

Twitter Thread by [Keith](#)



Keith

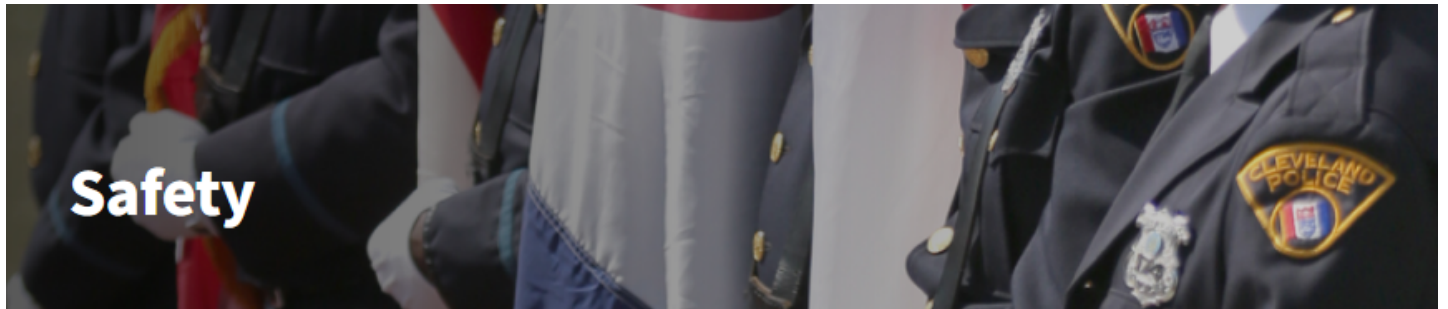
[@DocumenterK](#)



Hi, I'm Keith & I'll be providing coverage of the Wednesday, May 25, 2022, Cleveland City Council's Safety Committee meeting on behalf of [@cledocumenters](#) and [@NeighborUpCle](#).

About Cleveland City Council's Safety Committee

<https://t.co/JIAzXx45uk>



About the Committee

The Public Safety Committee is responsible for the oversight of the Cleveland Police and Fire Departments, the Emergency Medical Service and the Boxing and Wrestling Commission. In addition, it oversees the enforcement of Cleveland's traffic code, off-street parking issues, and building inspections, and all matters related to the city's Department of Public Safety.

Safety Committee Members

Chair, W8 Michael D. Polensek

Vice Chair, W1 Joseph T. Jones [@CleveJoeJones](#)

W4 Deborah A. Gray

W5 Richard A. Starr [@R1chardStarr](#)

W7 Stephanie Howse [@stephaniehowse](#)

W11 Brian Mooney

W17 Charles J. Slife [@ADayInTheSlife](#)

Committee Leadership



Chair

[Michael D. Polensek](#)



Vice Chair

[Joseph T. Jones](#)

Committee Members



[Deborah A. Gray](#)



[Stephanie D. Howse](#)



[Brian Mooney](#)



[Charles J. Slife](#)



[Richard A. Starr](#)

Public Notice of the Safety Committee Meeting on May 25, 2022, was created on Tuesday, May 24, 2022

<https://t.co/thVaVA0p5J>



CITY OF CLEVELAND
Office of the Council

PUBLIC NOTICE

Committee Calendar

Cleveland City Hall, Mercedes Cotner Committee Room, 217

601 Lakeside Avenue, N. E., Cleveland, OH 44114

Phone: 216-664-2848 | www.clevelandcitycouncil.org

The following meeting will be held at Cleveland City Hall, 601 Lakeside Avenue, in the Mercedes Cotner Council Committee Room 217.

It will be conducted as an in-person meeting as well as broadcast live in accordance with Ohio's Open Meetings Laws and Section 101.021 of the Codified Ordinances of Cleveland, Ohio, 1976.

Due to COVID and security protocols, there will be strict limitations on room capacity. Everyone is requested to wear a face mask, and observe all City Hall COVID protocols.

This meeting will be broadcast live on:

YouTube: <https://www.youtube.com/user/ClevelandCityCouncil>

Cleveland TV Channel 20 (Spectrum Cable TV)

TV 20 Livestream online: <http://www.tv20cleveland.com/watch-now/>

For more information go to Cleveland City Council's website: <https://www.clevelandcitycouncil.org>.

Wednesday, May 25, 2022 | 10:00 a.m. Safety Committee

Chair: Michael D. Polensek **Vice Chair:** Joseph T. Jones

Members: Deborah A. Gray; Stephanie D. Howse; Brian Mooney; Charles Slife; Richard A. Starr

Ord. No. 483-2022

By Council Members Polensek and Griffin (by departmental request)

To amend Sections 387.01, 387.03, 387.04, 387.06, and 387.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to prohibiting the receipt, storage, possession, sale, use, or discharge of any 1.4G consumer fireworks without a permit under this chapter.

Remarks by Director of Public Safety Department: See Legislation.

(END)

Agenda for the Safety Committee Meeting on May 25, 2022

<https://t.co/LuijbdgeMy>



Cleveland City Council

Cleveland City Hall, Room
216
601 Lakeside Avenue, N.E.
Cleveland, OH 44114

Committee Calendar

Safety Committee

Wednesday, May 25, 2022

10:00 AM

Mercedes Cotner Committee Room 217

There will be limited seating due to COVID protocols. See meeting notice for details.

[483-2022](#)

AN EMERGENCY ORDINANCE To amend Sections 387.01, 387.03, 387.04, 387.06, and 387.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to prohibiting the receipt, storage, possession, sale, use, or discharge of any 1.4G consumer fireworks without a permit under this chapter.

Sponsors:

Michael Polensek, Blaine Griffin and By Departmental Request

Attachments:

[483-2022-Amend various sections of 387, fireworks](#)

Item-476

Safety Committee Meeting Notice for May 25, 2022

Attachments:

[Safety Committee Meeting Notice for 5-25-2022](#)

(END)

As indicated on both the Public Meeting Notice and the Agenda, Safety Committee will review Emergency Ordinance 483-2022.

This EO will amend various sections of the Codified Ordinances of Cleveland to require a permit concerning actions related to fireworks.

EO 483-2022, pp.1-4

Note:

language to be removed has a line struck through the center

language to be added is underlined

<https://t.co/tnkxuinxC4>

Ordinance No. 483-2022

By Council Members Polensek and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 387.01, 387.03, 387.04, 387.06, and 387.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to prohibiting the receipt, storage, possession, sale, use, or discharge of any 1.4G consumer fireworks without a permit under this chapter.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 387.01, 387.03, 387.04, 387.06, as amended by Ordinance No. 1253-07, passed November 19, 2007, and

Section 387.16, as amended by Ordinance No. 599-11, passed June 6, 2011, are amended to read as follows:

Section 387.01 Definitions

As used in this chapter:

(a) "Artificial barricade" means any artificial mound or properly revetted wall of earth of minimum thickness of not less than three (3) feet or an equivalent protection.

(b) "Binary system" means a two (2) component system for mixing certain pyrotechnic materials on site. The items are commonly shipped as separate ingredients: an oxidizer typically labeled "A"; and a fuel, typically labeled "B". These ingredients do not become a pyrotechnic material until they are mixed.

(c) "Black powder" means a low explosive consisting of an intimate mixture of potassium or sodium nitrate, charcoal, and sulfur.

(d) "Blaster" means a qualified person in charge of and responsible for the loading and firing of an explosive.

(e) "Blasting agent" means an explosive material that meets prescribed criteria for insensitivity to initiation.

For storage, a blasting agent is any material or mixture, consisting of fuel and oxidizer, intended for blasting and not otherwise defined as an explosive; if the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. 27 C.F.R. 55.11 (Bureau of Alcohol, Tobacco, Firearms and Explosives regulation).

For transportation, a Class 1, Division 1.5 blasting agent is a substance that is a mass explosion hazard, but is so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport. 49 C.F.R. 173.50 (U.S. Department of Transportation (DOT)).

Ordinance No. 483-2022

(bb) “Magazine” means any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

(cc) “Motor vehicle” includes a vehicle, machine, tractor, trailer, or semi trailer, or a combination of them, propelled or drawn by mechanical power and used on the highways in the transportation of passengers or property. It does not include a vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street railway service.

