

City of Cuyahoga Falls, Ohio

Notice

Order of Business for Regular City Council Meeting

Order of Business for Regular City Council Meetings shall be observed at the City Council Meeting held on Monday, June 6, 2022 at 6:30 p.m. for the following purpose.

1. To introduce and discuss the following ordinance:

PUBLIC AFFAIRS

Temp. Ord. A-61

AN ORDINANCE OPTING OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING, OR EXPLODING CONSUMER GRADE 1.4G FIREWORKS IN THE CITY OF CUYAHOGA FALLS, EXCEPT AS SET FORTH HEREIN, AND DECLARING AN EMERGENCY.

2. To conduct any other business, including without limitation, rules suspension and executive session necessary to accomplish the foregoing.

Dated at Cuyahoga Falls, Ohio this 3rd day of June, 2022.

/s/ Don S. Walters
Don S. Walters
Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE OPTING OUT OF H.B. 172 AND REAFFIRMING
8 THE BAN ON DISCHARGING, IGNITING, OR EXPLODING
9 CONSUMER GRADE 1.4G FIREWORKS IN THE CITY OF
10 CUYAHOGA FALLS, EXCEPT AS SET FORTH HEREIN, AND
11 DECLARING AN EMERGENCY.

12
13 WHEREAS, the Governor recently signed H.B. 172, amending Ohio Revised Code
14 §3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade
15 1.4G fireworks to discharge, ignite or explode consumer grade 1.4G fireworks on their
16 property, or if permitted, on another person’s property on certain designated days of the
17 year; and

18
19 WHEREAS, H.B. 172 also provides that pursuant to Home Rule authority, a municipal
20 corporation may choose to restrict the dates and times that a person may discharge, ignite
21 or explode consumer grade 1.4G fireworks or may impose a complete ban on the use of
22 consumer grade 1.4G fireworks; and

23
24 WHEREAS, Council finds that continuing the ban on the discharge of consumer grade
25 1.4G fireworks, as set forth in Chapter 1519 of the Codified Ordinances, will best protect
26 the public’s right to the quiet enjoyment of their property, except for the limited period of
27 time between 8:30 p.m. on the fourth day of July and 12:00 a.m. on the fifth day of July,
28 but not otherwise; and

29
30 WHEREAS, the Administration and Council of the City of Cuyahoga Falls find that it is
31 in the best interests of the public to continue to ban the discharge, ignition, and explosion
32 of consumer grade 1.4G fireworks otherwise permitted in H.B. 172, as set forth in existing
33 Chapter 1519 of the Codified Ordinances of the City of Cuyahoga Falls, except as provided
34 herein.

35
36 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
37 County of Summit and State of Ohio:

38
39 Section 1. The Codified Ordinances of Cuyahoga Falls, Ohio Chapter 1519, Fireworks, is
40 hereby supplemented as follow (new text double underlined; deleted text in strikethrough):

41
42 CHAPTER 1519
43 Fireworks

- 44
- 45 1519.01 Definitions.
- 46 1519.02 Public exhibition permit required; fee; bond; records.
- 47 1519.03 Unlawful conduct by exhibitor.
- 48 1519.04 Possession, sale or discharge prohibited; exceptions.
- 49 1519.05 Application.
- 50 1519.06 Permitted Consumer Use.
- 51 1519.99 Penalty.

52 CROSS REFERENCES

- 53
54 Manufacturers to comply with building and zoning ordinances - see Ohio R.C.
55 3743.06(F)
56 Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
57 Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
58 Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see
59 Ohio R.C. 3781.11(D)

60
61 1519.01 DEFINITIONS.

62
63 As used in this chapter, all definitions are the same as set forth in Ohio R.C. 3743.01
64 and as amended from time to time.

65
66 As used in this chapter:

- 67 (a) ~~"Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.~~
68
69 (b) ~~"Booby trap" means a small tube that has a string protruding from both ends, that~~
70 ~~has a friction sensitive composition and that is ignited by pulling the ends of the string.~~
71
72 (c) ~~"Cigarette load" means a small wooden peg that is coated with a small quantity of~~
73 ~~explosive composition and that is ignited in a cigarette.~~
74
75 (d) ~~"Controlled substance" has the same meaning as in Ohio R.C. 3719.01.~~
76
77 (e) ~~"Fireworks" means any composition or device prepared for the purpose of producing~~
78 ~~a visible or an audible effect by combustion, deflagration or detonation, except ordinary~~
79 ~~matches and except as provided in Section 1519.05.~~
80
81 (f) ~~"Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed~~
82 ~~pursuant to Ohio R.C. 3743.50 to 3743.55.~~
83
84 (g) ~~"Licensed manufacturer of fireworks" or "licensed manufacturer" means a person~~
85 ~~licensed pursuant to Ohio R.C. 3743.02 to 3743.08.~~
86
87 (h) ~~"Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed~~
88 ~~pursuant to Ohio R.C. 3743.15 to 3743.21.~~
89
90 (i) ~~"Novelties and trick noisemakers" include the following items:~~
91
92 (1) ~~Devices that produce a small report intended to surprise the user, including, but~~
93 ~~not limited to, booby traps, cigarette loads, party poppers and snappers;~~
94
95 (2) ~~Snakes or glow worms;~~
96
97 (3) ~~Smoke devices;~~
98
99 (4) ~~Trick matches.~~

100 (j) ~~"Party popper" means a small plastic or paper item that contains not more than~~
101 ~~sixteen milligrams of friction sensitive explosive composition, that is ignited by pulling~~
102 ~~string protruding from the item, and from which paper streamers are expelled when the~~
103 ~~item is ignited.~~

