



<b>William Biddlecombe</b>	<b>Joe Dike</b>	<b>Sam Artino</b>	<b>Monty Tapp</b>	<b>Mark Claus</b>	<b>Matt Grieves</b>	<b>Joel Hagy</b>
Councilmember	Councilmember	Councilmember	Mayor	Vice-Mayor	Councilmember	Councilmember

**CITY COUNCIL — REGULAR COUNCIL MEETING**

Tuesday, June 14, 2022 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

**LIVESTREAM MEETING INFORMATION** *This regular meeting of Council will be conducted in person in Council Chambers at Huron City Hall and live-streamed on the City of Huron's YouTube channel. The public is free to observe and hear the discussions and deliberations of all members of City Council via the following link: <https://www.youtube.com/channel/UCpRAV-AnmlA6lfukQzKakQg>*

**I. Call To Order** Moment of Silence followed by the Pledge of Allegiance to the Flag

**II. Roll Call of City Council**

**III. Approval of Minutes**

**III.a** Minutes of the regular Council meeting of May 24, 2022.

**IV. Audience Comments** Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)

**V. Old Business**

**VI. New Business**

**VI.a** Ordinance No. 2022-29

An ordinance repealing Chapter 17 (Economic Development Committee) and Ordinance Numbers 2001-22, 2017-7 and 2017-17 that created or amended Chapter 175 - Economic Development Committee within the Administrative Code of the Codified Ordinances.

**VI.b** Ordinance No. 2022-31

An ordinance repealing and amending Chapter 1519 of the Huron Codified Ordinance relating to fireworks.

**VI.c** Resolution No. 59-2022

A resolution ratifying an agreement with Ohio Edison relating to its Street Lighting Service Rate-Efficiency Safety Incentive Program ("STL-ESIP").

**VI.d** Resolution No. 60-2022

A resolution authorizing an Amendment to Agreement for Residential Waste Collection and Recycling Services with Republic Services for a term of one year.

**VI.e** Resolution No. 61-2022

A resolution authorizing an agreement with OHM Advisors for provision of engineering services relating to stormwater management for the City of Huron.

**VII. City Manager's Discussion**

**VIII. Mayor's Discussion**

**IX. For the Good of the Order**

**X. Executive Session(s)**

**XI. Adjournment**



**TO:** Mayor Tapp and City Council  
**FROM:** Matthew Lasko  
**RE:** Ordinance No. 2022-29  
**DATE:** June 14, 2022

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### **Subject Matter/Background**

The Economic Development Committee (ECD) was created in 2017 through Council Ordinance 2017-27. Since inception, the ECD lacked a detailed purpose and vision for its existence. A handful of meetings were held after the committee's creation to discuss various economic development issues or opportunities. However, the ECD at times struggles to understand their abilities and what their role should be in informing or influencing economic development outcomes and initiatives within the City. Although created with good intentions, the ECD, because of the aforementioned reasons, has failed to meet over the last approximately 24 months.

Additionally, the City has continued to maintain high levels of communications with our institutional partners such as Huron Township and the School Districts on economic development matters as well as moving forward on several strategic hires within the City to advance economic outputs for the City. Further, many economic development topics are already discussed in detail at other related City committees such as Utilities and Finance and the Planning Commission. As such, and based on feedback received during recent work sessions of City Council during the Spring of 2022, it is being proposed to eliminate the economic development committee.

### **Financial Review**

Repealing the ECD has no quantitative effect on the municipal budget.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the Request, a motion adopting Ordinance No. 2022-29 is in order.

[Ordinance No. 2022-29 Repeal EDC.docx](#)

**ORDINANCE NO. 2022-29**

Introduced by: Sam Artino

**AN ORDINANCE REPEALING CHAPTER 175 (ECONOMIC DEVELOPMENT COMMITTEE) AND ORDINANCE NUMBERS 2001-22, 2017-7, AND 2017-17 THAT CREATED AND/OR AMENDED CHAPTER 175-ECONOMIC DEVELOPMENT COMMITTEE WITHIN THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Huron passed Ordinance No. 2001-22 on August 27, 2001 to create and establish the Economic Development Committee under Chapter 175 of the Codified Ordinances of the City of Huron; and

WHEREAS, Chapter 175 was subsequently amended on March 28, 2017, Ordinance No. 2017-7; and

WHEREAS, Chapter 175 was again amended on May 23, 2017, Ordinance No. 2017-17; and

WHEREAS, the City finds the purposes of the Economic Development Committee are either no longer needed and/or are being served by other Committees and/or by other administrative functions presently existing within the City of Huron; and

WHEREAS, the City does, therefore, wish to repeal Chapter 175 of the Codified Ordinances and to abolish, disband, and/or revoke the authority, powers, duties, and responsibilities of the Economic Development Committee; and

WHEREAS, the City does, therefore, wish to repeal Chapter 175 of the Codified Ordinances and Ordinance Nos. 2001-22, 2017-7, and 2017-17 that created and/or amended Chapter 175-Economic Development Committee within the Administrative Code of the Codified Ordinances of the City of Huron.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF HURON, OHIO:**

Section 1: That Council, repeals Chapter 175 of the Codified Ordinances and Ordinance Nos. 2001-22, 2017-7, and 2017-17 that created and/or amended Chapter 175-Economic Development Committee within the Administrative Code of the Codified Ordinances of the City of Huron.

