.11 - Fireworks sale, possession or discharge prohibited; exception.**

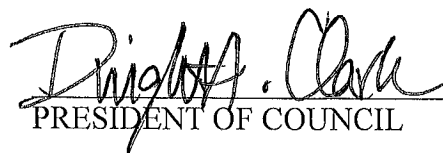
- (a) No person shall sell, possess for sale, or offer for sale any fireworks, as defined in Section 549.10, including but not limited to, those purchased or obtained pursuant to Ohio R.C. 3745.45 and any amendments thereto.
- (b) No person shall unlawfully and knowingly have in his possession or under his control any fireworks, as defined in Section 549.10, including but not limited to, those purchased or obtained pursuant to Ohio R.C. 3745.45 and any amendments thereto.
- (c) No person shall carry on or about his person or in any vehicle owned or used by such person any fireworks, as defined in Section 549.10, including but not limited to, those purchased or obtained pursuant to Ohio R.C. 3745.45 and any amendments thereto.
- (d) No person shall unlawfully and knowingly discharge, explode or ignite, or cause the discharge, explosion or ignition of any fireworks, as defined in Section 549.10, except as provided in subsection (e) hereof, including but not limited to, those purchased or obtained pursuant to Ohio R.C. 3745.45 and any amendments thereto.
- (e) Nothing in this section shall prohibit the Fire Chief from permitting pyrotechnical displays of fireworks or the firing of any gun or cannon as part of such fireworks display, when the Chief has been duly authorized and directed by resolution of Council and the applicant obtains a permit, pays a permit fee and provides an indemnity bond or proof of insurance coverage as required by Ohio R.C. 3743.54.
- (f) Whoever violates this section is guilty of a misdemeanor of the third degree.

**and present Section 549.11 is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: February 22, 2022

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

APPROVED: February 22, 2022



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MAYOR

021422 jt