

**NORTH RIDGEVILLE CITY COUNCIL
COMMITTEE OF THE WHOLE MEETING MINUTES
COUNCIL CHAMBERS – 6:15 p.m.
October 3, 2022**

To Order:

Chairman Jason Jacobs called the Committee of the Whole meeting to order at 6:15 p.m.

Pledge of Allegiance:

Led by President Jason Jacobs

Roll Call:

Members present: Councilwoman Holly Swenk, Councilman Dennis Boose, Councilman Bruce Abens, Councilman Clifford Winkel, Councilwoman Georgia Awig, Councilman Martin DeVries, and President Jason Jacobs.

Also present: Safety Service Director Jeff Armbruster, Law Director Brian Moriarty, and Assistant Clerk of Council Fijabi Gallam.

New Business –

T 136-2022 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED ORDINANCE CHAPTER 1650 AS A RESULT OF A RECENTLY PASSED STATE LAW CONCERNING THE DISCHARGE OF FIREWORKS.
(Introduced by Mayor Corcoran; First Reading on 9/6/2022)

Chairman Jacobs introduced T 136-2022 and provided a background of the legislation. The State passed new laws that property owners could discharge consumer fireworks on their property on certain holidays. Some council members and residents expressed safety concerns about allowing residents to discharge fireworks on private property. He explained that the Ohio Fire Code addresses all of the safety concerns like fireworks have to be discharged at least 150 feet from all spectators and structures. Mr. Jacobs stated that most of the properties in North Ridgeville do not meet the requirements to discharge fireworks.

Chairman Jacobs opened the floor to City Council for discussion.

Councilman Boose believed that the Ohio Fire Code addressed many of his safety concerns regarding lot sizes and discharging fireworks near structures.

Councilman Abens wanted to know if the legislation was enforceable for the police officers.

There was no discussion with the Police Chief regarding the enforcement of the legislation.

Mayor Corcoran explained that enforcement of the legislation would be a difficult task. It was the same way when fireworks were originally banned before the State changed the laws.

Councilwoman Swenk remarked that in her experience the police officers would warn the resident first. The police officers usually do not come back out for the second time for fireworks.

Councilman Abens recognized that this ordinance is complaint-driven legislation. He would like the law director to explain if the legislation is enforceable.

Law Director Brian Moriarty explained that it is problematic for any city to enforce fireworks. The police officer would need to know the size of the lot, and the location of the fireworks and have proof they are doing it. It would be hard to enforce in the field; however, many have cellular phones to take pictures and visit the website to aid in the enforcement of the legislation.

Councilman Winkel remarked that the 150 feet structure requirement in the Ohio Fire Code eliminates several neighborhoods in the city. He agrees with Ohio Fire Code restrictions and guidelines for consumer-grade fireworks.

Councilman Boose understood that the legislation would have some enforcement issues. It helps the ones who are abusing or causing a potential hazard. He believed it would be easy to determine 150 feet or less than 150 feet requirement.

Chairman Jacobs asked if there are any considerations to adding language to make the legislation clear.

Mayor Corcoran advised that the legislation could ban fireworks to make it simple for residents since the majority of the community is not allowed based on the Ohio Fire Code requirements. Many people do not read the Ohio Revised Code or the Ohio Fire Code.

Mr. Moriarty explained that the surrounding cities opted to ban fireworks.

Chairman Jacobs expressed that he would like to see some compromise for allowing fireworks with certain restrictions.

Councilman Boose added that the City should communicate the key points in the different communication avenues the City uses, so the residents are reminded of the requirements.

Councilman Abens recommended that the legislation should make it clear at the beginning of the legislation how to reference the Ohio Fire Code fireworks guidelines. He added that some people don't go past the first whereas.

Chairman Jacobs asked if anyone from the public wanted to speak.

John Vrtachnik at 5553 Main Avenue, remarked that he has been a resident since 1972. He explained that it is well-known that when someone discharges fireworks in the city the police would come out and give a warning. People would stop once they receive a warning. He believed the key to enforcing the legislation is giving a fine to people who discharge fireworks while not following the Ohio Fire Code.

Frank Toth at 35300 Nikki Avenue expressed his concerns regarding the regulations of discharging fireworks on certain days like fireworks during the weekend before and the weekend after July 4th, the time restrictions, the 150 feet distance for discharging fireworks, and the age limit for discharging fireworks. Mr. Toth wanted to know if the police would be responsible for checking identifications at the site of the fireworks. Mr. Toth believed how the Ordinance is written that the City is not utilizing the One Vision One Project. He added that the following cities banned the discharge of fireworks: Avon Lake, Amherst, Bay Village, Bedford, Bedford Heights, Book Park, Berea, Brunswick, Cleveland, Cleveland Heights, East Lake, Euclid, Fairport Harbor, Highland Heights, Lakewood, Mayfield Village, Medina, Mentor, Mentor on the lake, Middleburg Heights, North Royalton, Parma, Pepper Pike, Rocky River, Seven Hills, Shaker Heights, South Euclid, Strongsville, Tallmadge, Twinsburg, Wadsworth,

Warrensville Heights, Westlake, Wycliffe, and Vermillion. The cities that are missing in the surrounding area are Avon and Elyria. Avon followed the State Code. He added that the State of Ohio gave the municipalities a choice to opt-out of allowing the discharge of fireworks. Mr. Toth urged City Council to seriously consider their choices.

Chairman Jacobs remarked that the discharge point is clarified in the Ohio Fire Code.

Councilman Winkel agreed with Chairman Jacobs. He noted that the State Fire Marshall explained that the discharge point is on the ground at the start of the discharge.

Moved by Swenk and seconded by Boose to amend the time from “9:00 a.m. to 11:00 p.m.” to “4:00 p.m. to 11:00 p.m.” and strike out allowing the Fridays, Saturdays, and Sundays before and After July 3, 4, and 5. In addition to the amendments, add a second sentence to the beginning of the legislation referring to the Ohio Fire Code (OFC).

A voice vote was taken and the motion carried.

Yes - 7 No - 0

Moved by Jacobs and seconded by Winkel to send T136-2022 back to City Council for consideration with an amended version.

A roll call vote was taken and the motion carried.

Yes - 7 No - 0

Adjournment:

Chairman Jacobs adjourned the meeting at 6:48 p.m.

Approved on October 17, 2022.



Jason R. Jacobs
PRESIDENT OF COUNCIL



Nicholas Ciofani
CLERK OF COUNCIL