Section 2: That Council hereby abolishes, disbands, and/or otherwise eliminates the Economic Development Committee and revokes or otherwise removes any and all authority acting thereunder from and after the effective date of this Ordinance.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to eliminate confusion and inefficiencies and to streamline services within City Administration, thus for the public health, safety and welfare of the City of Huron. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

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Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Matthew Lasko  
**RE:** Ordinance No. 2022-31  
**DATE:** June 14, 2022

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### **Subject Matter/Background**

Resolution No. 2022-31 adopts the provisions of Ohio House Bill 172 signed by Governor Mike DeWine on November 9, 2021, which provisions will go into effect on July 1, 2022.

HB 172 allows individuals to possess consumer-grade fireworks in Ohio, eliminating a requirement that purchasers transport consumer-grade fireworks out of state within 48 hours of purchase, and allows a person authorized to possess consumer grade fireworks to discharge them on their own property or on another person's property with permission on the following days:

- New Year's Day;
- Lunar New Year;
- Cinco de Mayo;
- Memorial Day Weekend;
- Juneteenth;
- July 3-5 and Fridays, Saturdays and Sundays before and after July 4;
- Labor Day Weekend;
- Diwali; and
- New Year's Eve.

While H.B. 172 allows communities to opt out and continue existing bans, the Safety Committee has made a recommendation to Council to adopt the regulations as set forth in H.B. 172, as written, with no limitation of hours. This ordinance repeals Chapter 1519 Fireworks of the Huron Codified Ordinances and replaces it with the provisions of of the State ordinance.

### **Financial Review**

There is no financial impact relating to this ordinance.

### **Legal Review**

The matter has been reviewed, follows normal legislative procedure and is properly b

### **Recommendation**

If Council is in agreement, a motion adopting Ordinance No. 2022-31 is in order.

[Ordinance No. 2022-31 Fireworks Ordinance.docx](#)

[Ordinance No. 2022-31 Exhibit A Fireworks Ordinance.pdf](#)

[Ordinance No. 2022-31 Exhibit B Fireworks Ordinance.docx](#)

**ORDINANCE NO. 2022-31**

Introduced by Joe Dike

**AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1519 FIREWORKS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code Section 3743.45, which goes into effect July 1, 2022, will allow Ohioans to legally shoot off 1.4G (consumer grade) fireworks on the following holidays: New Year's Day, Lunar New Year, Cinco de Mayo, Memorial Day Weekend, Juneteenth, July 3, 4 and 5 and Fridays, Saturdays and Sundays before and after July 4, Labor Day Weekend, Diwali and New Year's Eve; and

**WHEREAS**, although Ohio Revised Code Section 3743.45 provides communities an opportunity to opt out and continue existing bans on fireworks, this Council has determined that it is in the City of Huron's best interest to adopt certain regulations set forth in said statute; and

**WHEREAS**, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", are in the best interest of the City of Huron and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**Section 1.** That Chapter 1519 (Fireworks) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows: (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

**Section 2.** That a new revised and restated Chapter 1519 of the Codified Ordinance of the City of Huron (Fireworks), as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

**Section 3.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the residents; **WHEREFORE**, this Ordinance shall take effect immediately upon its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

## CHAPTER 1519 Fireworks

<b>1519.01</b>	<b>Definitions.</b>	<b>1519.05</b>	<b>Application.</b>
<b>1519.02</b>	<b>Public exhibition permit required; fee; bond; records.</b>	<b>1519.06</b>	<b>Safety requirements for fireworks showroom structures.</b>
<b>1519.03</b>	<b>Unlawful conduct by exhibitor.</b>	<b>1519.99</b>	<b>Penalty.</b>
<b>1519.04</b>	<b>Possession, sale or discharge prohibited; exceptions.</b>		

### CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)  
 Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)  
 Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68  
 Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

### **1519.01 DEFINITIONS.**

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Ohio Revised Code.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d)
  - (1) "1.3G fireworks" means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.
  - (2) "1.4G fireworks" means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in section 3719.01 of the Ohio Revised Code.



- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Ohio Revised Code.
- (g) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.
- (h) "Fountain device" means 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.
  - (4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.
- (i) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.
- (j) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Ohio Revised Code.
- (k) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Ohio Revised Code.
- (l) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Ohio Revised Code.
- (m) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Ohio Revised Code.
- (n) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Ohio Revised Code.
- (o) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Ohio Revised Code.
- (p) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Ohio Revised Code.
- (q) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.
- (r) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.
- (s) "Novelties and trick noisemakers" include the following items:
  - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;
  - (2) Snakes or glow worms;
  - (3) Smoke devices;
  - (4) Trick matches.

- (t) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (u) "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.
- (v) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.
- (w) "Retail sale" or "sell at retail" means a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.
- (x) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (y) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (z) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (aa) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (bb) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
- (cc) "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.
- (dd) "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.
- (ee) "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.
- (ff) "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:
  - (1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;
  - (2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.
- (gg) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.
- (hh) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

- (ii) "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Ohio Revised Code or division (F) of section 3743.17 of the Ohio Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.  
(ORC 3743.01)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules. (ORC 3743.54)

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of One Hundred Twenty Five dollars (\$125.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.  
(Ord. 2017-6. Passed 3-28-17.)

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d)
  - (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
  - (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

#### **1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.**

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

#### **1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.**

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.  
(ORC 3743.65)

**1519.05 APPLICATION.**

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
  - (1) No explosive aerial display is conducted in the exhibition;
  - (2) The exhibition is separated from spectators by not less than two hundred feet;
  - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

**1519.06 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.**

- (a) (1) Except as described in subsection (a)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.

- (2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under Ohio R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under Ohio R.C. 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with Ohio R.C. 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.
- (b) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:
  - (1) The direct sale and shipment of fireworks to a person outside of this state;
  - (2) From an approved retail sales showroom as described in this section;
  - (3) From a representative sample showroom as described in this section;
  - (4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.
  - (5) Any other method as described in rules adopted by the Fire Marshal under Ohio R.C. Chapter 119.
- (c)
  - (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.
  - (2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under Ohio R.C. Chapter 3781 and the Fire Code adopted under Ohio R.C. 3737.82 for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to Ohio R.C. Chapter 119.
  - (3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:
    - A. A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the Superintendent of Industrial Compliance in the Department of Commerce.

