

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

**ORDINANCE NO. 2022 – 63**

AN ORDINANCE REAFFIRMING THE BAN ON FIREWORKS IN THE VILLAGE OF NEW CONCORD AND OPTING OUT OF THE STATE OF OHIO HOUSE BILL 172 AND DECLARING AN EMERGENCY.

WHEREAS, on October 27, 2021 the Ohio General Assembly passed Amended Substitute House Bill 172 (“HB 172”) concerning, among other things, the regulation, possession, discharge, ignition and exploding of fireworks in the State of Ohio; and

WHEREAS, on November 8, 2021 Governor Mike DeWine signed HB 172 into law; and

WHEREAS, various aspects of HB 172 (including what is now RC 3743.45(D) and (E) and RC 3743.451(B)) expressly reserves municipalities the home rule authority to retain all or any municipal ordinances that regulate and/or prohibit the possession, discharge, ignition or exploding of fireworks and to retain all municipal ordinances that regulate noise, disturbance of the peace and disorderly conduct; and

WHEREAS, the possession, discharge, ignition and/or exploding of fireworks poses a danger to the public and may cause injuries as well as property damage, especially in densely populated residential and business areas; and

WHEREAS, the New Concord Police Chief and Fire Chief strongly recommend that the Council of the Village of New Concord opt out of HB 172 and reaffirm the existing ban on possession, discharge, ignition or exploding of fireworks as set forth in Chapter 1519 of the New Concord Codified Ordinances; and

WHEREAS, the Mayor and Council of the Village of New Concord find that it is in the best interests of the public to continue the ban on possession, discharge, ignition or exploding of fireworks as set forth in Chapter 1519 of the New Concord Codified Ordinances by opting out of HB 172.

NOW, THEREFORE, be it ordained by the Council of the Village of New Concord, Ohio that:


Section 1. All provisions of the Village of New Concord Codified Ordinances, including but not limited to Chapter 1519 “Fireworks”, concerning the possession, discharge, ignition or exploding of fireworks, shall remain in full force and effect regardless of the permissions granted in H.B. 172.

Section 2. That for the reasons stated in the preamble, which is hereby made a part hereof, this ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety, and shall take effect and be in force at the earliest period allowed by law.

PASSED: June 14, 2022

  
Kristi Kearns, President of Council


APPROVED: June 14, 2022

  
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Jennifer Lyle, Mayor

ATTEST:

  
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Lynn Marlatt, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

  
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Lynn Marlatt, Fiscal Officer