

RESOLUTION NO. 2022-026

Enacting Local Restrictions on the Use of Consumer Fireworks

Stark County, Ohio

Trustee NELLIGAN Moved for adoption of the following:

Be It Resolved by the Township Trustees of Perry Township

WHEREAS, the Ohio General Assembly passed Sub. House Bill 172 (the "Act"), which modified various parts of the Ohio Revised Code relating to the manufacture, standards, sale, possession, and use of fireworks; and

WHEREAS, portions of the Act relating to fireworks possession and use will be effective July 1, 2022; and

WHEREAS, the Act amended R.C. 3743.45(A) to provide that "[a]ny person who resides 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 this section;" and

WHEREAS, the Act further provides "[a]ny person authorized under this section 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 designated days throughout a calendar year: and

WHEREAS, R.C. 3743.45(D) provides, in part, "[a] county, with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following: (1) Restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section. (2) Ban the discharge, ignition, or explosion of fireworks purchased pursuant to this section;" and

WHEREAS, after careful consideration of the matters addressed in the Act and thoughtful deliberation of the safety and general welfare concerns surrounding the use of fireworks in the community.

NOW THEREFORE, it is RESOLVED by the Board that:

1. The discharge, ignition, or explosion of 1.4G fireworks purchased in accordance with R.C. 3743.45 are restricted within the unincorporated territory of Perry Township to the following dates and times:

- a. The first day of January from Midnight to 12:15 a.m.;
- b. Chinese new year's day from 8:00 p.m. to 11:00 p.m.;
- c. The fifth day of May from 8:00 p.m. to 11:00 p.m.;
- d. The last Monday in May from 8:00 p.m. to 11:00 p.m.;
- e. The nineteenth day of June from 8:00 p.m. to 11:00 p.m.;

- f. The fourth day of July from 8:00 p.m. to 11:00 p.m.;
- g. The first Monday of September from 8:00 p.m. to 11:00 p.m.;
- h. Diwali from 8:00 p.m. to 11:00 p.m.; and
- i. The thirty-first day of December from 8:00 p.m. to Midnight.

2. For purposes of this Resolution, the term “1.4G fireworks” shall have the same meaning as set forth in the Act at R.C. 3743.01(D)(2) identifying consumer fireworks.

3. As expressly acknowledged in the Act, nothing in R.C. 3743.45, or in this Resolution, shall “limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.”

4. All persons who elect to discharge, ignite, or explode authorized fireworks during approved times in the Township shall comply with the rules adopted by the State Fire Marshal under R.C. 3743.451, relating to:

- a. The use of aerial fireworks;
- b. Separation distances between the location of fireworks discharges, ignitions, or explosions and adjacent structures, roadways, railroads, airports, publicly owned or controlled places, and places where hazardous materials are manufactured, used, or stored;
- c. Fireworks usage at common areas of multitenant properties;
- d. The suspension of fireworks discharges, ignitions, or explosions during times of drought or similar conditions;
- e. The proximity of fireworks discharges, ignitions, or explosions to persons under eighteen years of age; and
- f. Any other similar matters covered by regulation of the State Fire Marshal and regarding the time, manner, and location of 1.4G fireworks use.

5. Residents, and others who are permitted to use 1.4G fireworks in the Township in accordance with R.C. 3743.45 and this Resolution, are reminded that the Act was passed with the “intent of the General Assembly to allow consumers to discharge 1.4G fireworks in a safe and reasonable manner” and, accordingly, persons are encouraged to follow the mandatory safety disclosures required of all licensed retailers, manufactures, and wholesalers:

- Do not allow children to play with fireworks. Sparklers, a firework often considered by many to be the ideal “safe” device for children, burn at very high temperatures and should not be handled by children. Children may not understand the danger involved with fireworks and may not act appropriately while using the devices or in case of emergency.
- Set off fireworks outdoors in a clear area, away from houses, dry leaves, or grass and other flammable materials.

- Keep a bucket of water nearby for emergencies and for pouring on fireworks that fail to ignite or explode.
- Do not try to relight or handle malfunctioning fireworks. Soak them with water and throw them away.
- Be sure other people are out of range before lighting fireworks.
- Never light fireworks in a container, especially a glass or metal container.
- Keep unused fireworks away from firing areas.
- Store fireworks in a cool, dry place.
- Check instructions for special storage directions.
- Observe state and local law.
- Never have any portion of your body directly over a firework while lighting.
- Do not experiment with homemade fireworks.

6. This Resolution replaces Resolution No. _____ in its entirety.

Trustee MILLER seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 16th day of August, 2022.

Lisa G. Nelligan
Matthew B. Miller

Township Trustees

Attest: CCP
 Township Fiscal Officer