



Legislation Details (With Text)

File #: ORD-0032-2022 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 6/9/2022 **In control:** City Council
On agenda: **Final action:** 6/21/2022
Title: AN ORDINANCE REPEALING AND REPLACING GAHANNA CODE SECTION 549.10 PROHIBITING THE DISCHARGING, IGNITING OR EXPLODING OF FIREWORKS IN THE CITY OF GAHANNA, WAIVING SECOND READING, AND DECLARING AN EMERGENCY.

Sponsors:

Indexes:

Code sections:

Attachments: 1. MAY-RPT-6.13.22, 2. COTW DRAFT of 549.10 - Existing and Proposed, 3. ORD-0032-2022 SIGNED - Repeal and Replace Gahanna Code 549.10 Prohibiting Discharging Igniting or Exploding of Fireworks

Date	Ver.	Action By	Action	Result
6/21/2022	1	City Council	Introduced, Second Reading Waived, and Adopted as an Emergency	Pass
6/13/2022	1	Committee of the Whole	Recommended for Introduction, Waiver, Adoption as Emergency	

AN ORDINANCE REPEALING AND REPLACING GAHANNA CODE SECTION 549.10 PROHIBITING THE DISCHARGING, IGNITING OR EXPLODING OF FIREWORKS IN THE CITY OF GAHANNA, WAIVING SECOND READING, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Gahanna has an existing codified Ordinance, Gahanna City Code §549.10, prohibiting the discharging, igniting, or exploding of fireworks in the City, except by licensed and authorized exhibitors; and

WHEREAS, on October 27, 2021, the Ohio Legislature passed Substitute House Bill 172, permitting any non-prohibited persons to discharge, ignite, and/or explode Class 1.4G “consumer” fireworks on certain days of the year effective July 1, 2022; and

WHEREAS, said Substitute House Bill specifically permits chartered, Home Rule municipalities such as Gahanna to opt-out of the new Ohio law and either ban or further limit the discharging, igniting, or exploding of fireworks in their cities; and

WHEREAS, the Council of the City of Gahanna believes that the health and safety of the citizens City of Gahanna would be best protected by opting-out of the new Ohio law and continuing the existing ban on discharging, igniting, or exploding of fireworks in the City, except by licensed and authorized exhibitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA,
COUNTY OF FRANKLIN, STATE OF OHIO:**

Section 1. That the existing Gahanna City Code §549.10 is REPEALED.

Section 2. That a new Gahanna City Code §549.10 is REPLACED and ENACTED as follows:

549.10 - FIREWORKS POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this City or shall possess for sale or sell fireworks in this City, 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 licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55, and except as provided in Ohio R.C. 3743.80.

(b) Except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55, and except for those devices specifically permitted in Ohio R.C. 3743.80, no person shall discharge, ignite or explode any fireworks in this City.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under 18 years of age.

(e) Whoever violates (a)-(d) of this provision of this section is guilty of a misdemeanor of the fourth degree for the first offense. All subsequent offenses shall be a misdemeanor of the first degree.

Section 3. That due to the July 1, 2022, effective date of Sub. HB 152, the Council hereby waives second reading and declares this Ordinance to be an emergency measure immediately necessary to the preservation of public peace, safety, health, and welfare of the City, which shall be in full force and effect immediately upon passage by this Council and on date of the signature of approval by the Mayor.