

ORDINANCE 2022-01
BY
COUNCIL MEMBER CHRISTOPHER SANDS

AN ORDINANCE AMENDING §92.02 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.

WHEREAS, §92.02 of the Code of Ordinances of the Municipality of New Lebanon which reads as follows:

§ 92.02 POSSESSION, SALE AND USE OF FIREWORKS.

(A) No person shall possess fireworks in this municipality or shall possess for sale or sell fireworks in this municipality, except a licensed manufacturer of fireworks as authorized by R.C. §§ 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 through 3743.21, a shipping permit holder as authorized by R.C. § 3743.40, an out-of-state resident as authorized by R.C. § 3743.44, a resident of this state as authorized by R.C. § 3743.45, or a licensed exhibitor of fireworks as authorized by § 92.03 and R.C. §§ 3743.50 through 3743.55, and except as provided in R.C. § 3743.80.

(B) Except as provided in R.C. § 3743.80, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to § 92.03 and R.C. §§ 3743.50 through 3743.55, no person shall discharge, ignite, or explode any fireworks in this municipality.

(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. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(E) Except as otherwise provided in R.C. § 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3G fireworks in this municipality.

(R.C. § 3743.65(A) - (F)) ('80 Code, § 91.02) Penalty, see § 92.99

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of New Lebanon, Ohio, that **§92.02 IS HEREBY AMENDED TO READ**

§ 92.02 POSSESSION, SALE AND USE OF FIREWORKS.

A. No person shall possess fireworks in this municipality or shall possess for sale or sell fireworks in this municipality, except a licensed manufacturer of fireworks as authorized by R.C. §§ 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 through 3743.21, a shipping permit holder as authorized by R.C. §

3743.40, an out-of-state resident as authorized by R.C. § 3743.44, a resident of this state as authorized by R.C. § 3743.45, or a licensed exhibitor of fireworks as authorized by § 92.03 and R.C. §§ 3743.50 through 3743.55, and except as provided in R.C. § 3743.80.

- B. Except as provided in R.C. § 3743.80, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to § 92.03 and R.C. §§ 3743.50 through 3743.55, no person shall discharge, ignite, or explode any fireworks in this municipality.
- C. Except as provided in R.C. § 3743.45 (D) (1) within the Municipality 1.4G fireworks may be discharged on the allowed holidays during the hours of sunset to 12:30am and meeting the following conditions.
1. Allowed firework holidays:
 - Memorial Day Weekend (Friday, Saturday, and Sunday)
 - July 3, 4, 5
 - Labor Day Weekend (Friday, Saturday, and Sunday)
 - December 31 until 12:30am January 1
 2. All fireworks discharged, ignited, or exploded on allowed holidays must be on private property both for launch and landing.
 3. Fireworks must not create an offensive or objectionable condition that interferes with the neighboring residence use and enjoyment of their property.
 4. The fireworks discharged, ignited, or exploded pursuant to this section shall not be considered a public exhibition. Public Exhibitions must be conducted by a licensed exhibitor of fireworks.
 5. All fireworks must be used only in accordance with manufacturer's instructions and provisions.
- D. 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.
- E. No person shall sell fireworks of any kind to a person under 18 years of age. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.
- F. Except as otherwise provided in R.C. § 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3G fireworks in this municipality.

(R.C. § 3743.65(A) - (F)) ('80 Code, § 91.02) Penalty, see § 92.99

SECTION 1: This ordinance is declared to be an emergency waiving three readings as a measure due to timeliness of the ordinance.

SECTION 2: This ordinance shall take effect twenty (20) days upon its adoption.

Passed this 7th day of June, 2022.

First Reading: June 7, 2022

Second Reading: June 21, 2022 Waived

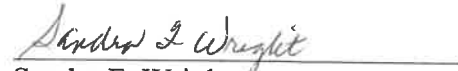
Third Reading: July 5, 2022 Waived

Effective Date: June 27, 2022

APPROVED:


Raymond Arriola
Mayor

ATTEST:


Sandra F. Wright
Clerk of Council

APPROVED:


Glenna A. Madden
Municipal Manager

Dated: June 7, 2022

CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2022-01 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.


Sandra F. Wright
Clerk of Council