

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2022-28

By: Councilwoman Mary K. Brown Sponsor: Council President Jim Maxwell

AN ORDINANCE

AMENDING SECTION 1519.99, PENALTY, OF CHAPTER 1519, FIREWORKS, OF PART FIFTEEN, FIRE PREVENTION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

WHEREAS, in Ordinance No. 2022-18, the Council of the City of Berea opted-out of HB 172, which legalized, among other things, the possession and discharge of consumer-grade fireworks on certain dates; and

WHEREAS, this Council finds that public safety education may help curtail injuries and property damages caused as a result of the illegal possession and discharge of consumer-grade fireworks; and

WHEREAS, this Council finds that the penalty for violations of Chapter 1519 should be amended to provide additional financial sanctions for the possession and discharge of fireworks, by requiring that the proceeds of the additional financial sanctions be used for fire prevention education relating to fireworks.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 1519.99, Penalty, of Chapter 1519, Fireworks, in Part Fifteen, Fire Prevention Code, of the Codified Ordinances of the City of Berea, which has heretofore read as follows:

1519.99 PENALTY.

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

(ORC 3743.99(C))

shall be, and the same is hereby amended to, read as follows:

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2022-28

1519.99 PENALTY.

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.

In addition to any fine imposed above, whoever violates Section 1519.04(b) shall pay a mandatory additional sum of \$250 for a first offense; an additional sum of \$500 for a second offense and an additional sum of \$750 for any subsequent offense, to be credited to the General Fund Account 100.045.4055, to be used for fire prevention education relating to fireworks, which sum shall not be subject to suspension.

SECTION 2. 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 of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that in order to protect residents from the effects of the illegal discharge of fireworks, this Ordinance needs to take effect before the summer season. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 16, 2022

ATTEST: [Signature]
Clerk of Council

[Signature]
President of Council
APPROVED: May 17, 2022
[Signature]
Mayor

APPROVED AS TO FORM:
[Signature]
Director of Law