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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 59 - 2022

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7 AN ORDINANCE OPTING OUT OF H.B. 172 AND REAFFIRMING
8 THE BAN ON DISCHARGING, IGNITING, OR EXPLODING
9 CONSUMER GRADE 1.4G FIREWORKS IN THE CITY OF
10 CUYAHOGA FALLS, AND DECLARING AN EMERGENCY.

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12 WHEREAS, the Governor recently signed H.B. 172, amending Ohio Revised Code §3743.45,
13 effective July 1, 2022, allowing any person authorized to possess consumer grade 1.4G fireworks
14 to discharge, ignite or explode consumer grade 1.4G fireworks on their property, or if permitted,
15 on another person’s property on certain designated days of the year; and
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17 WHEREAS, H.B. 172 also provides that pursuant to Home Rule authority, a municipal
18 corporation may choose to restrict the dates and times that a person may discharge, ignite or
19 explode consumer grade 1.4G fireworks or may impose a complete ban on the use of consumer
20 grade 1.4G fireworks; and
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22 WHEREAS, the City seeks to update certain definitions and provisions of its fireworks
23 ordinance to mirror updates to state law but retain its ban on the discharge of consumer grade
24 fireworks in the City, including banning the holidays listed in Ohio Revised Code §3743.45; and
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26 WHEREAS, the Administration and Council of the City of Cuyahoga Falls find that it is in the
27 best interests of the public to continue to ban the discharge, ignition, and explosion of consumer
28 grade 1.4G fireworks otherwise permitted in H.B. 172, as set forth in existing Chapter 1519 of
29 the Codified Ordinances of the City of Cuyahoga Falls.
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31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
32 of Summit and State of Ohio:
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34 Section 1. The Codified Ordinances of Cuyahoga Falls, Ohio Chapter 1519, Fireworks, is
35 hereby supplemented as follow (new text double underlined; deleted text in strikethrough):
36

37 CHAPTER 1519
38 Fireworks
39

- 40 1519.01 Definitions.
- 41 1519.02 Public exhibition permit required; fee; bond; records.
- 42 1519.03 Unlawful conduct by exhibitor.
- 43 1519.04 Possession, sale or discharge prohibited; exceptions.
- 44 1519.05 Application.
- 45 1519.99 Penalty.

46
47 CROSS REFERENCES

- 48
- 49 Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
- 50 Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
- 51 Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
- 52 Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio
- 53 R.C. 3781.11(D)
- 54
- 55

56 1519.01 DEFINITIONS.

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58 As used in this chapter, all definitions are the same as set forth in Ohio R.C. 3743.01 and
59 as amended from time to time.

60
61 As used in this chapter:

62 (a) ~~"Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.~~

63
64 (b) ~~"Booby trap" means a small tube that has a string protruding from both ends, that has~~
65 ~~a friction-sensitive composition and that is ignited by pulling the ends of the string.~~

66
67 (c) ~~"Cigarette load" means a small wooden peg that is coated with a small quantity of~~
68 ~~explosive composition and that is ignited in a cigarette.~~

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70 (d) ~~"Controlled substance" has the same meaning as in Ohio R.C. 3719.01.~~

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72 (e) ~~"Fireworks" means any composition or device prepared for the purpose of producing a~~
73 ~~visible or an audible effect by combustion, deflagration or detonation, except ordinary~~
74 ~~matches and except as provided in Section 1519.05.~~

75
76 (f) ~~"Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed~~
77 ~~pursuant to Ohio R.C. 3743.50 to 3743.55.~~

78
79 (g) ~~"Licensed manufacturer of fireworks" or "licensed manufacturer" means a person~~
80 ~~licensed pursuant to Ohio R.C. 3743.02 to 3743.08.~~

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82 (h) ~~"Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed~~
83 ~~pursuant to Ohio R.C. 3743.15 to 3743.21.~~

84
85 (i) ~~"Novelties and trick noisemakers" include the following items:~~

86
87 (1) ~~Devices that produce a small report intended to surprise the user, including, but not~~
88 ~~limited to, booby traps, cigarette loads, party poppers and snappers;~~

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90 (2) ~~Snakes or glow worms;~~

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92 (3) ~~Smoke devices;~~

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94 (4) ~~Trick matches.~~

95 (j) ~~"Party popper" means a small plastic or paper item that contains not more than sixteen~~
96 ~~milligrams of friction-sensitive explosive composition, that is ignited by pulling string~~
97 ~~protruding from the item, and from which paper streamers are expelled when the item is~~
98 ~~ignited.~~

99
100 (k) ~~"Railroad" means any railway or railroad that carries freight or passengers for hire, but~~
101 ~~does not include auxiliary tracks, spurs and sidings installed and primarily used in serving~~
102 ~~a mine, quarry or plant.~~

103
104 (l) ~~"Smoke device" means a tube or sphere that contains pyrotechnic composition that,~~
105 ~~upon ignition, produces white or colored smoke as the primary effect.~~

106 (m) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic
107 composition that produces a large, snake like ash upon burning, which ash expands in
108 length as the pellet burns.

109

110 (n) "Snapper" means a small, paper-wrapped item that contains a minute quantity of
111 explosive composition coated on small bits of sand, and that, when dropped, implodes.

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113 (o) "Trick match" means a kitchen or book match that is coated with a small quantity of
114 explosive composition and that, upon ignition, produces a small report or a shower of
115 sparks. (ORC 3743.01)

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1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

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121 (a) No person shall possess fireworks in this Municipality or shall possess for sale or sell
122 fireworks in this Municipality, except a licensed manufacturer of fireworks as
123 authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as
124 authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized
125 by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C.
126 3743.27, an out-of-state resident as a person authorized by Ohio R.C. 3743.44 and
127 3743.45, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed
128 exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section
129 1519.02 and except as provided in Ohio R.C. 3743.80 and Sections 1519.02 and
130 1519.05 of this Chapter.

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132 (b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks
133 authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55
134 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this
135 Municipality pursuant to Ohio R.C. 3743.45(D)(2).

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

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140 (d) No person shall sell fireworks of any kind to a person under eighteen years of age. No
141 person under eighteen years of age shall enter a fireworks sales showroom unless that
142 person is accompanied by a parent, legal guardian, or other responsible adult. No
143 person under eighteen years of age shall touch or possess fireworks on a licensed
144 premises without the consent of the licensee. A licensee may eject any person from a
145 licensed premises that is in any way disruptive to the safe operation of the premises.

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(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3G fireworks. (ORC 3743.65)

(f) Except as otherwise provided in division (J) of Ohio R.C. 3743.06 and division (K) of Ohio R.C. 3743.19, no person shall knowingly disable a fire suppression system as defined in Ohio R.C. 3781.108 on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

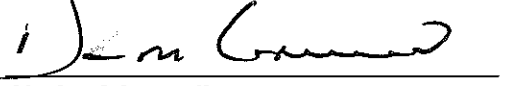
Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

Passed: 6-27-2022



President of Council



Clerk of Council

Approved: 6-27-2022



Mayor

6/6/22
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Fireworks.docx