

AN ORDINANCE AMENDING SECTION 1519.04 OF THE CODIFIED ORDINANCES TO CLARIFY AND REINSTATE THE CITY'S PROHIBITION ON THE DISCHARGE OF FIREWORKS WITHIN THE CITY AND DECLARING AN EMERGENCY

WHEREAS, the City has had a long-standing prohibition on the discharge of fireworks within the City, subject to certain limited exceptions;

WHEREAS, in July 2022, Ohio law changed to allow the discharge of certain consumer fireworks on certain dates/times unless limited by local law;

WHEREAS, at the time of the change to state law, the City's local laws prohibited the discharge of fireworks within the City limits, thereby eliminating the need for the City to take any action to continue its prohibition on fireworks;

WHEREAS, at some point after the change to state law, the City's Codifier made wholesale updates to the City's Codified Ordinances to ensure that certain provisions of state law were properly incorporated into the City's local laws;

WHEREAS, in making those updates, the City's local prohibition on the discharge of fireworks was unintentionally removed from the Codified Ordinances;

WHEREAS, the Council desires to clarify and reinstate the City's longstanding prohibition on the discharge of fireworks within the City;

WHEREAS, pursuant to the Charter and plenary power conferred by §§ 3 and 7 of Article XVIII of the Ohio Constitution, the Council finds that it is in furtherance of the public health, safety and welfare to enact this prohibition.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chardon, Geauga County, Ohio, that:

Section 1. Section 1519.04 of the Codified Ordinances of the City of Chardon is hereby amended to read as follows:

"1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(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 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 shipping permit holder as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C. 3743.27, a person as authorized by Ohio R.C. 3743.44 and 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance.

(b) Except as provided in ~~subsection (h) and~~ Section 1519.05 ~~or a substantially equivalent municipal ordinance~~, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, 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 eighteen years of age. No person under eighteen 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 eighteen 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 Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) No person shall negligently discharge, ignite or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(g) No person shall negligently discharge, ignite or explode fireworks on the property of another person without that person's permission to use fireworks on that property.

(h) Purchase, Use and Local Regulation of Consumer-Grade Fireworks.

(1) **Except as otherwise authorized by this Chapter, no person shall discharge, ignite, or explode 1.4G fireworks within the City.** Any person who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to subsection (h).

~~— (2) Any person authorized under subsection (h) to possess 1.4G fireworks in this state may discharge, ignite or explode those fireworks on private property, with authorization from the property owner, on the following days each year:~~

~~A. January 1st;~~

~~— B. Chinese new year's day;~~

~~— C. May 5th;~~

~~— D. The last Monday in May, and the Saturday and Sunday immediately preceding that day;~~

~~— E. June 19th;~~

~~— F. July 3rd, 4th, and 5th;~~

~~— G. The first Friday, Saturday and Sunday before and after July 4th;~~

~~— H. The first Monday in September, and the Saturday and Sunday immediately preceding that day;~~

~~— I. Diwali;~~

~~— J. December 31st.~~

~~(3) Fireworks discharged, ignited or exploded pursuant to this subsection (h) shall not be considered a public exhibition;~~

~~— (4) The municipality may do either of the following:~~

~~— A. Restrict the dates and times a person may discharge, ignite or explode fireworks purchased pursuant to this subsection (h).~~

~~— B. Ban the discharge, ignition or explosion of fireworks purchased pursuant to this subsection (h).~~

~~— (5) This subsection (h) does not limit the enforcement of any ordinance, resolution or statute that regulates noise, disturbance of the peace, or disorderly conduct.~~

Section 2. Any ordinance in conflict with Section 1 above be and hereby is repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.

Section 4. This Ordinance is hereby declared to be an emergency measure because it is immediately necessary for the City to take prompt step to ensure that the discharge of fireworks is prohibited within the City, accordingly, this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED AND ADOPTED this 14th day of August, 2025.



CHRISTOPHER GRAU, Mayor
President of Council

Attest:



AMY DAY
Clerk of Council