

## ORDINANCE 17-22

AN ORDINANCE RETAINING THE HOME RULE AUTHORITY TO RETAIN ALL MUNICIPAL ORDINANCES THAT REGULATE AND/OR PROHIBIT THE POSSESSION, DISCHARGE, IGNITION, AND/OR EXPLODING OF FIREWORKS AND TO RETAIN ALL ORDINANCES THAT REGULATE NOISE, DISTURBANCE OF THE PEACE, AND DISORDERLY CONDUCT BY OPTING OUT OF AMENDED SUBSTITUTE HOUSE BILL 172 AND REAFFIRMING THE EXISTING BAN ON THE POSSESSION, SALE OR DISCHARGE OF FIREWORKS AS SET FORTH IN CHAPTER 1519 OF THE CITY OF PORT CLINTON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, on October 27, 2021, the Ohio General Assembly passed Amended Substitute House Bill 172 ("HB 172") concerning, among other things, the regulation, possession, discharge, ignition and/or exploding of fireworks in the State of Ohio; and

WHEREAS, Governor DeWine signed HB 172 into law on November 8, 2021; and

WHEREAS, HB 172 permits the possession, discharge, ignition, and/or exploding of what are commonly referred to as fireworks under certain conditions and on certain days of the year; and

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

WHEREAS, the possession, discharge, ignition, and/or exploding of fireworks poses a danger to the public and may cause injuries as well as property damage, especially in densely populated residential and business areas; and

WHEREAS, the Fire Chief and the Police Chief recommend that the Council of the City of Port Clinton opt out of HB 172 and reaffirm the existing ban on the possession, sale or discharge of fireworks as set forth in Chapter 1519 of the Codified Ordinances, attached hereto as Exhibit A; and

WHEREAS, various portions of HB 172 will go into effect on July 1, 2022, including provisions concerning the right to possess, discharge, ignite and/or explode fireworks, thus making prompt action by Council necessary.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. That all provisions of Chapter 1519 of the Port Clinton Codified Ordinances, including but not limited to Section 1519.04(a) concerning the possession, sale or discharge of fireworks, and all Ordinances that regulate noise disturbance of the peace and disorderly conduct will remain in full force and effect regardless of the permissions granted in HB 172.

Section 2. 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 committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety, and for the further reason that because various portions of HB 172 will go into effect on July 1, 2022, including provisions concerning the right to possess, discharge, ignite, and/or explode fireworks; wherefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor