

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2022-03 Passed JUNE 7, 2022, 2022

AN ORDINANCE REAFFIRMING THE BAN ON POSSESSING, SELLING, OR DISCHARGING FIREWORKS IN THE CITY OF BROOKVILLE, AS SET FORTH IN SECTION 1519.04 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, PURSUANT TO OHIO REVISED CODE SECTION 3743.45.

WHEREAS, Substitute House Bill 172 was recently adopted by the Ohio General Assembly, 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, Council finds that continuing the ban on the possession, sale, or discharge of fireworks, as set forth in Section 1519.04 of the Codified Ordinances, will best protect the public's right to the quiet enjoyment of their premises; and

WHEREAS, Council further finds that it is in the best interests of the public to continue to ban the possession, sale, or discharge of fireworks otherwise permitted in H.B. 172, as set forth in Section 1519.04 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The City Council hereby reaffirms its ban on possessing, selling, or discharging fireworks in the City of Brookville as set forth in 1519.04 of the Codified Ordinances of the City of Brookville, pursuant to Ohio Revised Code Section 3743.45.

SECTION II: Section 1519.04 (a) of the Code of Ordinances, is hereby amended in its entirety to read as follows:

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorize by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 of this Chapter 1519 and except as provided in Section 1519.05 of this Chapter 1519.

SECTION III: Section 1519.04(b) of the Code of Ordinances is hereby amended in its entirety to read as follows:

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 of this Chapter 1519, no person shall discharge, ignite, or explode any fireworks in this Municipality, including a prohibition of the discharge, ignition or explosion of fireworks purchased pursuant to Section Ohio R.C. 3743.35, intending to prohibit the discharge, ignition or explosion of fireworks on private property on any of the days set forth in Ohio R.C. 3743.45(b).

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SECTION IV: Section 1519.04(e) of the Code of Ordinances is hereby amended in its entirety to read as follows:

(e) Except as otherwise provided in Ohio R.C. 3743.44 , no person other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks of 1.4 G fireworks.

SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this 7TH day of JUNE 2022.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-03, passed by the Council of the City of Brookville, Ohio, on the 7TH day of JUNE 2022.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2022-03 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 8TH day of JUNE 2022, to the 7TH day of JULY 2022, both days inclusive.

Kimberly Duncan, Clerk