- B.
  - 1. A fireworks showroom that first begins to operate on or after June 30, 1997, or that resumes operations at any time after a period of inactive status or licensure greater than one year, and to which the public has access for retail purposes shall not exceed 7,500 square feet in floor area.
  - 2. A fireworks showroom that, through construction of a new showroom, expansion of an existing showroom, or similar means, first exceeds 5,000 square feet, to which the public has access for retail purposes, after February 7, 2022, shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
  - 3. Notwithstanding subsection (d) of this section, the State Fire Marshal may provide a variance to the requirements of subsection (c)(3)B.2. of this section pursuant to Ohio R.C. 3743.59 for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
- C. A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to Ohio R.C. 3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Industrial Compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the State Fire Marshal and Superintendent of Industrial Compliance.
- D. A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the State Fire Marshal and Superintendent of Industrial Compliance, and that are submitted under seal as required by Ohio R.C. 3791.04.

(d) The safety requirements established in subsection (c) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code. (ORC 3743.25)

**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))



**CHAPTER 1519**  
**Fireworks**

- 1519.01 Definitions.**
- 1519.02 Public exhibition permit required; fee; bond; records.**
- 1519.03 Unlawful conduct by exhibitor.**
- 1519.04 Possession, sale, and use restrictions.**
- 1519.05 Application.**
- 1519.06 Safety requirements for fireworks showroom structures.**
- 1519.07 Purchase, use, and local regulation of consumer-grade fireworks.**
- 1519.99 Penalty.**

**CROSS REFERENCES**

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)  
Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)  
Purchase, use, and local regulation of consumer-grade fireworks - see Ohio R.C. 3743.45  
Possession, sale, and use restrictions - see Ohio R.C. 3743.65  
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68  
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

**1519.01 DEFINITIONS.**

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Ohio Revised Code.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3G fireworks" means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.
- (2) "1.4G fireworks" means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in section 3719.01 of the Ohio Revised Code.
- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Ohio Revised Code.
- (g) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

(h) "Fountain device" means 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.

(4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.

(i) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.

(j) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Ohio Revised Code.

(k) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Ohio Revised Code.

(l) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Ohio Revised Code.

(m) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Ohio Revised Code.

(n) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Ohio Revised Code.

(o) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Ohio Revised Code.

(p) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Ohio Revised Code.

(q) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.

(r) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.

(s) "Novelties and trick noisemakers" include the following items:

(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

(t) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.

(u) "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.

(v) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.

(w) "Retail sale" or "sell at retail" means a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.

(x) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(y) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.

(z) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.

(aa) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(bb) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.

(cc) "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.

(dd) "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

(ee) "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.

(ff) "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:

(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;

(2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.

(gg) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.

(hh) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

(ii) "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Ohio Revised Code or division (F) of section 3743.17 of the Ohio Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.

(ORC 3743.01)

## 1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(ORC 3743.54)

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of One Hundred Twenty Five dollars (\$125.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

(Ord. 2017-6. Passed 3-28-17.)

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to

provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

(d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

(2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

### 1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

#### 1519.04 POSSESSION, SALE, AND USE RESTRICTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C. 3743.27, a person as authorized by Ohio R.C. 3743.44 to 3743.45 and Section 1519.07, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Sections 1519.05 and 1519.07, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) No person shall negligently discharge, ignite, or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(g) No person shall negligently discharge, ignite, or explode fireworks on the property of another person without that person's permission to use fireworks on that property.

(ORC 3743.65)

#### 1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;

(b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;

(c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;

(d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;

(e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;

(g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:

(1) No explosive aerial display is conducted in the exhibition;

(2) The exhibition is separated from spectators by not less than two hundred feet;

(3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

#### 1519.06 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.

(a) (1) Except as described in subsection (a)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.

(2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under Ohio R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under Ohio R.C. 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with Ohio R.C. 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.

(b) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:

(1) The direct sale and shipment of fireworks to a person outside of this state;

(2) From an approved retail sales showroom as described in this section;

(3) From a representative sample showroom as described in this section;

(4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.

(5) Any other method as described in rules adopted by the Fire Marshal under Ohio R.C. Chapter 119.

(c) (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.

(2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under Ohio R.C. Chapter 3781 and the Fire Code adopted under Ohio R.C. 3737.82 for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to Ohio R.C. Chapter 119.

(3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:

A. A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the Superintendent of Industrial Compliance in the Department of Commerce.

B. 1. A fireworks showroom that first begins to operate on or after June 30, 1997, or that resumes operations at any time after a period of inactive status or licensure greater than one year, and to which the public has access for retail purposes shall not exceed 7,500 square feet in floor area.

2. A fireworks showroom that, through construction of a new showroom, expansion of an existing showroom, or similar means, first exceeds 5,000 square feet, to which the public has access for retail purposes, after February 7, 2022, shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under “NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)”.

3. Notwithstanding subsection (d) of this section, the State Fire Marshal may provide a variance to the requirements of subsection (c)(3)B.2. of this section pursuant to Ohio R.C. 3743.59 for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under “NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)”.

C. A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to Ohio R.C.



3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Industrial Compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the State Fire Marshal and Superintendent of Industrial Compliance.

D. A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the State Fire Marshal and Superintendent of Industrial Compliance, and that are submitted under seal as required by Ohio R.C. 3791.04.

