

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 37-2022

TO REAFFIRM THE EXISTING RESTRICTION OF FIREWORKS IN THE CITY OF UPPER ARLINGTON

- WHEREAS,** Ohio HB 172 changed the state law regarding fireworks to allow the use of fireworks on certain days of the year; and
- WHEREAS,** the new law (R.C. 3743.45(D)) gives local governments the authority to ban the discharge of fireworks; and
- WHEREAS,** the City has an existing regulation, outlined in Section 523.09 of the Upper Arlington Code of Ordinances, prohibiting the discharge of fireworks; and
- WHEREAS,** this Council desires to reaffirm the existing restriction as authorized by state law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. Section 523.09 of the Upper Arlington Code of Ordinances is amended as follows:

§ 523.09 DISCHARGING FIREWORKS.


- (A) No person shall, without written permit of the fire chief, discharge any fireworks within the city.
- (B) No person shall, without written permit of the fire chief, discharge, ignite, explode, or otherwise use any novelties and trick noisemakers, model rockets, **OR** black powder special effects, ~~or wire sparklers~~ within the city.
- (C) NOTWITHSTANDING SECTION (B) ABOVE, PARTY POPPERS, SMOKE DEVICES, SNAPPERS, AND WIRE SPARKLERS MAY BE USED ON PRIVATE PROPERTY.**
- (G)(D) The fire official or any law enforcement personnel may seize, take, remove or cause to be removed, at the expense of the owner, all fireworks, novelties and trick noisemakers, model rockets, black powder special effects, and wire sparklers used or possessed with intent to be used in violation of this section.
- (E) THIS SECTION IS INTENDED TO REMAIN IN FORCE DESPITE CHANGES TO STATE LAW REDUCING REGULATION OF FIREWORKS PURSUANT TO AUTHORITY GRANTED BY R.C. 3743.45(D)(2)**

SECTION 2. That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions, including the execution of all documents or amendments, necessary to enter into, implement, and administer the Agreement and that are not substantially inconsistent with this Ordinance.

SECTION 3.

That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: May 16, 2022



President of Council

ATTEST:



City Clerk

I, Krystal Gonchar, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.



City Clerk

CERTIFICATE OF POSTING

I, Krystal Gonchar, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy at the most public place in said corporation, for a period of ten (10) days commencing passage.



City Clerk

Vote Slip

Voting Aye: Unanimous

Voting Nay:

Abstain:

Absent:

Other Review: April 18, 2022: May 9, 2022