(dd) “Natural barricade” means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine when the trees are bare of leaves.

(ee) “NFPA” means National Fire Protection Association.

(ff) “Operator” means a person with overall responsibility for the safety, setup and discharge of an outdoor fireworks display.

(gg) “Permit” means written authority issued by the City of Cleveland Fire Chief or his or her duly authorized representative.

(hh) “Person” means an individual, association, corporation, business, partnership or other legal entity or group of individuals.

(ii) “Proximate audience” means an audience closer to pyrotechnic devices than allowed by NFPA 1123, Code for Fireworks Display. This definition is also applicable to the indoor or outdoor use of pyrotechnic materials in the performing arts in conjunction with theatrical, musical, or similar productions or the filming of television, radio, or movie productions before a proximate audience, performers, or support personnel. It also applies to all use of lasers in indoor or outdoor displays unless otherwise determined by the City of Cleveland Fire Chief.

(jj) “Pyrotechnic display” means a display or performance of pyrotechnic material.

(kk) “Pyrotechnic material” means a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, when the mixture predominantly consists of solids capable of producing a controlled, self-sustaining, and self-contained exothermic chemical reaction that results in heat, gas, sound, light, or a combination of these effects, and when the chemical reaction functions without external oxygen. For purposes of this chapter, all fireworks are considered pyrotechnic material or pyrotechnics, and all pyrotechnics are considered explosives.

(ll) “Railway” means any steam, electric, diesel, electric or other railroad or railway.

(mm) “Receive” means to accept delivery, or to take possession of materials or articles; a “receiver” may include, without limitation, a consignee, a terminal, storage facility, or other fixed facility.

(nn) “Ship” means to turn over possession of materials or articles for transport; a “shipper” may include, without limitation, a manufacturer, consignor, terminal, storage facility, or other fixed facility or operation that has possession of explosives prior to transport.

Ordinance No. 483-2022

(b) Except as otherwise stated in this chapter, the policy of insurance for all permits under this chapter shall be in an amount not less than one million dollars (\$1,000,000.00) for ~~each occurrence for bodily~~ injuries and property damage, including ~~accidental wrongful~~ death of any one (1) person, and a general aggregate limit in an amount not less than five million dollars (\$5,000,000.00). The insurance required can be comprised of a combination of primary insurance and excess insurance. However, insurance for the use, handling, storage, receipt and shipment of explosives for permitted pyrotechnical displays and small arms ammunition must be in an amount not less than one million dollars (\$1,000,000.00) for ~~injuries, including accidental~~ each occurrence including body injury liability and wrongful death to any one (1) person, and a general aggregate limit in an amount not less than three million dollars (\$3,000,000.00) on account of three (3) ~~accident~~ accidents, and property damage insurance in an amount not less than one million dollars (\$1,000,000.00). Each policy of insurance shall include the City of Cleveland as an additional insured, and the Certificate of Insurance required in this section in division (c) must designate that the City of Cleveland is an additional insured.

(c) Each permit applicant shall provide to the Fire Chief a certificate of insurance, subject to review by the Director of Law, prior to the issuance of a permit. A copy of the certificate of insurance may be forwarded and utilized for the permit application review process, but an original must be forwarded to the Division of Fire prior to the issuance of a permit.

Section 2. That the existing following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 387.01, 387.03, 387.04, 387.06, as amended by Ordinance No. 1253-07, passed 11-19-07,

Section 387.16, as amended by Ordinance No. 599-11, passed June 6, 2011,

are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ST:nl
5-9-2022
FOR: Director Howard

This is a notice from Department of Public Safety Director Karrie D. Howard to Safety Committee Chair Polensek in which she summarizes the changes to Sections of the Codified Ordinances of Cleveland.



City of Cleveland Memorandum
Justin M. Bibb, Mayor

TO: Michael D. Polensek, Chair
Safety Committee

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

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

DATE: May 25, 2022

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

CO Section 387.01 would be amended to update the Code of Federal Regulations references and to update the definition of "1.4G Fireworks (Consumer Fireworks)" to include but is not limited to "fountain devices" as defined by ORC Section 3743.01. Fountain devices are a specific type of 1.4G firework that meets all of the following criteria: (1) it is nonaerial and nonreport producing; (2) it is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition); (3) it is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke; and (4) it contains not more than 75 grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than 500 grams or less for multiple tubes.

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

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

While the EO includes the original language of the ordinance with effects to demonstrate what is being struck and what is being added, if one wants to just see the current language navigate to Chapter 387 of the Codified Ordinances of Cleveland.

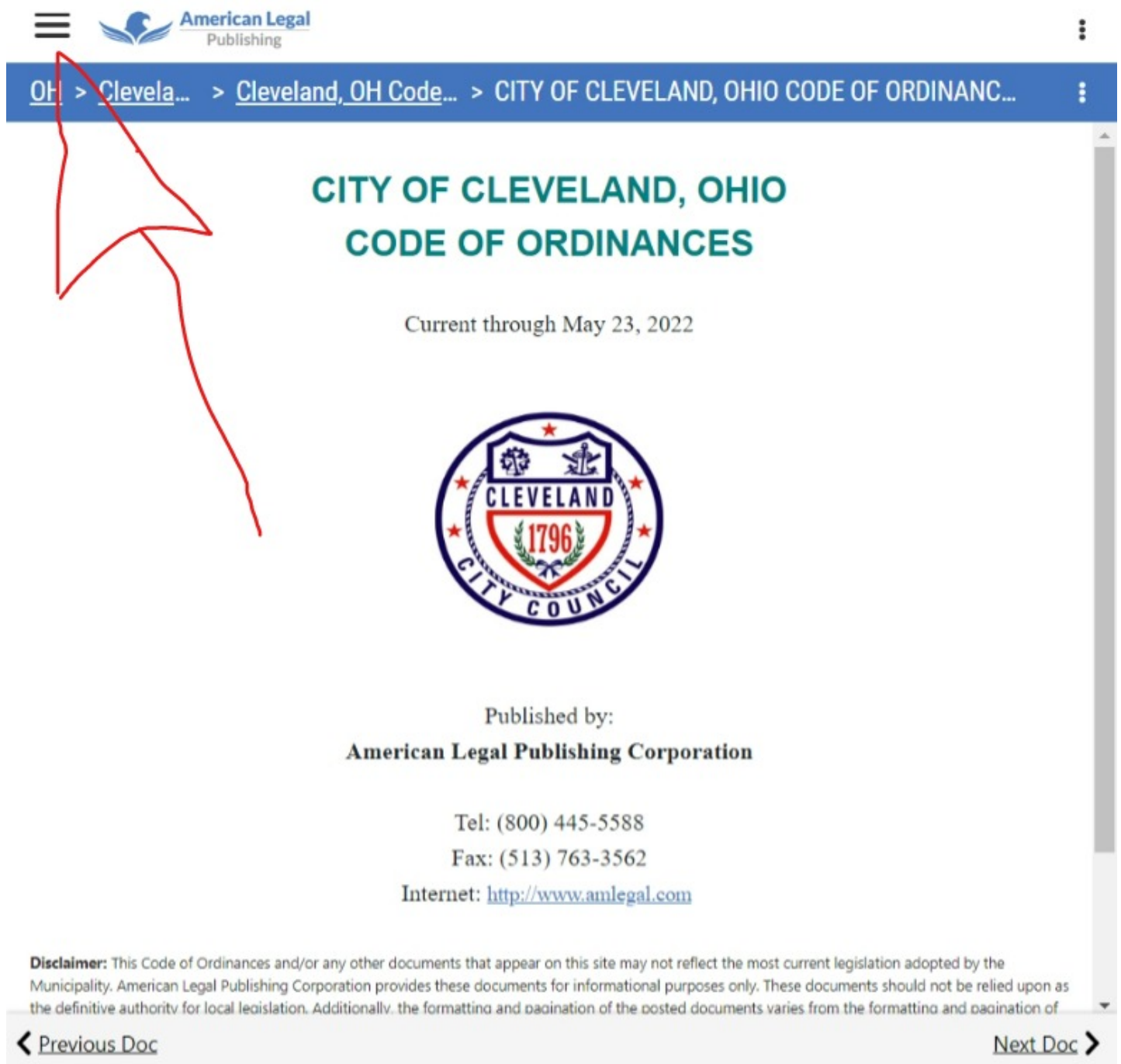
How does one do that?

