



Legislation Text

File #: O-321-22, **Version:** 1

Opt-out H.B. 172 Fireworks
Toledo Fire and Rescue Dept.
Chief Allison Armstrong (x3098)

Opting-out of H.B. 172 and reaffirming the ban on discharging, igniting or exploding fireworks in the City of Toledo, as set forth in Chapter 1519 of the codified ordinances of the City of Toledo, and declaring an emergency.

SUMMARY & BACKGROUND:

On November 8, 2021, Governor DeWine signed H.B. 172, amending Ohio Revised Code 3743.45, effective July 1, 2022, which allows 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.

The provisions of H.B. 172 expressly grant municipalities the home rule authority to retain all or any municipal ordinances that regulate and/or prohibit the discharge, ignition or exploding of fireworks and to retain all ordinances that regulate noise, disturbance of the peace and disorderly conduct. Legislative action must be taken in order to opt-out of H.B. 172 and continue the city's current ban as set forth in Chapter 1519 of the Toledo Municipal Code.

The discharge, ignition, and/or exploding of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in densely population residential and business areas. Both Fire Chief Armstrong and Police Chief Kral recommend that the City of Toledo opt-out of H.B. 172 and reaffirm the existing ban as set forth in Chapter 1519 of the Toledo Municipal Code.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That all provisions of the City of Toledo Codified Ordinances, including but not limited to Chapter 1519.01 et seq., concerning the discharge, ignition or exploding 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 H.B. 172;

SECTION 2. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that it is necessary for the immediate preservation of the public peace, property, health, safety and welfare and for the further reason that opting-out of the provisions of H.B. 172 should occur prior to the first holiday of the warm-weather season.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council