(d) The safety requirements established in subsection (c) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

(ORC 3743.25)

#### 1519.07 PURCHASE, USE, AND LOCAL REGULATION OF CONSUMER-GRADE FIREWORKS.

(a) Any person who intends to obtain possession in this Municipality of 1.4G fireworks shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to this subsection.

(b) Any person authorized under this section to possess 1.4G fireworks in this Municipality may discharge, ignite, or explode those fireworks on private property, with authorization from the property owner, on the following days each year:

- (1) The first day of January;
- (2) Chinese new year's day;
- (3) The fifth day of May;
- (4) The last Monday in May, and the Saturday and Sunday immediately preceding that day;
- (5) The nineteenth day of June;
- (6) The third, fourth, and fifth days of July;
- (7) The first Friday, Saturday, and Sunday before and after the fourth day of July;
- (8) The first Monday of September, and the Saturday and Sunday immediately preceding that day;
- (9) Diwali;
- (10) The thirty-first day of December.

(c) Fireworks discharged, ignited, or exploded pursuant to this section shall not be considered a public exhibition.

(d) Pursuant to Ohio R.C. 3743.45(D)(1), the Municipality is authorized to restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section.

(e) This section does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct, including but not limited to Chapter 509 of the Codified Ordinances.

(ORC 3743.45)

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))



**TO:** Mayor Tapp and City Council  
**FROM:** stuart hamilton , Service Director  
**RE:** Resolution No. 59-2022  
**DATE:** June 14, 2022

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### **Subject Matter/Background**

In 2020, Ohio Edison removed the City of Huron from their Street Lighting Service Rate-Efficiency Safety Incentive Program (STL-ESIP). The effect of this was a rise in electric rates for City-owned street lights. When this change was discovered, the City disputed the change in status and this agreement is the resulting resolution. The city shall receive a \$75,743.06 refund that is to be deposited in to the City Street Lighting fund, and will be re-entered into the STL-ESIP.

There was a tight window to sign the agreement and return it to Ohio Edison, hence why staff bring this agreement to Council for ratification after the fact.

Bricker & Eckler, LLP carried out the legal review of the agreement and approved the content.

### **Financial Review**

The funds received from this refund will be receipted in as general fund revenue, not a refund to specific prior year expenditures, per Auditor of State on May 11, 2022.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 59-2022 is in order.

[Resolution No. 59-2022 Ohio Edison ESIP Agreement.doc](#)

[Resolution No. 59-2022 Exhibit A ESIP Agreement.PDF](#)

**RESOLUTION NO. 59-2022**

Introduced by Matt Grieves

**A RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF AN AGREEMENT WITH OHIO EDISON RELATING TO ITS STREET LIGHTING SERVICE RATE-EFFICIENCY SAFETY INCENTIVE PROGRAM ("STL-ESIP") IN THE AMOUNT OF SEVENTY-FIVE THOUSAND SEVEN HUNDRED FORTY-THREE AND 06/100 DOLLARS (\$75,743.06)**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1.** That the Council hereby ratifies the City Manager's execution of an agreement with Ohio Edison to resolve a dispute relating to its Street Lighting Service Rate-Efficiency Safety Incentive Program ("STL-ESIP") in the amount of Seventy-Five Thousand Seven Hundred Forty-Three and 06/100 Dollars (\$75,743.06)), which agreement is attached hereto as Exhibit "A" and made a part hereof.

**SECTION 2.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22

**SECTION 3.** That this Resolution shall be in full force and effect immediately upon its adoption.

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Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

## SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement and Mutual Release (“Agreement”) is made and entered into by and between Ohio Edison Company (“Ohio Edison”) and the City of Huron (“Huron”), who are collectively referred to as the “Parties” and singularly referred to as “Party” for purposes of the following:

**WHEREAS**, there is an existing dispute between Ohio Edison and Huron, regarding Huron’s Street Lighting Account, Account Number 110 140 627 917 and Collective Account, Account Number 210 001 266 001 related to Ohio Edison’s Street Lighting Service (“STL”) Rate-Efficiency Safety Incentive Program (“STL-ESIP”);

**WHEREAS**, fixtures related to Huron’s Street Lighting Account have historically qualified for and been served under the STL-ESIP tariff;

**WHEREAS**, in 2020, Huron contracted with a competitive retail electric service (“CRES”) provider to provide generation service for Huron’s street lights. Before contracting with the CRES, Huron’s streetlights were served under Ohio Edison’s standard service offer price.

**WHEREAS**, Ohio Edison considered Huron no longer eligible for the STL-ESIP rate because Huron’s street lights were receiving generation service from a CRES provider and, therefore, ceased charging Huron under the STL-ESIP rate;

**WHEREAS**, Huron disputed Ohio Edison’s determination that Huron no longer qualified for the STL-ESIP rate (the “Dispute”);

**WHEREAS**, Ohio Edison maintains its charges for electric distribution service to Huron’s Street Lighting Account and removal of Huron’s from the STL-ESIP rate was correct;

**WHEREAS**, Huron and Ohio Edison have engaged in arm’s length negotiations concerning the settlement of the Dispute;

**WHEREAS**, the Parties intend to adopt, by way of compromise, without any admission of liability or responsibility by either Party, a full and final settlement of the Dispute; and

**NOW, THEREFORE**, in consideration of the mutual obligations and covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Settlement Amount**. Upon execution of this Agreement by the Parties, Ohio Edison will issue to Huron a bill credit of \$75,743.06, to be applied to Huron’s Street Lighting Account. Any bill credit remaining following application to Huron’s Street Lighting Account will be applied to any open balances on Huron’s Collective Account following the June 2022 invoice. Any bill credit remaining following application to Huron’s Collective Account will be refunded to Huron via wire transfer using the bank account information provided by Huron.

