

ORDINANCE NO. 10-2022

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO OPTING-OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE CITY OF NEW PHILADELPHIA, AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA, AND DECLARING AN EMERGENCY.

WHEREAS, the Governor recently signed H.B. 172, amending Ohio Revised Code 3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property, or if permitted, on another person's property on certain designated days of the year; and

WHEREAS, H.B. 172 also provides that pursuant to home rule authority, a city may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, this Council finds that continuing the ban on the discharge of consumer grade fireworks, as set forth in Chapter 1519 of the Codified Ordinances, will best protect the public's right to the quiet enjoyment of their premises; and

WHEREAS, this Council finds that the unsafe and illegal discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in densely populated residential and business areas; and

WHEREAS, both Fire Chief Parrish and Police Chief Goodwin strongly recommend that the Council of the City of New Philadelphia opt-out of H.B. 172 and reaffirm the existing ban on discharging, igniting or exploding fireworks set forth in Chapter 1519 of the Codified Ordinance; and

WHEREAS, the Administration and Council of the City of New Philadelphia finds that it is in the best interests of the public to continue to ban the discharge, ignition and explosion of fireworks otherwise permitted in H.B. 172, as set forth in existing Chapter 1519 of the Codified Ordinances of the City of New Philadelphia.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Philadelphia, State of Ohio:

SECTION 1. That the Council of the City of New Philadelphia expressly opts-out of the provisions set forth in H.B. 172, and reaffirms the ban on discharging, igniting or exploding fireworks as set forth in Chapter 1519 of the Codified Ordinances of the City of New Philadelphia.

SECTION 2. That 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 of any of its committees that resulted

in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department and for the further reason that opting-out of the provisions of H.B. 172 should occur prior to the first holiday of the warm-weather season. 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.

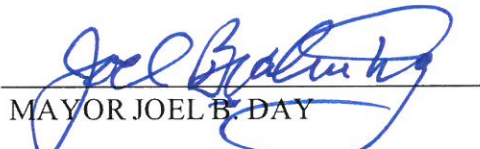
PASSED: May 9, 2022


DONALD C. KEMP
PRESIDENT OF COUNCIL

ATTEST:


JULIE COURTRIGHT
CLERK OF COUNCIL

APPROVED:


MAYOR JOEL B. DAY

SPONSORED BY: SAFETY, HEALTH, AND SERVICES COMMITTEE