Access the Codified Ordinances of Cleveland

<https://t.co/oppK4E0xNM>

To access the ordinances, click the triple bar and navigate to the appropriate section

<https://t.co/oppK4E0xNM>




The screenshot shows the American Legal Publishing website interface. At the top left, there is a hamburger menu icon (three horizontal lines) and the American Legal Publishing logo. A blue navigation bar contains the breadcrumb trail: "OH > Clevela... > Cleveland, OH Code... > CITY OF CLEVELAND, OHIO CODE OF ORDINANC...". A red arrow points to the "OH" link in this breadcrumb. Below the navigation bar, the main content area displays the title "CITY OF CLEVELAND, OHIO CODE OF ORDINANCES" in large green letters, followed by "Current through May 23, 2022". In the center is the official seal of the Cleveland City Council, which is circular with a blue border containing the text "CLEVELAND" at the top and "CITY COUNCIL" at the bottom, with "1796" in the center. Below the seal, it says "Published by: American Legal Publishing Corporation". Contact information is listed: "Tel: (800) 445-5588", "Fax: (513) 763-3562", and "Internet: <http://www.amlegal.com>". At the bottom, there is a "Disclaimer" paragraph and navigation buttons for "Previous Doc" and "Next Doc".

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CITY OF CLEVELAND, OHIO CODE OF ORDINANCES

Current through May 23, 2022



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< Previous Doc Next Doc >

C OF C 125-174

Ordinance No. 483-2022

**By Council Members Polensek and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

To amend Sections 387.01, 387.03, 387.04, 387.06, and 387.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to prohibiting the receipt, storage, possession, sale, use, or discharge of any 1.4G consumer fireworks without a permit under this chapter.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 387.01, 387.03, 387.04, 387.06, as amended by Ordinance No. 1253-07, passed November 19, 2007, and

Section 387.16, as amended by Ordinance No. 599-11, passed June 6, 2011,

Finding Sections of Chapter 387

Part Three: Land Use

>Part IIID: Land Used Code - Fire Prevention Code

>>Title XI: Fire Prevention Code

>>>Chapter 387



2022 S-20 (current)

▶ PART ONE: ADMINISTRATIVE CODE

▶ PART TWO: HEALTH CODE

▼ PART THREE: LAND USE CODE

▶ PART IIIA: LAND USE CODE - PLANNING AND HOUSING

▶ PART IIIB: LAND USE CODE - ZONING CODE

▶ PART IIIC: LAND USE CODE - HOUSING CODE

▼ PART IIID: LAND USE CODE - FIRE PREVENTION CODE

▼ TITLE XI: FIRE PREVENTION CODE

▶ CHAPTER 381 - ENFORCEMENT AND GENERAL PROVISIONS

▶ CHAPTER 383 - FLAMMABLE LIQUIDS

▶ CHAPTER 385 - FLAMMABLE MATERIALS AND GASES

▶ CHAPTER 387 - EXPLOSIVES, INCLUDING THE INDOOR AND OUTDOOR DISPLAY OF PYROTECHNICS, FLAME EFFECTS, AND LASERS

▶ CHAPTER 389 - FIRE EXTINGUISHING EQUIPMENT

▶ CHAPTER 391 - FIRE ALARM AND DETECTION SYSTEMS; FIRE DRILLS

▶ CHAPTER 392 - SMOKE DETECTORS, SMOKE ALARMS, AND CARBON MONOXIDE ALARMS

▶ CHAPTER 393 - HAZARDOUS CHEMICALS: RIGHT-TO-KNOW CODE

Sections of Chapter 387

[§ 387.01 Definitions](#)

[§ 387.02 Adoption and Incorporation of Regulations and Standards](#)

[§ 387.03 Prohibitions](#)

[§ 387.04 Exceptions to Provisions](#)

[§ 387.05 Operational and Other Requirements](#)

[§ 387.06 Permit Registration For Use and/or Storage Required; Fee](#)

[§ 387.07 Use/Storage Permit Application and Issuance](#)

[§ 387.08 Use/Storage Permit Application Contents](#)

[§ 387.09 Permit Revocation; Ceasing Operations](#)

[§ 387.10 Permit for Receipt or Shipping of Explosives and Pyrotechnic Materials; Fee](#)

[§ 387.11 Magazines for Explosives](#)

[§ 387.12 Storage Requirements for Small Arms Ammunition](#)

[§ 387.13 Change of Distance Requirements](#)

[§ 387.14 Containers Required; Articles Not to Remain Outside](#)

[§ 387.15 Seizure and Confiscation of Explosives](#)

[§ 387.16 Insurance](#)

[§ 387.17 Severability](#)

[§ 387.18 Inspections and Investigations](#)

[§ 387.99 Penalty and Enforcement](#)

Our ghost legal municipal code that most of us seemingly live oblivious to except for perhaps housing, streets, and general safety.

Now explore until you're lost in the Cleveland Codified Ordinances



Now return to the happenings of the Safety Committee Meeting held on Wednesday, May 25, 2022.

A promotional graphic for a Council Committee Hearing. On the left, a dark blue vertical banner contains the text "Coming Up Next" in white, the Cleveland City Council logo (a circular seal with "CLEVELAND 1796 CITY COUNCIL" and symbols of a scale and an anchor), and "Council Committee Hearing LIVE on TV20 We Are Cleveland!". On the right, a photograph shows a long wooden conference table in a meeting room with several chairs and people in the background.

Safety Committee Meeting
Wednesday, May 25, 2022
Live-Streamed by [@TV20Cleveland](#)

<https://t.co/cMZNiwQZd9>

Safety Committee Chair & W8 CM Michael Polensek opens the meeting with the introduction of EO. 483-2022.

This legislation was introduced by himself and Council President & W8 CM Blaine Griffin.

Cleveland City Council Member

Michael Polensek, Ward 8



Committees

Chair, Safety

Member, Finance, Diversity, Equity & Inclusion

Member, Utilities

Member, Rules

CONTACT:

mpolensek@clevelandcitycouncil.org

Office: 216.664.4236

Documenters

POWERED BY CITY BUREAU & NEIGHBOR UP



It appears roll call happened before the audio was live.

Not present

Vice Chair & W1 CM Joe Jones

W5 CM Richard Starr



LIVE
5.25.22

SAFETY COMMITTEE



Present from the City of Cleveland

George E. Coulter

Assistant Director of Public Safety

Eric Burchak

Interim Chief of Cleveland Division of Fire

Michael Kelly,

Lieutenant and Hazmat Supervisor

Shirley Tomasello

Assistant Director of Law at City of Cleveland Law Department



Dave Philbin

Fire Marshall

Fire Department

Michael Guiliase

Captain & officer in charge of investigation unit

Fire Department

Chair & W8 CM Polensek inquires if any representatives of the Cleveland Police Department are present.

