

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

ORDINANCE NO. 20-22

Ordinance No. 20-22 An Ordinance Addressing Amended Substitute HB 172 to Retain the Village of Minerva Prohibition on the Discharge, Ignition and Exploding of Fireworks that Existed Prior to the Enactment of Amended Substitute HB 172, And Declaring It an Emergency

Whereas, Amended Substitute HB 172 (HB 172) will permit the discharge, ignition or exploding of fireworks without legislative action by Ohio Municipalities;

Whereas, The provisions of HB172, including ORC 3743.45(D) and (E) and 3743.451(B), expressly grant municipalities the home rule authority to retain all or any municipal ordinances that regulate or prohibit the discharge, ignition or exploding of fireworks and to retain all ordinances that regulate noise, disturbance of the peace and disorderly conduct;

Whereas, notwithstanding said provisions of HB 172, the home rule authority granted municipalities under Section 3 of Article XVIII of the Ohio Constitution grants the power to legislate fireworks restrictions or prohibitions regardless of legislative enactments that conflict or purport to grant such authority; and

Whereas, the discharge, ignition or exploding of fireworks poses a danger to the public and may cause injuries and/or property damage and Council finds that continuing the prohibition on the possession, discharge, ignition or exploding of consumer grade fireworks in Codified Ordinance 1519.04 will serve to protect the health and safety and will promote the peace and well-being of the residents of Minerva.

Now, Therefore, Be It Ordained by the Council of the Village of Minerva, Stark, Carroll and Columbiana Counties, Ohio that:

1. All provisions of Minerva Codified Ordinances, including Section 1519.04 prohibiting the possession, discharge, ignition or explosion of fireworks, and all codified ordinances that regulate noise, disturbance of the peace and disorderly conduct, will remain in full force and effect regardless of the permissive authority granted in Amended Substitute HB 172.

2. This Ordinance is declared to be an emergency measure necessary to the immediate preservation of the public peace, health, safety and welfare of the residents of the Village of Minerva to ensure the expedited passage of the continued prohibition of fireworks in the Village prior to the July 1, 2022 effective date of HB 172, and shall become effective at the earliest date allowed by law.

Attest:

Brenda Albaugh
Brenda Albaugh, Clerk of Council

Timothy N. Tarbet
Timothy N. Tarbet, Mayor

Passed: The 24th day of May, 2022.

Published in the Free Press Standard by Title Only on June 3, 2022.

Prepared by Clark E. Battista
Law Director, Village of Minerva