If the bank identified by Huron charges a fee for wire transfers, Huron will notify Ohio Edison of that fee prior to the wire transfer and Ohio Edison will add that amount to the wire transfer.

2. **Participation in Efficiency Safety Incentive Program.** Effective July 2022, Huron may purchase retail electric generation service from a competitive retail electric service provider while participating in STL-ESIP. If this paragraph cannot be implemented in July 2022 because Ohio Edison is unable to implement it before the July 2022 billing cycle, and through no fault of Huron, Ohio Edison will provide additional bill credits of \$3,292.44 per month to Huron's Street Lighting Account until Ohio Edison implements this Section.

3. **Release.** Except for the agreements and obligations set forth herein, each of the Parties, for themselves and on behalf of their agents, advisers, attorneys, insurers, successors, parents, subsidiaries, affiliates, officers, directors, shareholders, members and assigns hereby release and forever discharge the other Party and its respective agents, advisers, attorneys, insurers, successors, parents, subsidiaries, affiliates, officers, directors, shareholders, members and assigns from any and all claims, controversies, actions, demands, causes of action, debts, obligations, damages or liabilities of every kind and description, whether known or unknown, and whether at law or in equity, which they now have, have had, or hereafter may have against the other arising out of or relating to the Dispute.

4. **Legal Advice.** Ohio Edison and Huron have received independent legal advice with respect to the advisability of making the settlement provided herein and with respect to the advisability of executing this Agreement. Further, Ohio Edison and Huron have carefully read and reviewed the Agreement with their attorneys and know and understand the full contents of this Agreement, and each Party is voluntarily executing this Agreement upon the advice of that Party's attorney(s).

5. **Authority.** Each of the Parties represents and warrants to the other Party that such Party has taken all legal and corporate steps, as applicable, necessary to enter into this Agreement and to bind such Party, to all of the provisions herein and to take the actions required to be performed by such Party in fulfillment of the undertakings contained herein and all consents or approvals required for the execution, delivery and performance of this Agreement by such Party have been obtained and are in full force and effect.

6. **No Reliance.** Neither Party has relied on any statement, representation, admission, inducement, or promise of the other Party, or any officer, agent, employee, representative or attorney for the other Party in executing this Agreement or in making the settlement provided for herein except as expressly stated in this Agreement.

7. **Ohio Law to Apply.** The rights and obligations of the Parties to this Agreement shall be construed in accordance with the governing laws of the State of Ohio, without regard for conflicts of laws principles.

8. **Entire Agreement.** This Agreement constitutes the entire agreement of the Parties. No representation, promise, inducement, or statement of intention, whether written or oral, has been made by or on behalf of any Party concerning the subject matter hereof which is not set

forth in this Agreement. This Agreement supersedes all prior and contemporaneous oral and written agreements and discussions.

9. **No Prior Assignment.** Each of the Parties expressly warrants and represents to the other Party that, prior to and including the effective date of this Agreement, no claim, demand, right of subrogation, cause of action, or obligation related to or arising out of the Agreement has been assigned or transferred by such Party to any other person or entity, and that no other person or entity has or has had any interest in said claims, demands, causes of action, or obligations, and that such Party has the right to execute this document. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors, estates, heirs, legatees, executors, administrators, employees, officers, directors, and other personal representatives and may be amended only by an agreement in writing signed by all Parties.

10. **Enforceability.** Should any provisions of this Agreement be held invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect; except that the provisions of paragraphs 1 and 2 are deemed by the Parties to be material to this Agreement and, should any portion of these paragraphs be held invalid or unenforceable, then this Agreement shall be deemed null and void at the election of any Party hereto.


11. **Execution.** This Agreement may be executed by the Parties in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Delivery of this Agreement by facsimile transmission or electronic transmission in .PDF format shall constitute valid and effective delivery.

12. **Assignment of Agreement.** No Party may assign any rights, obligations, or interest under this Agreement without the prior written consent of the other Party.

13. **Effective Date.** This Agreement is effective on the date that the signatures of all Parties first appear. All signatories to this Agreement expressly warrant and represent that they have the authority to sign this Agreement on their own behalf and on behalf of the Party for which they are signing.

**IN WITNESS WHEREOF**, the undersigned have signed and executed this Agreement on the dates set forth in the acknowledgments below as an expression of their intent to be bound by the foregoing terms of this Agreement.

**Ohio Edison Company**


By:  \_\_\_\_\_

Printed Name: Edward L. Shuttleworth

Title: President, Ohio Operations

Date: 6/2/2022

**The City of Huron**

By:  \_\_\_\_\_

Printed Name: MATT LASKO

Title: CITY MANAGER

Date: 6/2/22







**TO:** Mayor Tapp and City Council  
**FROM:** stuart hamilton , Service Director  
**RE:** Resolution No. 60-2022  
**DATE:** June 14, 2022

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### **Subject Matter/Background**

Our current Residential waste and recycling service contract with Republic Services of Sandusky is set to expire on June 30, 2022. Written into the current contract is an option to exercise five, one-year extensions. This first one-year extension will still support a neutral account balance and will give the City time to issue an RFP for a new contract.

Our Utilities Committee voted at its June 1, 2022 meeting to make a recommendation to Council to exercise this one-year extension.

### **Financial Review**

FY22 will be first year of anticipated deficit spend with contract expiring June, 2022. Expecting FY23 (7/1/22-6/30/23) deficit spend with anticipated annual contract renewal will further widen the gap in deficit spend without modification of current fee schedule. In addition, there will be additional unforeseen expenditures associated with the contractor's fuel adjustment differential, charged to CoH for the cost of diesel fuel over original base contract cost of \$2.49/gallon (see Article IV, Item 4).

