Village of Batavia - Ordinance 1584-26

An Ordinance Repealing Village of Batavia Code of Ordinances §§ 91.02 -91.12 and Providing that Fireworks use, possession, and regulation within the Village of Batavia shall be Governed by the Ohio Revised Code

WHEREAS, the Ohio General Assembly has enacted comprehensive laws regulating the possession, sale, use, discharge, transportation, and licensing of fireworks within the State of Ohio; and

WHEREAS, the Village of Batavia currently regulates the use and possession of fireworks within the Village through Village of Batavia Code of Ordinances §§ 91.02 -91.12; and

WHEREAS, the Village Council of Batavia believes it to be in the best interest of the Village and its residents to establish uniform fireworks regulations consistent with Ohio law and to eliminate any conflicting or duplicative local regulations

NOW, THEREFORE, be it ordained by the Council of the Village of Batavia, Clermont County, Ohio:

SECTION 1. The Council of the Village of Batavia hereby repeals Village of Batavia Code of Ordinances §§ 91.02 -91.12. Such repeal shall not affect any prosecution, penalty, proceeding, or enforcement action commenced prior to the effective date of this Ordinance.

SECTION 2. The Village hereby declares that the possession, sale, transfer, transportation, storage, ignition, discharge, and use of fireworks within the Village shall be governed by the applicable provisions of the Ohio Revised Code, including Chapter 3743 of the Ohio Revised Code and any other applicable provisions of state law, as the same may be amended from time to time.

SECTION 3. No person shall engage in any activity relating to fireworks within the Village in a manner that violates Ohio law. Compliance with Ohio law shall constitute compliance with Village requirements regarding fireworks unless otherwise expressly prohibited by state law.

SECTION 4. The Village Fiscal Officer is hereby authorized and directed to remove all repealed fireworks provisions from the Village Codified Ordinances and to include a reference section indicating that fireworks are regulated pursuant to Ohio law.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitation, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance shall be effective at the earliest date allowed by law.

ADOPTED: _____

Attest:

_____ _____

Stephen M. Staton, Mayor F. Justin Russell, Fiscal Officer