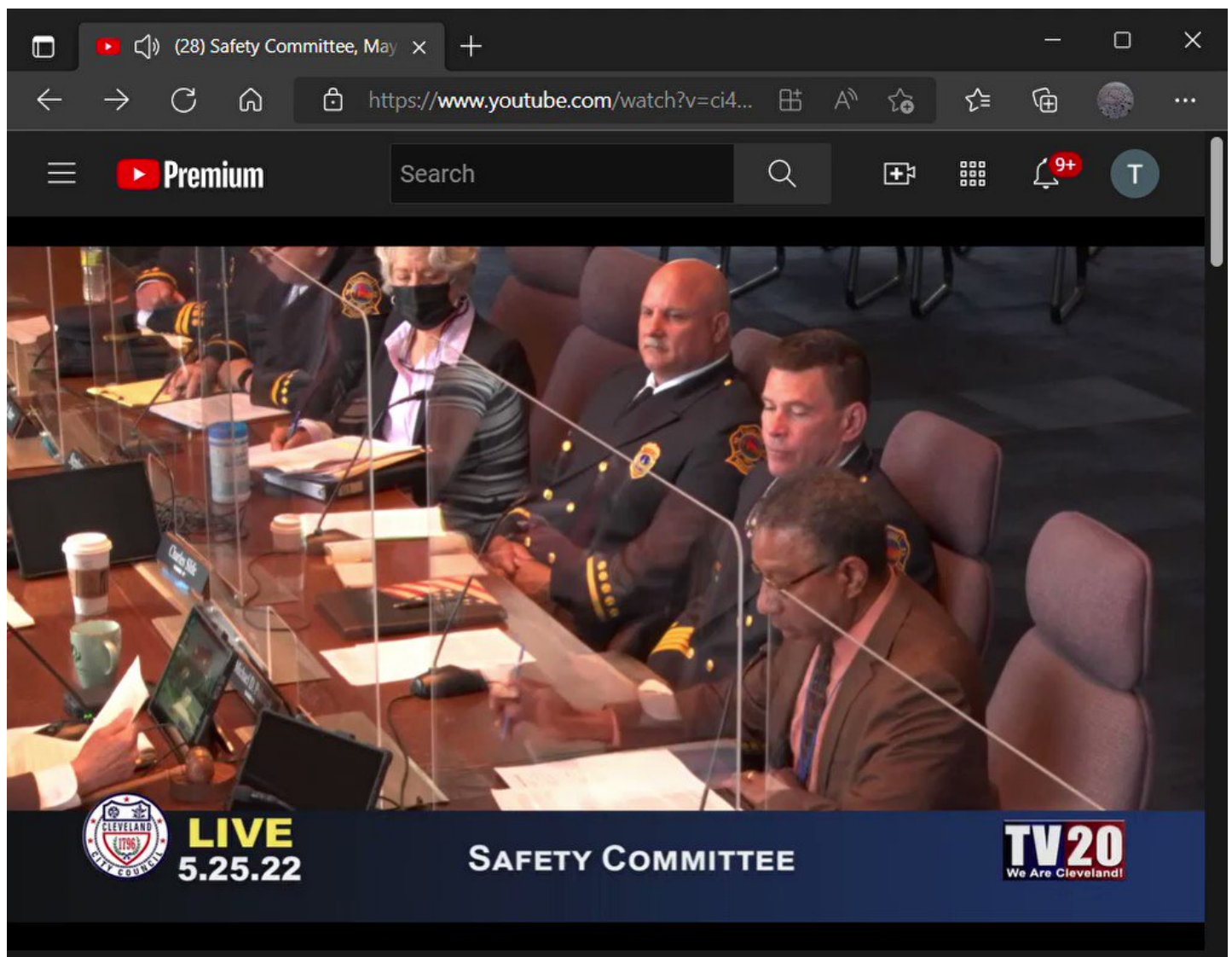
Assistant Director Coulter responds "Not at this time, sir."

Polensek expresses concern that they're not present as citizens usually call police before the fire department.

AD Coulter responds, "The cooperation between our Police and Fire and how they're dispatched is very efficient. There will not be any issues with how one is dispatched & how they cooperatively respond to incidents."

AD Coulter offers to follow up, "Certainly, questions or additional information the PD can provide we will get to you."

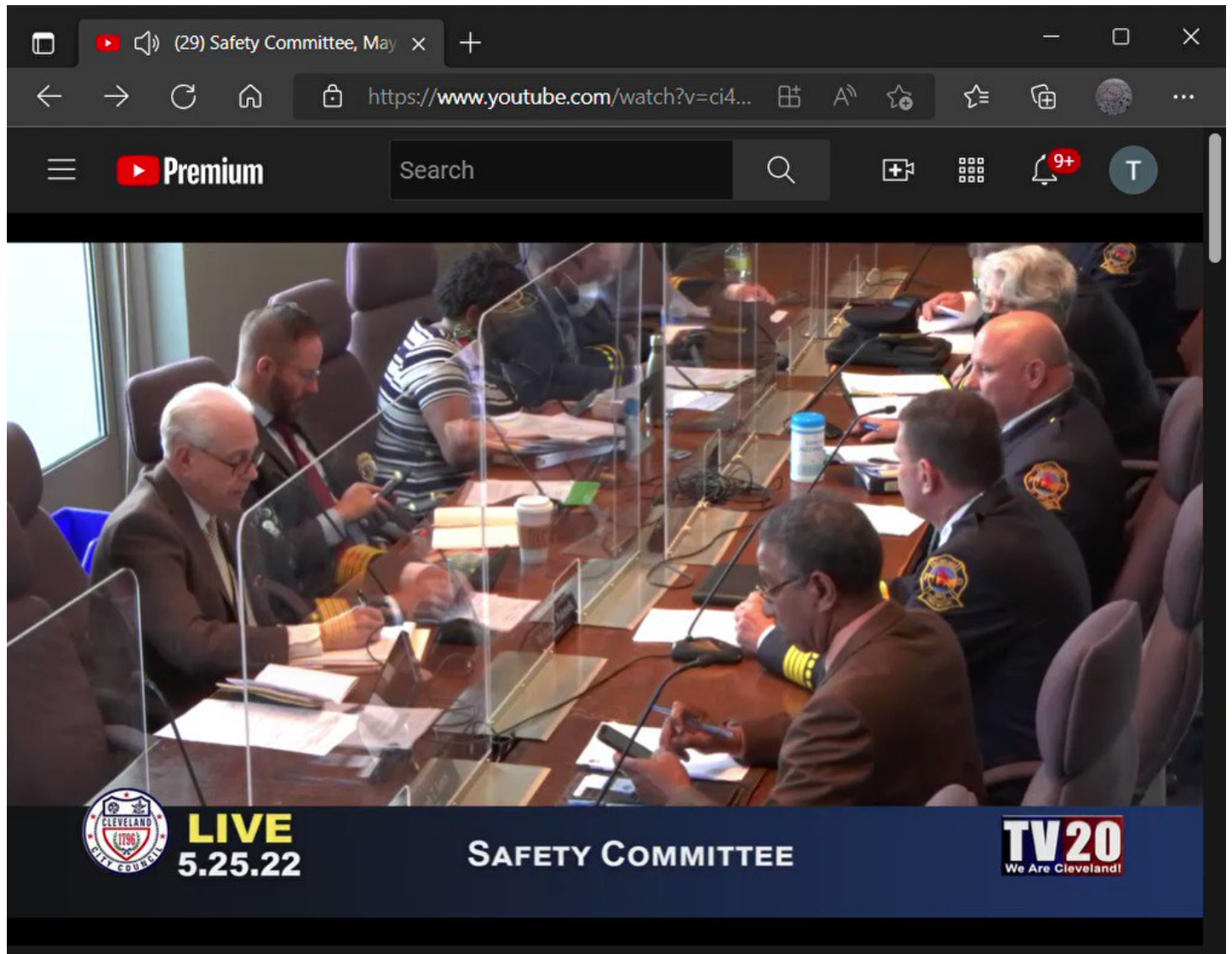
He then summarizes EO 438-2022, which mirrors the letter sent to Chair Polensek and provided by Council as an Executive Summary.



AD Coulter concludes, "We believe the amendments to these sections are important to update our local fire code with regard to consumer fireworks to provide a framework for the safe storage and discharge of such fireworks in the City of Cleveland."