### **Legal Review**

The matter has been reviewed, follows normal legislative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 60-2022 is in order.

[Resolution No. 60-2022 Republic Services Amendment.docx](#)  
[Resolution No. 60-2022 Exhibit A Republic Services Amendment.pdf](#)

**RESOLUTION NO. 60-2022**

Introduced by William Biddlecombe

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AGREEMENT FOR RESIDENTIAL WASTE COLLECTION AND RECYCLING SERVICES WITH REPUBLIC SERVICES TO EXTEND THE TERM OF THE CURRENT AGREEMENT FOR AN ADDITIONAL YEAR, WHICH AGREEMENT SHALL EXPIRE ON JUNE 30, 2023.**

WHEREAS, the City of Huron and Republic Services entered into an Agreement for Residential Waste Collection and Recycling Services on May 4, 2017, which agreement was authorized by Council in Resolution No. 2017-29 adopted on April 11, 2017 ; and

WHEREAS, the City desires to extend its current agreement with Republic Services subject to the same terms, conditions and rates of the original agreement for an additional term of one year.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1:** That Council hereby authorizes the City Manager to enter into an Amendment to Agreement for Residential Waste Collection and Recycling Services with Republic Services for an additional one-year term, subject to the terms, conditions and rates of the original agreement. The Amendment to Agreement for Residential Waste Collection and Recycling Services shall be substantially in the form of the agreement attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 2:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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:** This Resolution shall be in full force and effect from and immediately following its adoption.

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Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

**AMENDMENT TO AGREEMENT FOR RESIDENTIAL WASTE COLLECTION AND RECYCLING SERVICES**

This Amendment (the "Amendment") to the Agreement for Residential Waste Collection and Recycling Services is entered into as of the 1<sup>st</sup> day of July 2022 (the "**Effective Date**"), by and between **Browning-Ferris Industries of Ohio, Inc. dba Republic Services of Sandusky** ("**Contractor**") and **City of Huron** (the "**City**") (collectively referred to herein as the "Parties" and individually as a "Party").

**WHEREAS**, the Parties entered into the Agreement for Residential Waste Collection and Recycling Services dated May 4, 2017 (hereinafter "Agreement") to provide certain waste collection and recycling services in accordance with the Agreement.

**AND WHEREAS**, the Parties now desire to amend certain terms of the Agreement which shall take effect from July 01, 2022.

**NOW, THEREFORE**, in consideration of the above premises and of the mutual covenants herein contained and other consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Parties agree as follows:

1. Except as specifically provided in this Amendment, each and every provision of the Agreement between the parties remains, and is, in all respects, in full force and effect.
2. **TERM:** The term of this Agreement is hereby extended for an additional one (1) year period from its current expiration date until June 30, 2023 (the "Renewal Term"). After the Renewal Term, this Agreement may be extended by for an additional one (1) year period upon mutual written agreement of both the Parties .

**IN WITNESS WHEREOF**, the parties hereto have signed these presents for the purposes herein contained the day and year stated below:

**CONTRACTOR:**

**Browning-Ferris Industries of Ohio, Inc.  
dba Republic Services of Sandusky**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY:**

**City of Huron**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Matthew Lasko  
**RE:** Resolution No. 61-2022  
**DATE:** June 14, 2022

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### **Subject Matter/Background**

Resolution No. 61-2022 request's Council's authorization to enter into an agreement with OHM Advisors to create a city-wide Stormwater Management Plan, and follows up on the presentation made to Council in the Work Session held on May 24, 2022. OHM's proposed scope for this project is a phased approach starting with data collection to build a database of the City's existing stormwater assets and gathering information on flooding issues. Future phase work could include quantifying the hydraulic performance of the stormwater system and preparing recommendations for capital improvement projects. Subsequent phases should target longer-term system maintenance and funding solutions. The proposed work plan for the first phase of work is as follows:

#### **Task 1 - Create Stormwater Geodatabase (GIS)**

Under this task, OHM will obtain available information from existing sewer location maps to create a geodatabase of the City's storm sewer system assets. This task is not intended to result in a comprehensive and complete stormwater asset database, rather to be a starting point for efforts to continue to build on. The focus of populating a geodatabase will be those assets which are critical to hydraulic modeling of the system performance in Phase 2. Specific work effort will include the following:

- A kickoff meeting with the City will be held to discuss obtaining information, maps and plans of existing storm sewers. We understand that the City is working to collect and scan existing sewer system maps to build an electronic record of the storm sewer system. We also understand the Erie Soil & Water Conservation District (ESWCD) agreement with the City includes the creation of a GIS map layer and data collection app for mapping the storm sewer system. OHM will further develop the efforts already initiated by ESWCD and the City's Street Department. This information will serve as the starting foundation for the geodatabase.
- Develop stormwater GIS database of major stormwater assets needed for hydrologic/hydraulic modeling in Phase 2. Database information will focus on manhole/pipe connectivity and manhole and pipe naming convention to eliminate duplicate IDs.
- Identify missing rim/invert elevations for major sewer components for the hydrologic/hydraulic modeling task.
- Deliver geodatabase to City staff.

#### **Task 2 – Data Collection/Field Services**

Under this task, OHM will collect background data for building the hydrologic/hydraulic model and developing a full understanding of flooding extends and drivers. Specific work efforts will include the following:

- Review the compiled list of flood calls (City spreadsheet) and cross reference with the City's sewer map. This data will help determine areas where additional modeling may be necessary. The contact information in this table will be used to reach out to specific homeowners if additional data is needed, such as photos or high-water mark identification (surveyors will collect data afterwards).

