

ORDINANCE NO. 99-23

AN ORDINANCE AMENDING SECTION 672.10 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON ENTITLED “FIREWORKS” TO REVISE REGULATIONS REGARDING THE SALE AND POSSESSION OF FIREWORKS AND DECLARING AN EMERGENCY

WHEREAS, Sub. H.B. 172 of the 134th General Assembly enacted comprehensive amendments to Chapter 3743 of the Ohio Revised Code related to the regulation of fireworks in the State, inclusive of their possession and discharge under specific circumstances; and

WHEREAS, the City of Avon previously enacted Section 672.10 of the Codified Ordinances prohibiting the possession, sale and discharge of fireworks in the City, unless specific exceptions apply as further set forth in Section 672.10; and

WHEREAS, to avoid any confusion with new State law as well as to harmonize City Ordinances with various terms, phrases, licensing schemes, and other aspects of State law, the Council desires to enact amendments to Section 672.10, which will prohibit the sale of fireworks within the City and permit the discharge of fireworks in accordance with State Law; and

WHEREAS, the Charter authorizes City Council to enact emergency ordinances for the preservation of public peace, health, safety, or welfare; and

WHEREAS, the Council finds that it is in furtherance of the public peace, health, safety and welfare to enact fireworks regulations and hereby does so pursuant to the Charter and plenary power conferred upon the City by Article XVIII, § 3 and 7 of the Ohio Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That the provisions of Section 672.10 entitled “Fireworks” shall be amended to read as set forth in the new Section which is attached hereto as [Exhibit “A”](#), and incorporated herein by reference.

Section 2 – That the Codifier is hereby instructed to insert new Section 672.10 as contained in Exhibit A of this legislation in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Section 672.10 not specifically amended herein shall remain in full force and effect.

Section 3 – That wherever the provisions of this Ordinance conflict with any other ordinance or any provision of the Codified Ordinances of the City, the restrictive provision(s) shall control.

Section 4 – That 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5 – That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, Ohio; the immediate emergency being the necessity to regulate the use, possession and sale of fireworks to protect the public interest and rights of property owners; therefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director