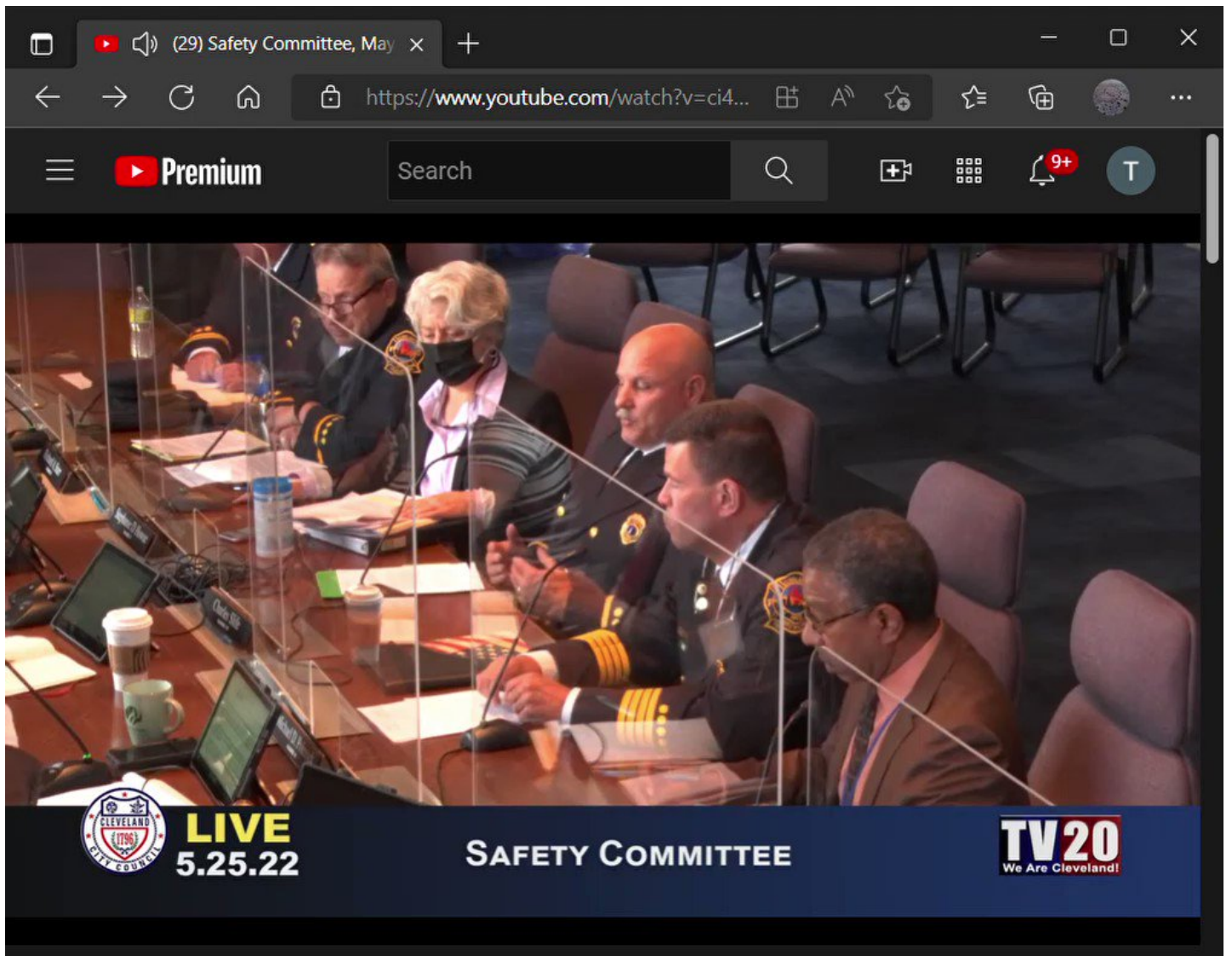
Chair & W8 Polensek, "You went over a lot there. ... 1.4G, give us some idea what that is."

Lieutenant Kelly describes 1.4 fireworks as being "firecrackers in a bottle rocket." He distinguishes "novelty items as being snaps you throw on the ground, glowworms, & sparklers."

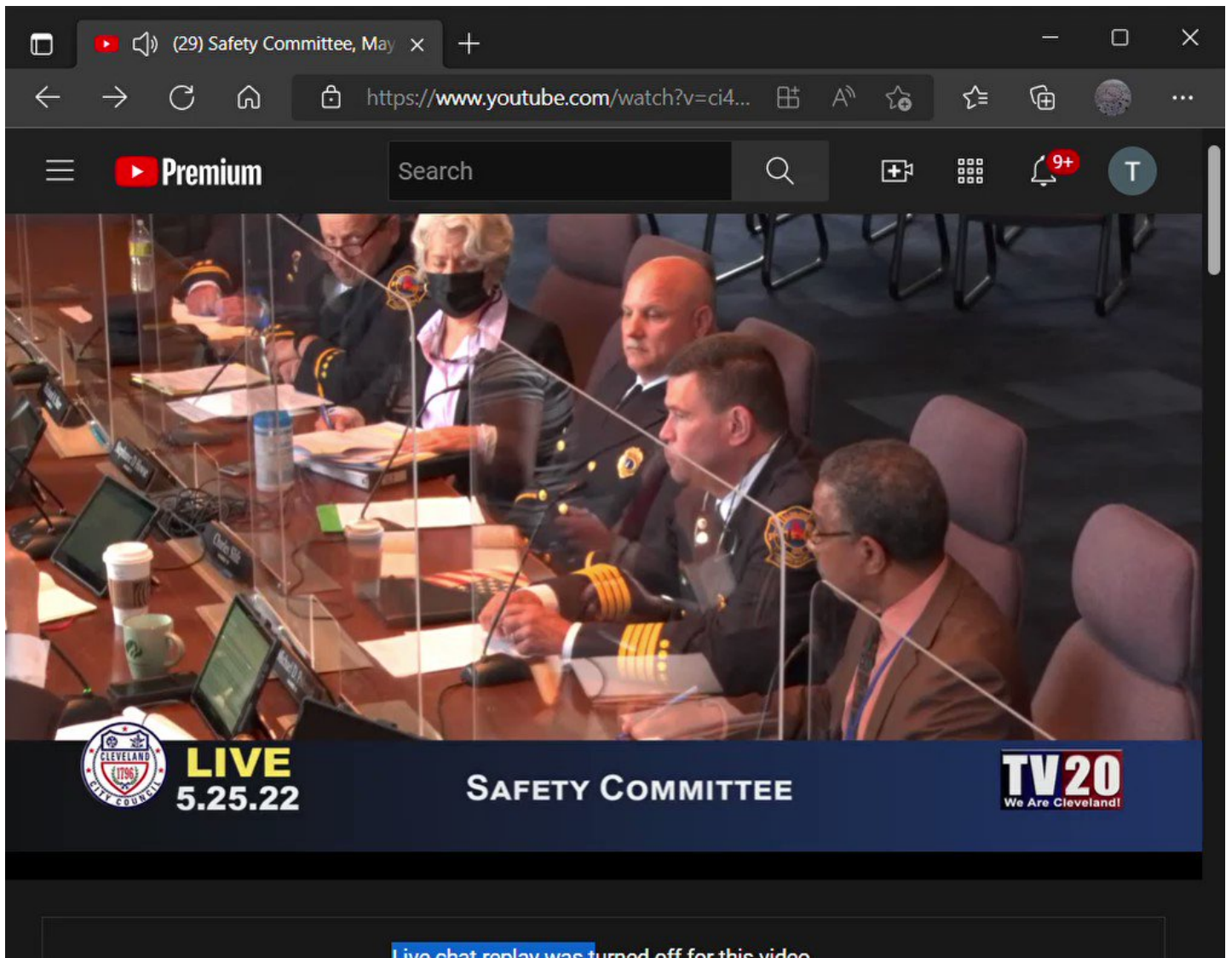


Polensek asks about fireworks that sounds like "sticks of dynamite going off."

Lieutenant Kelly, "Those are 1.3G professional grade and are prohibited."



W8 & CM Polensek enquires about the legalities of Governor DeWine's decision to sign legislation that allowed cities to opt in or out of fireworks.



AD of Law Tomasello answers, "The change that will go into effect on July 1, 2022, will allow any person to discharge, ignite, or explode 1.4G fireworks on private property with authorization of property owner on several days of the year."

AD Tomasello continues, "The new law that will go into effect on July 1, 2022, allows quote, 'a Municipal Corporation may do either of the following (1) restrict the dates or times ... or (2) ban the discharge...'"

<https://t.co/B3mf2ReuKW>.

(D) A county, with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a **municipal** corporation may do either of the following:

(1) Restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section.

(2) Ban the discharge, ignition, or explosion of fireworks purchased pursuant to this section. A resolution adopted by a board of township trustees under this division prevails over a conflicting resolution adopted under this division by the board of county commissioners in the county within which the township is located.

Polensek asks for any additional comments.

There is no response.

Polensek doublechecks about having a CPD representative.

AD Coulter iterates that dispatchers will coordinate as necessary and "does not anticipate there will be any issues with who responds to the calls."



Earlier, I could not see Vice Chair & W1 CM Joe Jones or W5 CM Richard A. Starr and assumed them absent. In fact, both are present.

