



City of Cleveland Memorandum

Justin M. Bibb, Mayor

TO: Michael D. Polensek, Chair
Safety Committee

FROM: Karrie D. Howard, Director
Department of Public Safety

SUBJECT: Ordinance No. 483-2022 To amend Sections 387.01, 387.03, 387.04, 387.06, and 387.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to prohibiting the receipt, storage, possession, sale, use, or discharge of any 1.4G consumer fireworks without a permit under this chapter

DATE: May 25, 2022

Ordinance No. 483-2022, if approved by City Council, would amend CO Sections 387.01, 387.03, 387.04, 387.06, and 387.16 relating enact new Section 135.531 of the Codified Ordinances relating to prohibiting the receipt, storage, possession, sale, use, or discharge of any 1.4G consumer fireworks without a permit under this chapter.

CO Section 387.01 would be amended to update the Code of Federal Regulations references and to update the definition of "1.4G Fireworks (Consumer Fireworks)" to include but is not limited to "fountain devices" as defined by ORC Section 3743.01. Fountain devices are a specific type of 1.4G firework that meets all of the following criteria: (1) it is nonaerial and nonreport 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 nonexplosive 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; and (4) it contains not more than 75 grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than 500 grams or less for multiple tubes.

CO Section 387.03 would be amended to: 1) include 1.4G consumer fireworks as prohibited from being shipped, received, stored, possessed, sold, used, or discharged within the City except as permitted by the applicable CO Sections and in compliance with all applicable federal State and City laws and regulations; 2) add "a person shall not keep or store any explosives or fireworks at any place of habitation or within 100 feet thereof and no permits shall be issued by the City Fire Chief for such purposes"; and 3) "a person shall not construct a retail display, nor offer for sale explosives, explosive materials or fireworks upon highways, sidewalks, public property or in Group A or E occupancies".

CO Section 387.04 would be amended to include an exception for the storage of smokeless repellent, black powder and small arms primers for personal use and not for resale and the small arms ammunitions and small arms ammunitions components complies with OAC rule 1301:7-7-56(F).



City of Cleveland Memorandum

Justin M. Bibb, Mayor

CO Section 387.06 would be amended to add 1.4G consumer fireworks to the list of items requiring a written permit from the City Fire Chief to store, possess, use, sell, give away, or otherwise dispose of. This section would also be amended to authorize the Chief of Fire to limit the quantity of explosives, explosive materials or fireworks permitted at any given location.

CO Section 387.16 would be amended for the insurance requirements for permits under this chapter for the minimum insurance coverage for "each occurrence of bodily" injury, including wrongful death.

We believe the amendments to these sections are important to update our local Fire Code with regard to consumer fireworks to provide a framework for the safe storage and discharge of such fireworks in the City of Cleveland.