

# VILLAGE OF TIMBERLAKE

ORDINANCE NO. 05-2022

**AN ORDINANCE ADDRESSING THE PROVISIONS OF AMENDED  
SUBSTITUTE HB 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO  
RETAIN THE REGULATIONS AND PROHIBITIONS ON THE DISCHARGE,  
IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO  
THE ENACTMENT OF AMENDED SUBSTITUTE HB 172  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, on October 27, 2021, the Ohio General Assembly passed Amended Substitute House Bill 172 (“HB 172”) concerning, among other things, the regulation, possession, discharge, ignition and exploding of fireworks in the State of Ohio; and

**WHEREAS**, Governor DeWine signed HB 172 into law on November 8, 2021; and

**WHEREAS**, various aspects of HB 172 will, without legislative action by Ohio municipalities and other governmental entities, permit the discharge, ignition and/or exploding of what are commonly referred to as “fireworks” on certain conditions and on certain days of the year; and

**WHEREAS**, provisions of HB 172 (including what is now RC 3743.45(D) and (E) and RC 3743.451(B)) expressly grant municipalities the home rule authority to retain all or any municipal ordinances that regulate and/or prohibit the discharge, ignition or exploding of fireworks and to retain all Ordinances that regulate noise, disturbance of the peace and disorderly conduct; and

**WHEREAS**, the discharge, ignition and/or exploding of fireworks poses a danger to the public and may cause injuries as well as property damage, especially in densely populated residential and business areas; and

**WHEREAS**, Council for Timberlake Village desires to opt-out of HB 172, and reaffirm the existing ban on discharging, igniting or exploding fireworks as set forth in Section 678.11 DISCHARGE OF A FIREARM ON OR NEAR PROHIBITED PREMISES of the Codified Ordinances; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TIMBERLAKE, COUNTY OF LAKE, STATE OF OHIO:**

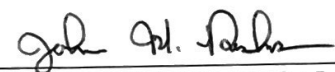
**SECTION 1.** That all provisions of the Village of Timberlake Section 678.11, concerning the discharge, ignition or exploding of fireworks, and all Ordinances that regulate noise, disturbance of the peace and disorderly conduct, will remain in full force and effect regardless of the permissions granted in HB 172;

**SECTION 2.** That the actions of this Council concerning and relating to the passage of this legislation 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 action were in meetings open to the public, in compliance with all legal requirements.

**SECTION 3.** That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Timberlake and, further, provides for the immediate compliance of the Village with the Ohio Revised Code and shall be in full force and effect from and after its adoption and approval by the Mayor.

  
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JOHN MARRA, MAYOR

ADOPTED: June 21, 2022

ATTEST:   
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JOHN H. ROSKOS, FISCAL OFFICER

1<sup>st</sup> READING 4/19/2022  
2<sup>ND</sup> READING 5/17/2022  
3<sup>RD</sup> READING 6/21/2022