



**CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2022-57:**

**REDLINED
AN ORDINANCE SUPPLEMENTING AND
AMENDING VARIOUS SECTIONS OF CHAPTER
1519 “FIREWORKS” OF THE CODIFIED
ORDINANCES OF THE CITY OF WESTLAKE,
AND DECLARING AN EMERGENCY.**

WHEREAS, Council recommends amending Chapter 1519 as to the sale and use of fireworks; and

WHEREAS, Council desires to enact regulations to preserve the citizens’ quiet enjoyment of their residential properties and ensure the safety of dense residential and business areas; and

WHEREAS, Governor DeWine recently signed House Bill 172 into law, allowing any person authorized to possess consumer grade fireworks to discharge them on their own property, or on another person’s property with permission, on the certain designated days, and further allowing local municipalities to restrict the dates and times that individuals may discharge consumer grade fireworks or to impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, Council desires to impose a complete ban on the use of consumer grade fireworks and further wishes to except from said ban on fireworks certain categories of toy or trick devices that contain minute levels of combustible materials.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1: That Subsection (a) of Section 1519.02 “PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS” of Chapter Fifteen “FIRE PREVENTION CODE” of the City’s codified ordinances be and the same is hereby supplemented and as supplemented shall read as follows:

“1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and the Police Chief. **Such permit may be issued at**

the concurrence of the Fire and Police Chiefs in accordance with the Ohio Fire Code.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and the Police Chief signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer or Police Chief.”

Section 2: That Subsection (a) of Section 1519.04 “POSSESSION, SALE, OR DISCHARGE PROHIBITED; EXCEPTIONS” of Chapter Fifteen “FIRE PREVENTION CODE” be and the same is hereby amended and as amended shall read as follows:

“1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall ~~possess~~ **discharge, ignite, or explode** 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 authorized 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 and except as provided in Section 1519.05.”

Section 3: That any ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

Section 5: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to provide for the safety of the residents and bar the use of consumer grade fireworks, and further provided it 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.

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Passed: _____

David S. Greenspan
President of Council

Presented to Mayor: _____

Approved: _____

ATTEST:

Denise L. Rosenbaum, MMC
Clerk of Council

Dennis M. Clough, Mayor