- Collect USGS stream flow data from Gage # 04199000 (Huron River near Milan, OH approximately 6 miles upstream from Lake Erie) and historic USACE Great Lakes Water Levels data from Lake Erie. The stream flow and lake level data can be used to set boundary conditions in the hydraulic model.
- Collect FEMA Flood Insurance Study and Flood Insurance Rate Map data for the City/FEMA.
- Record drawing research will include a review of available record drawings and addition of key data (rim/invert, pipe diameter, pipe material, installation year) to the stormwater geodatabase (GIS) for those components identified for the hydrologic/hydraulic model. This effort will be performed prior to survey to minimize the required field effort. OHM will identify remaining data needs and create a map for the field survey effort.
- Field survey will include survey of identified manholes and collecting key data: rim, invert elevations, and pipe sizes. Following the field efforts, the collected data will be added to the stormwater component geodatabase that was developed under Task 1. This work will be limited to larger-diameter sewers (generally 24-inch diameter and larger) for which rim/invert data are missing and no information could be collected through record drawings.
- Drain and culvert data collection will start with coordination with City staff and confirmation of specific reaches of open drains for cross section and culvert survey. These reaches will be limited to those identified as necessary to complete the hydraulic model of the stormwater system backbone. It is assumed that up to six individual cross sections will be surveyed to supplement existing data. GIS-based contours will be used to extend cross sections into the floodplain. Where culverts are encountered, culvert sizes and invert elevations will be measured. Roadway overtopping elevations will be determined using existing GIS-based contours. FEMA hydraulic model data (from previous studies, where available) will be used to supplement field survey and contour data.

### **Financial Review**

Fund 605-5300-53324, Storm Water Fund - Consultant Special Services, has available FY22 budget equal to \$40,200. The additional funding will likely come from a General Fund transfer. However, the proposed 61-2022 Stormwater Management plan analysis may take place over 8 months, utilizing FY23 funding source as well.

### **Legal Review**

The matter has been reviewed, follows normal legislative procedure and is properly before you

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 61-2022 is in order.

[Resolution No. 61-2022 OHM Stormwater Mgmt.doc](#)

[Resolution No. 61-2022 Exhibit A OHM Stormwater Mgmt.pdf](#)

**RESOLUTION NO. 61-2022**

Introduced by Joel Hagy

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR ENGINEERING SERVICES TO DEVELOP A SYSTEM-WIDE STORMWATER MANAGEMENT PLAN (PHASE I) IN AN AMOUNT NOT TO EXCEED FIFTY-TWO THOUSAND AND 00/100 DOLLARS (\$52,000.00)**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1.** That the City Manager shall be, and he hereby is, authorized and directed to accept the proposal and enter into an agreement with OHM Advisors for engineering services to develop a system-wide Stormwater Management Plan (Phase I) in an amount not to exceed Fifty-Two Thousand and 00/100 Dollars (\$52,000.00), which agreement shall be in substantially in the form of Exhibit "A" attached hereto and made a part hereof.

**SECTION 2.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

**SECTION 3.** That this Resolution shall be in full force and effect from and immediately after its adoption.

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Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

April 20, 2022

Stuart Hamilton  
Service Director  
City of Huron  
417 Main Street  
Huron, OH 44839

**RE: City of Huron, Ohio Stormwater Management Plan Assistance  
Recommendation for System-wide Stormwater Management Plan**

Dear Mr. Hamilton:

Recent flooding complaints suggest that portions of the City of Huron's sewer infrastructure do not have adequate capacity to handle recent storm events and/or coastal flooding from Lake surges. Specifically, residents of the northwest region of the City have reported instances of flooding. OHM Advisors met with the City to look at some of the sites where flooding has been reported. Based on our conversations with City staff, we understand that the City is experiencing a combination of stormwater and coastal flooding. We recommend a system-wide flooding study to evaluate risks and identify infrastructure deficiencies across the City. A system-wide flooding study would provide a framework for decision makers to develop and prioritize capital improvements targeted at flooding mitigation. Depending on scope, the goals of a system-wide study may include:

- ▶ Provide the City with a flooding risk assessment, identifying the magnitude of flooding that could be expected and at what frequency and potential impacts.
- ▶ Develop recommendations to improve the level of service to residents, reduce risks to public health and infrastructure, and improve resiliency to climatic conditions.
- ▶ Provide the City with an updatable Geographic Information System (GIS) database for collecting, organizing, and storing data for the stormwater collection system using the latest available hardware and software.
- ▶ Survey key system components to develop the GIS database and to allow future generations to access infrastructure data (e.g., material, type, size, age) with greater ease.
- ▶ Evaluate the structural and operational condition of various system components and store the data in the GIS database.
- ▶ Provide the City with an adaptable hydraulic model with key trunkline stormwater sewers and open channel drains that can be continually updated.
- ▶ Identify long-term operations and maintenance strategies to maintain a reasonable structural condition into perpetuity.
- ▶ Provide recommendations for developing a prioritized Capital Improvement Plan.

The City of Huron faces flooding risks from several fronts. Located on the shores of Lake Erie and split by the Huron River, it is critical to understand the risks not only of stormwater runoff, but also of impacts on system performance resulting from changes in water levels in the receiving waterbodies. In order to assess these risks, we strongly recommend that the City conduct a systematic review of the stormwater infrastructure. A proposed work plan is included with this recommendation, outlining scope items that could be included. Please review these items and consider the short- and long-term benefits to City managers and residents. We are excited to continue this

discussion with the City and would be pleased to provide a more detailed walk through of potential deliverables to aid in the decision making.