Polensek shares his experience with fireworks in his Ward - parks damaged. Fires. Loud noises. Having to protect his dog in a soundproof room.

"It all comes down to quality of life. What kind of neighborhoods we are going to live in. Are they peaceful, quiet, and respectful?"

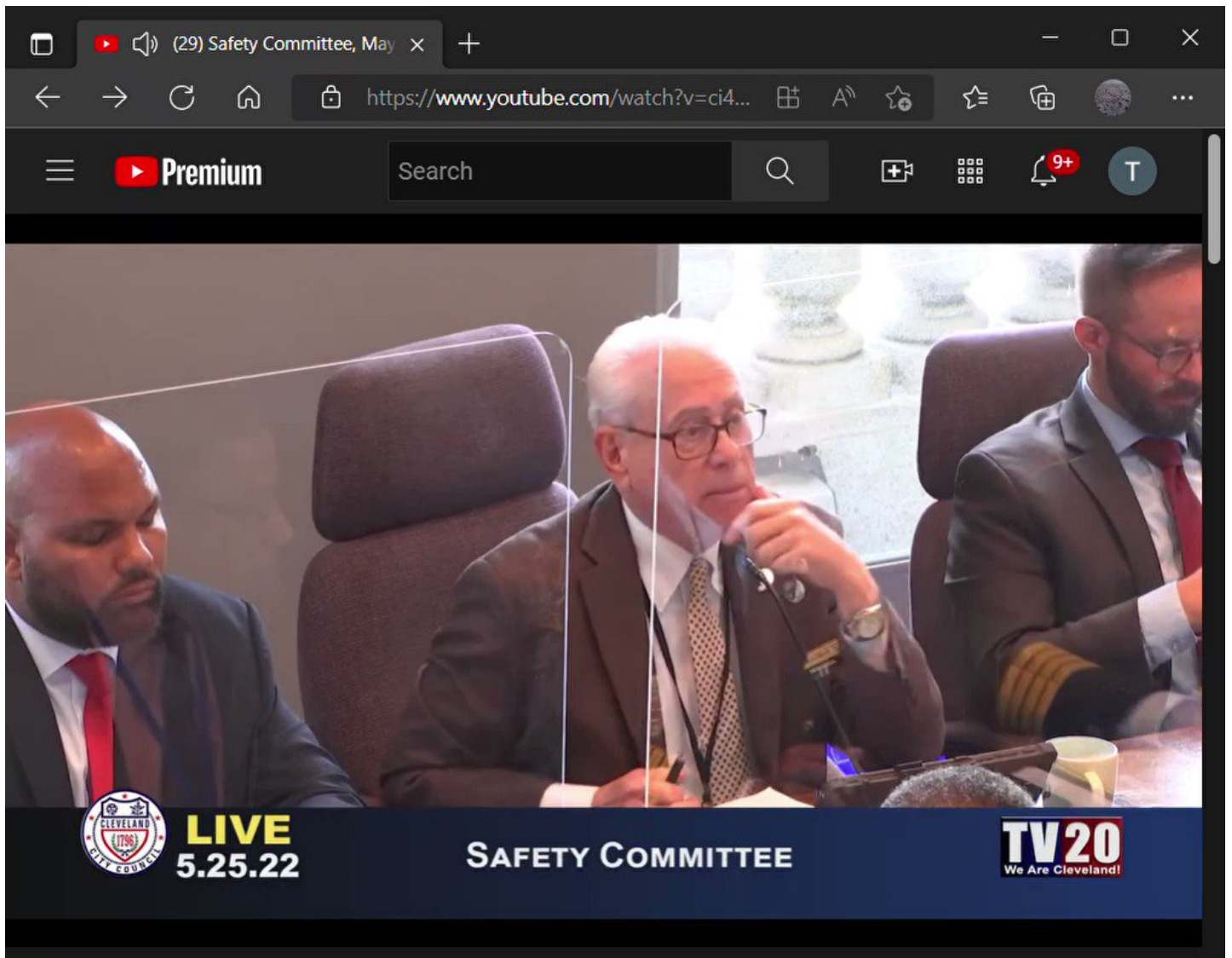


AD of Law Tomasello informs Safety Committee that the Division of Fire would like to amend the EO concerning enforcement.

Polensek informs Tomasello she would have to include the amendment.



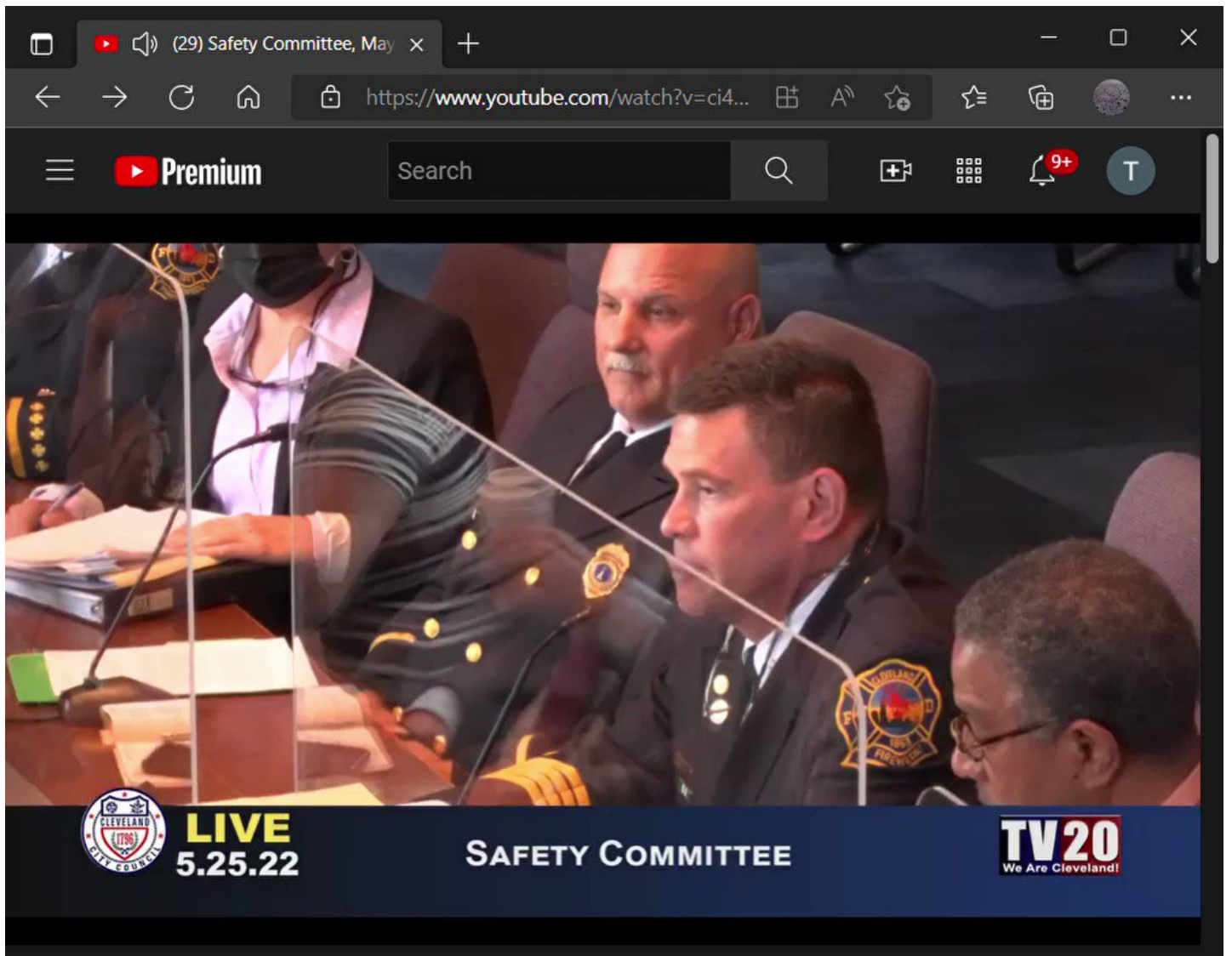
Interim Chief Burchak informs Safety Committee they would amend the penalties section to make violation of the section, which would be the illegal usage of 1.4G fireworks, a ticketable offense by CPD and immediate confiscation of said materials.



