

ORDINANCE NO. 2025-26
VILLAGE OF BUCKEYE LAKE, OHIO
FIRST READING

AN ORDINANCE REGULATING FIREWORKS IN THE VILLAGE.

WHEREAS, the Village of Buckeye Lake wishes to regulate the possession, sale, and use of fireworks; and

WHEREAS, the Village wishes to enact regulations to preserve the citizens' quiet enjoyment of their residential properties; and

WHEREAS, Revised Code 3743.45 permits persons to possess and discharge consumer grade fireworks on certain permitted dates but further allows local municipalities to restrict the dates and times that individuals may discharge consumer grade fireworks or to impose a complete ban on their use;

WHEREAS, the Council has determined that it is in the best interest of the Village, its residents, and business, to place certain date and time restrictions on the ability of individuals to discharge consumer-grade fireworks in the Village;

NOW THEREFORE, BE IT ORDAINED, a majority of Council concurring,

Section 1: DEFINITIONS.

As used in this Ordinance:

- (a) "1.3G fireworks." means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.
- (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.
- (c) "Beer." Has the same meaning as in R.C. § 4301.01.
- (d) "Booby trap." means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.
- (e) "Cigarette load." means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (f) "Controlled substance." Has the same meaning as in R.C. § 3719.01.
- (g) "Discharge site." An area immediately surrounding the mortars used to fire aerial shells.
- (h) "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.

(i) "Fireworks incident." Any action or omission that occurs at a fireworks exhibition that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:

- (1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;
- (2) The failure of any person to comply with any applicable requirement imposed by this section or R.C. Chapter 3743, or any applicable rule adopted under this section or R.C. Chapter 3743.

(j) "Fireworks incident site." A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

(k) "Fountain device." means a specific type of 1.4G firework that meets all of the following criteria:

- (1) It is non-aerial and non-report producing.
- (2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).
- (3) It is a ground-based or hand-held sparkler with one or more tubes containing a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.
- (4) It contains not more than 75 grams of the non-explosive pyrotechnic mixture in any individual tube and not more than 500 grams or less for multiple tubes.

(l) "Highway." Any public street, road, alley, way, lane, or other public thoroughfare.

(m) "Intoxicating liquor." Has the same meaning as in R.C. § 4301.01.

(n) "Licensed exhibitor of fireworks" or "licensed exhibitor." A person licensed pursuant to R.C. §§ 3743.50 through 3743.55.

(o) "Licensed manufacturer of fireworks" or "licensed manufacturer." A person licensed pursuant to R.C. §§ 3743.02 through 3743.08.

(p) "Licensed premises." The real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

(q) "Licensed wholesaler of fireworks" or "licensed wholesaler." A person licensed pursuant to R.C. §§ 3743.15 through 3743.21.

(r) "Novelties" and "trick noisemakers." Include the following items:

- (1) Devices that produce a small report intended to surprise the user, including but not limited to booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (s) "Party popper." A small plastic or paper item that contains not more than 16 milligrams of friction-sensitive explosive composition that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (t) "Processing of fireworks." The making of fireworks from materials all or part of which in and of themselves constitute fireworks, but does not include the mere packaging or repackaging of fireworks.
- (u) "Railroad." Any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (v) "Smoke device." A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (w) "Snake" or "glow worm." A device that consists of a pressed pellet of pyrotechnic composition that produces a large snake-like ash upon burning, which expands in length as the pellet burns.
- (x) "Snapper." A small paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand and that, when dropped, implodes.
- (y) "Trick match." A kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (z) "Wire sparkler." A sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than 100 grams of this mixture.

Section 2: POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

- (a) No person shall possess fireworks in this Village or shall possess for sale or sell fireworks in this Village, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1620.02 and except as provided in Section 1620.05.
- (b) Except as provided in Section 4 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55, no person shall discharge, ignite, or explode any fireworks in this Village.

(c) Except as provided in Section 4 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55, no person who owns, possesses, or manages real property in the Village, including residential leasees, shall permit the discharge, ignition, or explosion of any fireworks on their premises. This is intended to be a strict liability offense.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

Section 3: APPLICATION.

This Ordinance does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;

(b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;

(c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;

(d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;

(e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;

(g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:

- (1) No explosive aerial display is conducted in the exhibition;
- (2) The exhibition is separated from spectators by not less than two hundred feet;
- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

Section 4: PERMITTED CONSUMER USE

(a) Any person who intends to obtain possession in this Village of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from licensed retailers, licensed manufacturers, or licensed wholesalers and shall be subject to this section.

(b) Any person authorized pursuant to Ohio R.C. 3743.45 to possess 1.4G fireworks in the State of Ohio may discharge, ignite, or explode those fireworks on private property with the authorization of the property owner on the following dates and their specified times.

- (1) The Fourth day of July from 8:00 PM until 10:00 PM

Section 5: PROHIBITED USE

(a) No person under the age of eighteen (18) shall use, possess, discharge, ignite, or explode any 1.4G fireworks in this Village.

(b) No person shall use, possess, discharge, ignite, or explode any fireworks in this Village while under the influence of alcohol, a drug of abuse, or a combination of them.

Section 6: PENALTY.

Except as otherwise provided, whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both.

Section 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of R.C. §121.22.

Section 8: That this Ordinance shall be effective at the earliest time provided for by law.

Attest:

Council Clerk, Samantha Torres

Council President, John Lemmon

Date Filed with Mayor _____

Date Approved by Mayor _____

Mayor, Linda Goodman