



RESOLUTION 2022-17

A RESOLUTION ADOPTING A SIX-MONTH MORATORIUM ON THE SALE OF FIREWORKS WITHIN THE CITY

WHEREAS, the City currently regulates the possession, sale, and use of fireworks in Chapter 1519 of its Codified Ordinances as part of its fire prevention code; and

WHEREAS, Chapter 1519 prohibits the possession, possession for sale, or sale of fireworks with certain exceptions and also prohibits the discharge, ignition, or explosion of any fireworks within the City except for licensed exhibitors of fireworks who have received approval from the City; and

WHEREAS, the Governor recently signed H.B. 172, amending Chapter 3743 of the Ohio Revised Code, which addresses requirements for the manufacture, sale, and use of fireworks; and

WHEREAS, H.B. 172 made significant changes to Chapter 3743 of the Ohio Revised Code, including allowing 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; and

WHEREAS, City Council believes that the improper sale, use, and discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in densely populated residential and business areas; and

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local health, safety, and other regulations, as are not in conflict with general laws; and

WHEREAS, City Council believes it is in the City's best interest to continue its existing prohibition on the unauthorized use of fireworks within the City and to further prohibit any sale of fireworks in the City through a temporary moratorium on the sale of said fireworks, in order to provide additional time for City staff to review H.B. 172 and its impacts on the City; and

WHEREAS, City Council supports providing additional time for City staff to review H.B. 172 and issues related to the possession, sale, and use of fireworks within the City in order to make recommendations on amending Chapter 1519 of the City's Codified Ordinances; and

WHEREAS, a six-month (6) moratorium (the "Moratorium") on the sale of fireworks, along with the existing regulations the City currently has in place, will provide City staff adequate time and opportunity to review and discuss potential amendments to Chapter 1519.

City Council

Daniel Swartwout, Mayor

Jon C. Bennehoof

Frank Bertone

Tom Counts

Christina Drummond

Heather Karr

Brian Lorenz

NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, COUNTY OF DELAWARE, AND STATE OF OHIO AS FOLLOWS:

Section 1: Chapter 1519 of the City's Codified Ordinances, to the extent it is not inconsistent with this Resolution, shall remain in full force and effect during the period of this Moratorium, including its prohibitions on the possession and use of fireworks within the City with certain exceptions.

Section 2: This City Council establishes a Moratorium on the sale of fireworks within the City for a period of six (6) months from the effective date of this Resolution. City Council has the authority to extend this Moratorium if necessary.

Section 3: Any person, property owner, tenant, or lessee that sells fireworks or permits the sale of fireworks in the City during this Moratorium shall be in violation of the City's Zoning Code.

Section 4: This City Council finds and determines that all formal actions of the City Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

Section 5: This Resolution shall be in full force and effect immediately upon passage.



Daniel Swartwout
Mayor

3-15-22
Date

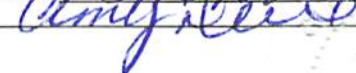


Amy Deere
City Clerk

3/15/22
Date

EFFECTIVE DATE: March 15, 2022

This legislation has been posted in accordance with the City Charter on this date



City Clerk



