

RECORD OF ORDINANCES

Ordinance
Resolution No. 2022-41

Passed June 1, 2022

SPONSOR: SAFETY COMMITTEE

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 91.02(B) AND BANNING THE USE OF CONSUMER GRADE FIREWORKS, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Mogadore wishes to regulate the practice possession and use of consumer-grade fireworks; and,

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

WHEREAS, it is in the best interest and safety of the residents of the Village of Mogadore to amend Section 91.02(B) and,

WHEREAS, the General Assembly recently passed and Governor 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 impose a complete ban on the use of consumer-grade fireworks Ohio R.C. 3743.45; and,

WHEREAS, this Council wishes to continue the regulation of consumer-grade fireworks as defined in the Village of Mogadore's Codified Ordinance Section 91.02;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: That Section 91.02(B) of the Village's Codified Ordinances be amended to provide as follows:

Except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. §§ 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this municipality. **Pursuant to Ohio R.C. 3743.45(D)(2), this prohibition applies throughout the year to ban the discharge, ignition, or explosion of all fireworks purchased pursuant to Ohio R.C. 3743.45, including on those dates set forth in Ohio R.C. 3743.45(B).**

SECTION 2: That Codified Ordinance Section 91.02(B), as it existed prior to the effective date of this Ordinance, is hereby repealed and rescinded.

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SECTION 3: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

SECTION 4: That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in a duly noticed, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure necessary for conformity with the Ohio Revised Code, the timely and immediate implementation of these changes to the Codified Ordinances before the effective date of House Bill 172 (i.e. July 1, 2022), the preservation of the public peace, health, and safety of the Village's residents by minimizing noise and physical harm, and to allow for the continued safe and effective operations of the Village Police Department, Village Fire Department and other departments and shall, therefore, take effect and be in force from and immediately after its passage.

 6-1-22

~~President of Council~~
President Pro-Temp

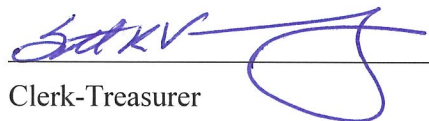
Date

 6-1-22

Mayor
Mayor Acting

Date

Attest:


Clerk-Treasurer