

CITY OF CHEVIOT  
STATE OF OHIO  
ORDINANCE NO. 22-23

TO AMEND SECTIONS 110.20, 110.21, 110.22, AND 110.23 OF THE CHEVIOT CODE OF ORDINANCES.

WHEREAS, Section 110.20 of the Cheviot Code of Ordinances currently reads as follows:

§ 110.20 DEFINITION.

As used in this chapter the following definition shall apply.

FIREWORKS. Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in R.C. § 3743.80.

(R.C. § 3743.01(F))

WHEREAS, Section 110.21 of the Cheviot Code of Ordinances currently reads as follows:

§ 110.21 SALE PROHIBITED.

No person, firm, or corporation shall offer for sale at retail or sell at retail, lend, barter, or give away within the city any fireworks as defined in § 110.20 except to holders of permits as provided in § 110.23.

('73 Code, § 110.17) Penalty, see § 110.99(E)

WHEREAS, Section 110.22 of the Cheviot Code of Ordinances currently reads as follows:

§ 110.22 PURCHASE AND USE PROHIBITED.

No person shall purchase at retail, use, fire, set off, discharge, set in motion, or ignite within the limits of the city any fireworks as designated in § 110.20 except as provided in § 110.23.

('73 Code, § 110.18) Penalty, see § 110.99(E)

WHEREAS, Section 110.23 of the Cheviot Code of Ordinances currently reads as follows:

§ 110.23 SPECIAL PERMISSION TO USE.

Special permission may be granted to persons, firms, or corporations for the purchase of fireworks as described in § 110.20 and their use at a public gathering provided an application is filed with the safety-service director setting forth the name of the applicant and the time and place of the exhibition. The safety-service director being satisfied that the applicant will use the fireworks in a public exhibition and being satisfied that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, may issue a permit, which shall permit the use of fireworks at the time and place set out in the application.

(73 Code, § 110.19) Penalty, see § 110.99

**WHEREAS**, this Council desires to amend the above stated sections to allow the use of fireworks in accordance with House Bill 172 of the 134<sup>th</sup> General Assembly as it is codified in Ohio Revised Code 3743.45 and 3743.451.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, THAT:**

Section 1. Section 110.20 is hereby amended as follows:

§ 110.20 DEFINITION.

As used in this chapter the following definitions shall apply.

(A) FIREWORKS. Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in R.C. § 3743.80.

(B) 1.4G FIREWORKS means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.

(R.C. § 3743.01(F), R.C. § 3743.01(D)(2))

Section 2. Existing Section 110.20 of the Cheviot Code of Ordinances is hereby repealed.

Section 3. Section 110.21 of the Cheviot Code of Ordinances is hereby amended as follows:

§ 110.21 SALE PROHIBITED.

No person, firm, or corporation shall offer for sale at retail or sell at retail, lend, barter, or give away within the city any fireworks unless authorized under Ohio Revised Code § 3743.65

(R.C. § 3743.65) Penalty, see § 110.99(E)

Section 4. Existing Section 110.21 of the Cheviot Code of Ordinances is hereby repealed.

Section 5. Section 110.22 of the Cheviot Code of Ordinances is hereby amended as follows:

§ 110.22 PURCHASE AND USE OF CONSUMER-GRADE FIREWORKS

(A) 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 this section.

(B) Any 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 the following days each year:

- (1) The first day of January;
- (2) Chinese new year's day;
- (3) The fifth day of May;
- (4) The last Monday in May, and the Saturday and Sunday immediately preceding that day;
- (5) The nineteenth day of June;
- (6) The third, fourth, and fifth days of July;
- (7) The first Friday, Saturday, and Sunday before and after the fourth day of July;
- (8) The first Monday of September, and the Saturday and Sunday immediately preceding that day;
- (9) Diwali;
- (10) The thirty-first day of December.

(C) Fireworks discharged, ignited, or exploded pursuant to this section shall not be considered a public exhibition.

(D) Any person who is authorized to under this section to possess and use 1.4G fireworks shall comply with the rules adopted by the State Fire Marshall pursuant to Ohio Revised Code § 3743.451.

(E) The penalty for violating this section is set forth in §110.99(E).

(R.C. § 3743.45, R.C. § 3743.451) Penalty, see §110.99(E)

Section 6. Existing Section 110.22 of the Cheviot Code of Ordinances is hereby repealed.

Section 7. Section 110.23 of the Cheviot Code of Ordinances is hereby amended as follows:

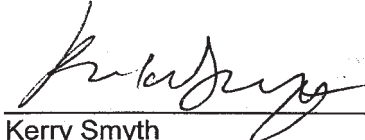
§110.23 SPECIAL PERMISSION TO USE.

Special permission may be granted to persons, firms, or corporations for the purchase of fireworks as described in § 110.20 and their use at a public exhibition, provided an application is filed with the safety-service director setting forth the name of the applicant and the time and place of the exhibition. The safety-service director being satisfied that the applicant will use the fireworks in a public exhibition and being satisfied that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, may issue a permit, which shall permit the use of fireworks at the time and place set out in the application. The Safety-Service Director shall issue permits pursuant to the procedures and requirements set forth in Ohio Revised Code Section 3743.54.

(73 Code, § 110.19; R.C. § 3743.54) Penalty, see § 110.99

Section 8. Existing Section 110.23 of the Cheviot of Ordinances is hereby repealed.

Section 9. This Ordinance shall be in effect at the earliest time allowed by law.



Kerry Smyth  
President of Council

10-18-22

Date passed


\_\_\_\_\_  
Samuel D. Keller  
Mayor

\_\_\_\_\_  
Date approved

Attest:

Approved as to form:

\_\_\_\_\_  
Jenny M. Eilermann  
Clerk of Council



\_\_\_\_\_  
Kimberlee Erdman Rohr  
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Cincinnati Court Index*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) \_\_\_\_\_, 2022, and
- 2) \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jenny M. Eilermann  
Clerk of Council