Chair & W8 CM Polensek floats the idea of allowing the Fire Department to issue tickets themselves.

W1 CM Jones agrees.

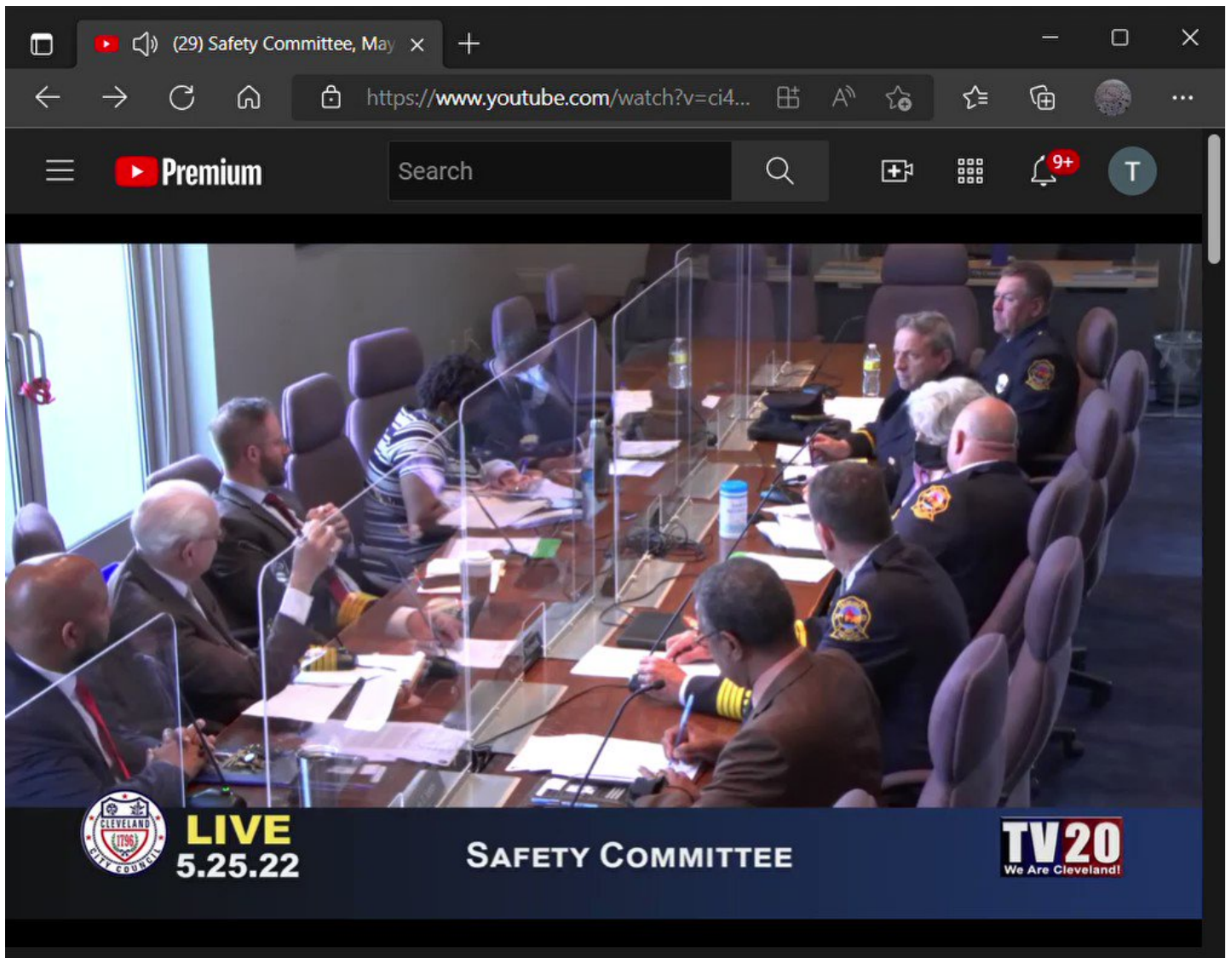
W16 CM Charles Slife inquires if Fire Dept has the legal ability to do so or if they would have to be deputized similar to the Build and Housing Department.



Fire Marshall Philbin can deem situations a hazardous condition and then can shut it down but works with Build & Housing and CPD to do this.

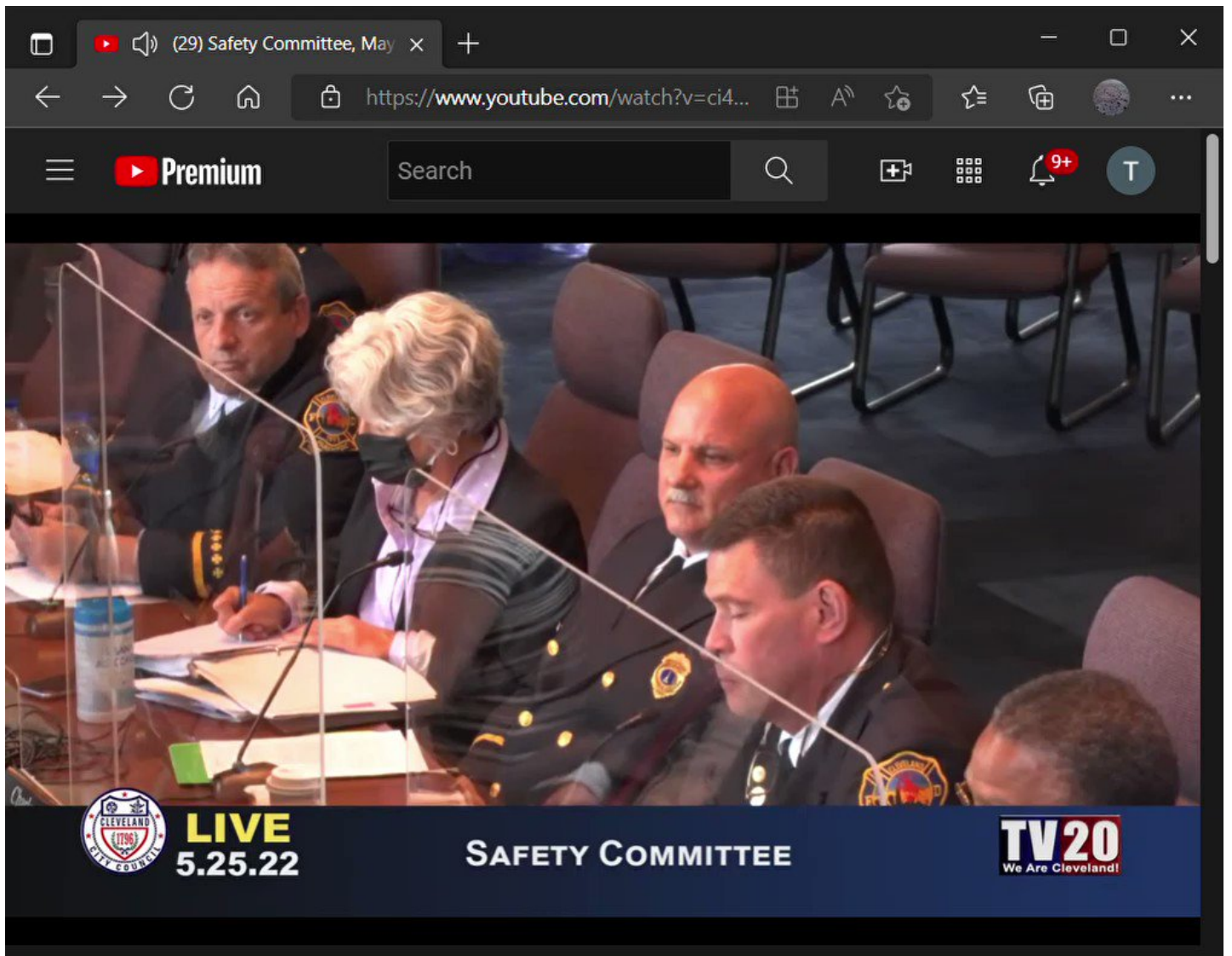
Philbin explains they do not issue tickets currently, just violations.

Polensek asks for the amendment to be read again.