OHM has significant experience bringing collection systems experts together on similar projects, and our team brings several key advantages that will benefit the City of Huron:

1. Local presence, ideal for fieldwork and public engagement.
2. Experience with the City of Huron and its collection system challenges.
3. Depth of experience with footing drain disconnection programs.
4. Experience developing and analyzing detailed hydraulic models of city-wide stormwater systems.
5. Asset Management Planning experts.

### **SCOPE OF SERVICES**

Our proposed scope for this project is a phased approach starting with data collection to build a database of the City's existing stormwater assets and gathering information on flooding issues. Future phase work could include quantifying the hydraulic performance of the stormwater system and preparing recommendations for capital improvement projects. Subsequent phases should target longer-term system maintenance and funding solutions. The proposed work plan for the first phase of work is as follows:

### **PHASE 1 TASKS**

#### **Task 1 - Create Stormwater Geodatabase (GIS)**

Under this task, OHM will obtain available information from existing sewer location maps to create a geodatabase of the City's storm sewer system assets. This task is not intended to result in a comprehensive and complete stormwater asset database, rather to be a starting point for efforts to continue to build on. The focus of populating a geodatabase will be those assets which are critical to hydraulic modeling of the system performance in Phase 2. Specific work effort will include the following:

- ▶ A kickoff meeting with the City will be held to discuss obtaining information, maps and plans of existing storm sewers. We understand that the City is working to collect and scan existing sewer system maps to build an electronic record of the storm sewer system. We also understand the Erie Soil & Water Conservation District (ESWCD) agreement with the City includes the creation of a GIS map layer and data collection app for mapping the storm sewer system. OHM will further develop the efforts already initiated by ESWCD and the City's Street Department. This information will serve as the starting foundation for the geodatabase.
- ▶ Develop stormwater GIS database of major stormwater assets needed for hydrologic/hydraulic modeling in Task 4 of Phase 2. Database information will focus on manhole/pipe connectivity and manhole and pipe naming convention to eliminate duplicate IDs.
- ▶ Identify missing rim/invert elevations for major sewer components for the hydrologic/hydraulic modeling task.
- ▶ Deliver geodatabase to City staff.

#### *Deliverable:*

- ▶ GIS geodatabase framework of major stormwater system components



## **Task 2 – Data Collection/Field Services**

Under this task, OHM will collect background data for building the hydrologic/hydraulic model and developing a full understanding of flooding extends and drivers. Specific work efforts will include the following:

- ▼ Review the compiled list of flood calls (City spreadsheet) and cross reference with the City's sewer map. This data will help determine areas where additional modeling may be necessary. The contact information in this table will be used to reach out to specific homeowners if additional data is needed, such as photos or high-water mark identification (surveyors will collect data afterwards).
- ▼ Collect USGS stream flow data from Gage # 04199000 (Huron River near Milan, OH approximately 6 miles upstream from Lake Erie) and historic USACE Great Lakes Water Levels data from Lake Erie. The stream flow and lake level data can be used to set boundary conditions in the hydraulic model.
- ▼ Collect FEMA Flood Insurance Study and Flood Insurance Rate Map data for the City/FEMA.
- ▼ Record drawing research will include a review of available record drawings and addition of key data (rim/invert, pipe diameter, pipe material, installation year) to the stormwater geodatabase (GIS) for those components identified for the hydrologic/hydraulic model. This effort will be performed prior to survey to minimize the required field effort. OHM will identify remaining data needs and create a map for the field survey effort.
- ▼ Field survey will include survey of identified manholes and collecting key data: rim, invert elevations, and pipe sizes. Following the field efforts, the collected data will be added to the stormwater component geodatabase that was developed under Task 1. This work will be limited to larger-diameter sewers (generally 24-inch diameter and larger) for which rim/invert data are missing and no information could be collected through record drawings.
- ▼ Drain and culvert data collection will start with coordination with City staff and confirmation of specific reaches of open drains for cross section and culvert survey. These reaches will be limited to those identified as necessary to complete the hydraulic model of the stormwater system backbone. It is assumed that up to six individual cross sections will be surveyed to supplement existing data. GIS-based contours will be used to extend cross sections into the floodplain. Where culverts are encountered, culvert sizes and invert elevations will be measured. Roadway overtopping elevations will be determined using existing GIS-based contours. FEMA hydraulic model data (from previous studies, where available) will be used to supplement field survey and contour data.

### *Deliverable:*

- ▼ Technical Report summarizing the data collection efforts and results

## **SERVICES NOT INCLUDED**

The following items are not included in the scope of services:

- ▼ Cleaning and televising of storm sewer pipes.
- ▼ Hydraulic modeling of the stormwater system.
- ▼ Additional meetings and/or presentations not listed in the scope of services above.
- ▼ Concept and detailed design of capital improvements (long or short term).

## **SCHEDULE**

Upon receiving a notice to proceed from the City, OHM will begin work immediately on Phase 1 tasks. We anticipate completion of Phase 1 tasks within 8 months from the date of authorization.

## **FEE SCHEDULE**

The fee estimate was developed based on the scope within this letter proposal and includes estimated work efforts applied to the respective standard hourly billing rates for OHM. The following summary includes fee estimates separated by task and phase.

Stormwater Management Plan – Phase 1 Fee		
Task	Description	Fee
1	Optimize Stormwater Geodatabase (GIS)	\$ 10,000
2	Data Collection / Field Services	\$ 42,000
Phase 1 Total		<b>\$ 52,000</b>

Sincerely,  
OHM Advisors



Russell Critelli, PE, PMP  
Principal/Manager of Cleveland  
Russ.critelli@ohm-advisors.com  
D: 216.865.1339

Authorization to Proceed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

CC: Matt Lasko, City Manager