104
105 (k) ~~"Railroad" means any railway or railroad that carries freight or passengers for hire,~~
106 ~~but does not include auxiliary tracks, spurs and sidings installed and primarily used in~~
107 ~~serving a mine, quarry or plant.~~

108
109 (l) ~~"Smoke device" means a tube or sphere that contains pyrotechnic composition that,~~
110 ~~upon ignition, produces white or colored smoke as the primary effect.~~

111
112 (m) ~~"Snake or glow worm" means a device that consists of a pressed pellet of~~
113 ~~pyrotechnic composition that produces a large, snake like ash upon burning, which ash~~
114 ~~expands in length as the pellet burns.~~

115
116 (n) ~~"Snapper" means a small, paper wrapped item that contains a minute quantity of~~
117 ~~explosive composition coated on small bits of sand, and that, when dropped, implodes.~~

118
119 (o) ~~"Trick match" means a kitchen or book match that is coated with a small quantity~~
120 ~~of explosive composition and that, upon ignition, produces a small report or a shower~~
121 ~~of sparks. (ORC 3743.01)~~

122 * * *

123
124
125 1519.04 POSSESSION, SALE OR DISCHARGE OF 1.3G FIREWORKS PROHIBITED;
126 EXCEPTIONS.

127
128 (a) No person shall possess 1.3G fireworks in this Municipality or shall possess for
129 sale or sell fireworks in this Municipality, except a licensed manufacturer of
130 fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of
131 fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder
132 as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as
133 authorized by Ohio R.C. 3743.27, a person authorized by Ohio R.C. 3743.44 and
134 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to
135 3743.55, and except as provided in Ohio R.C. 3743.80 and Sections 1519.02 and
136 1519.05 of this Chapter.

137
138 ~~No person shall possess fireworks in this Municipality or shall possess for sale or~~
139 ~~sell fireworks in this Municipality, except a licensed manufacturer of fireworks as~~
140 ~~authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as~~
141 ~~authorized by Ohio R.C. 3743.15 to 3743.21, an out-of-state resident as authorized~~
142 ~~by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45,~~
143 ~~or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55~~
144 ~~and Section 1519.02 and except as provided in Section 1519.05.~~

145
146 (b) Except as provided in Section 1519.05 and except for licensed exhibitors of
147 fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C.
148 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or

149 explode any fireworks in this Municipality, except for 1.4G fireworks during the
150 allotted dates and times as set forth in Section 1519.06 of this Chapter.

- 151
- 152 (c) No person shall use in a theater or public hall, what is technically known as
153 fireworks showers, or a mixture containing potassium chlorate and sulfur.
154
- 155 (d) No person shall sell fireworks of any kind to a person under eighteen years of age.
156 No person under eighteen years of age shall enter a fireworks sales showroom
157 unless that person is accompanied by a parent, legal guardian, or other responsible
158 adult. No person under eighteen years of age shall touch or possess fireworks on
159 a licensed premises without the consent of the licensee. A licensee may eject any
160 person from a licensed premises that is in any way disruptive to the safe operation
161 of the premises. No person under the age of eighteen (18) shall use, possess,
162 discharge, ignite, or explode any fireworks in this Municipality.
163
- 164 (e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a
165 licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit
166 holder, shall possess 1.3 G fireworks. ~~(ORC 3743.65)~~
167
- 168 (f) Except as otherwise provided in division (J) of Ohio R.C. 3743.06 and division (K)
169 of Ohio R.C. 3743.19, no person shall knowingly disable a fire suppression system
170 as defined in Ohio R.C. 3781.108 on the premises of a fireworks plant of a licensed
171 manufacturer of fireworks or on the premises of the business operations of a
172 licensed wholesaler of fireworks.
173
- 174 (g) No person shall negligently discharge, ignite, or explode fireworks while in
175 possession or control of, or under the influence of, any intoxicating liquor, beer, or
176 controlled substance.
177
- 178 (h) No person shall discharge, ignite, or explode fireworks on the property of another
179 person without that person's permission to use fireworks on that property. (ORC
180 3743.65)
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182 * * *

183

184 1519.06 PERMITTED CONSUMER USE.

- 185
- 186 (a) Any person who intends to obtain possession of or possess 1.4 G fireworks in this
187 Municipality shall obtain possession of the 1.4 G fireworks only from licensed retailers,
188 licensed manufacturers, or licensed wholesalers and shall be subject to this Section.
189
- 190 (b) Any person authorized pursuant to this section to possess 1.4 G fireworks in the State
191 of Ohio may discharge, ignite, or explode those fireworks on private property with the
192 authorization of the property owner on the fourth day of July from 8:30 PM until 12:00
193 AM on the fifth day of July.
194

195 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
196 inconsistent herewith be and the same are hereby repealed, but any ordinances and
197 resolutions not inconsistent herewith and which have not previously been repealed are
198 hereby ratified and confirmed.

199 Section 3. It is found and determined that all formal actions of this Council concerning
200 and relating to the adoption of this ordinance were adopted in an open meeting of this
201 Council, and that all deliberations of this Council and of any of its committees that resulted
202 in such formal action, were in meetings open to the public, in compliance with all legal
203 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.
204

205 Section 4. This ordinance is hereby declared to be an emergency measure necessary for
206 the preservation of the public peace, health, safety, convenience and welfare of the City of
207 Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of
208 two-thirds of the members elected or appointed to Council, it shall take effect and be in force
209 immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and
210 be in force at the earliest period allowed by law.
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Passed: _____

President of Council

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Clerk of Council

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Approved: _____

Mayor

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227
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6/6/22
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Fireworks.docx