

ORDINANCE NO. 2022 - 081

INTRODUCED BY: COUNCILWOMAN ANDREA MITCHELL (Safety Committee Chair)

AN ORDINANCE

AMENDING SECTION 549.10 FIREWORKS SALE OR DISCHARGE AND SECTION 549.11 FIREWORKS DISPLAY PERMITS OF CHAPTER 549 WEAPONS AND EXPLOSIVES OF THE WARRENSVILLE HEIGHTS CODIFIED ORDINANCES IN ORDER TO CLARIFY THE USE AND SALE OF FIREWORKS IN THE CITY OF WARRENSVILLE HEIGHTS.

WHEREAS, this Council deems it prudent and appropriate to amend Section 549.10 Fireworks Sale or Discharge and Section 549.11 Fireworks Display Permits of Chapter 549 Weapons and Explosives of the Warrensville Heights (the "City") Codified Ordinances in order to clarify the use and sale of fireworks in the City.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Warrensville Heights, County of Cuyahoga and the State of Ohio, that:

SECTION 1. Sections 549.10 and 549.11 of Chapter 549 Weapons and Explosives of the Codified Ordinances of the City of Warrensville Heights (the "City") is hereby amended and shall read as follows:

549.10 FIREWORKS SALE OR DISCHARGE.

(a) No person shall ~~possess for sale at retail, or sell at retail, or~~ discharge, ignite or explode any fireworks, as defined herein, within the Municipality, except as provided in Section 549.11. The term "fireworks" means any combustible or explosive compositions, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall not be limited to but shall include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing explosive compound are used, or toy pistol paper or plastic caps which contain an explosive mixture. (~~Ord. 1988-26. Passed 4-5-88.~~)

(b) Retailers, manufacturers, and wholesalers may sell consumer grade fireworks to the general public in the Municipality pursuant to all applicable laws including but not limited to requirements for licenses, inspections and building code compliance. Sales to individuals under the age of eighteen and individuals obviously under the influence of alcohol or a drug of abuse, as defined in ORC 4506.01, are prohibited.

549.11 FIREWORKS DISPLAY PERMITS.

(a) ~~Upon written permission secured from the Fire Chief, fireworks may be used~~ No fireworks can be discharged or displayed in the Municipality for public or private exhibitions of fireworks in connection with fairs, carnivals or other celebrations, including but not limited to gender reveals and birthday parties, without written permission from the Fire Chief. Application for such permits shall be made to the Chief and shall be issued under such reasonable regulations to protect the safety of persons or property as the Chief may prescribe. In such cases parties in charge of such exhibitions shall be held strictly responsible for any damage to persons or property resulting from the use of fireworks so used. Fireworks being held in storage for such exhibition must be kept in a closed wooden box or tarpaulin until they are to be used. ~~This section does not prohibit any wholesaler, dealer or jobber from selling at wholesale, such fireworks as are permitted to be used by this section or the sale of fireworks to be shipped directly out of the State.~~

(b) Whoever violates Section 549.10 or 549.11 is guilty of a misdemeanor of the first degree. (~~Ord. 1988-26. Passed 4-5-88.~~)

[New material appears underlined and deleted material is shown as ~~stricken~~.]

SECTION 2. The remaining language of Sections 549.10 and 549.11 of the City's Codified Ordinances shall remain in full force and effect.

ORDINANCE NO. 2022 – 081
PAGE TWO

SECTION 3. 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.

PASSED: June 21, 2022

Stanley Anderson
President of Council

ATTEST: Robert Ferguson
Clerk of Council

APPROVED AS TO FORM:
Anna Mitchell Bandy
Law Director

APPROVED: [Signature]
Mayor