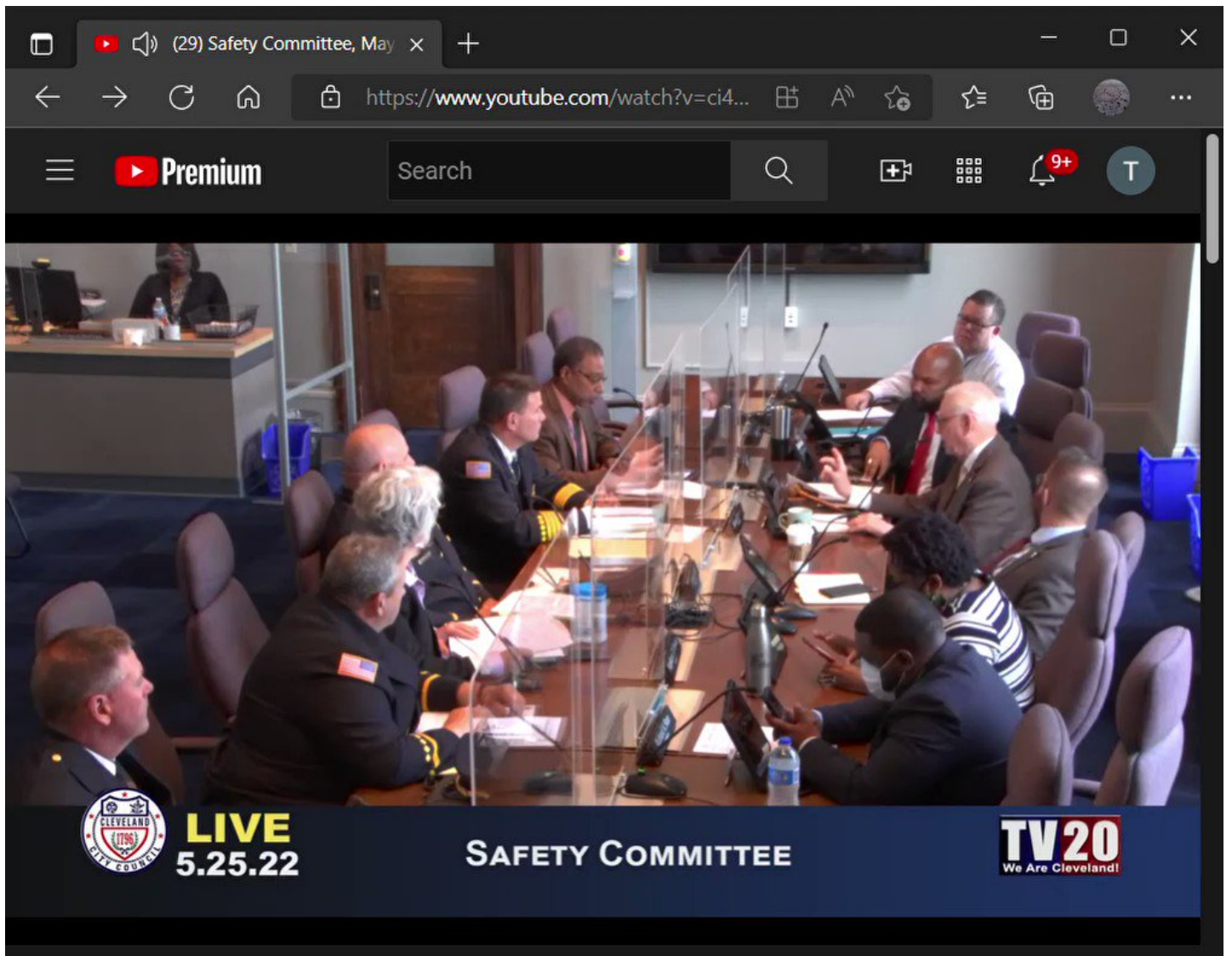
W8 & CM Polensek requests they "massage this a little to be ticketable offense by both police and fire."

AD of Safety Coulter responds the Fire could issue a Civil ticket but would prefer to follow up with Law Department and requests to do that at a later date, not in this EO.

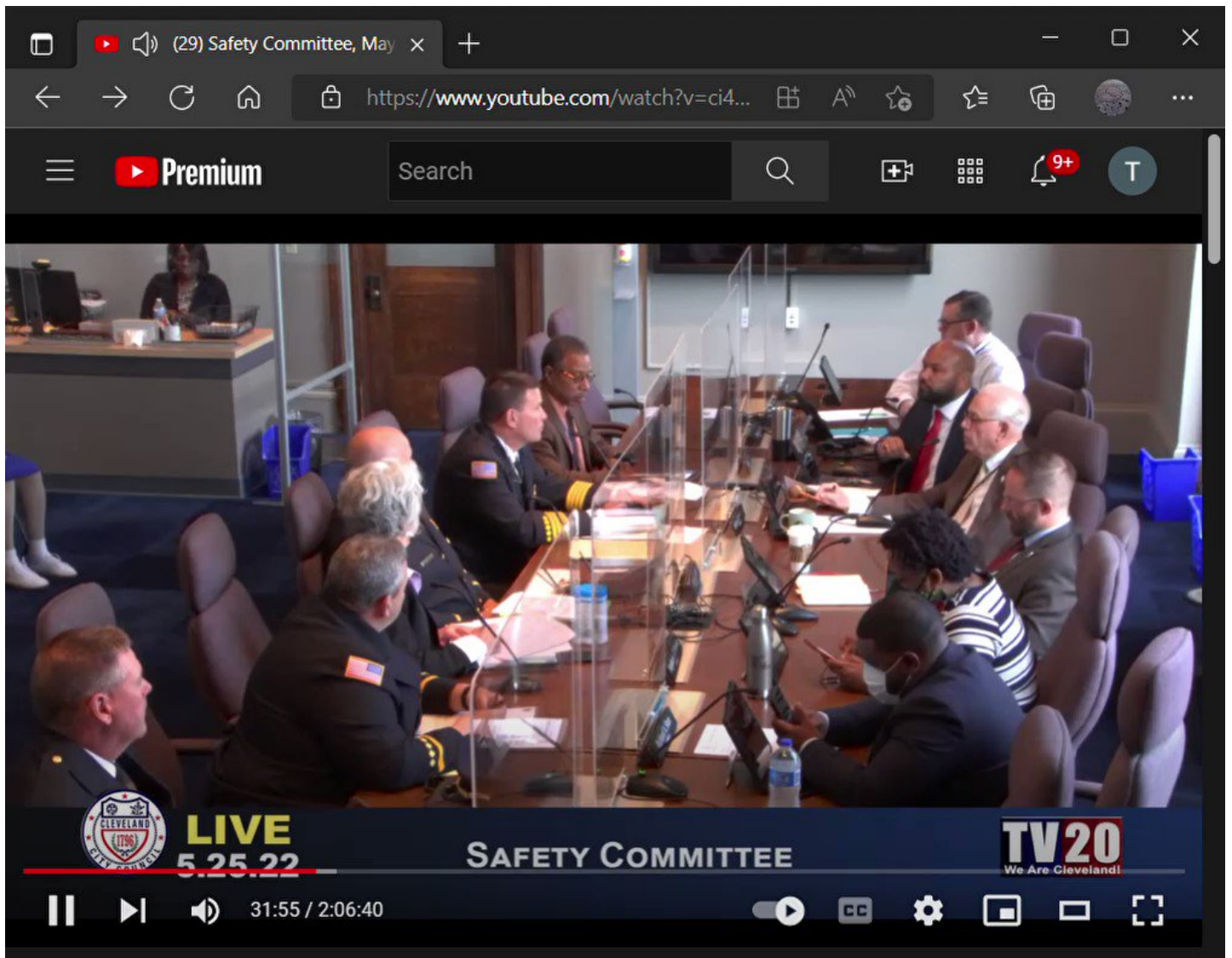


Vice Chair & W1 CM Joe Jones supports the amendment to allow the Fire Department to ticket, "I don't think that is something that is an issue."

He asks for Interim Chief Burchak's perspective on ticketing.



Interim Chief Burchak, "I don't want the Public to view us as law enforcement. ...procedurally, I would only have the Battalions Chiefs to do that and not the members on the Firetruck. We would have the Battalion Chiefs respond in a command vehicle."

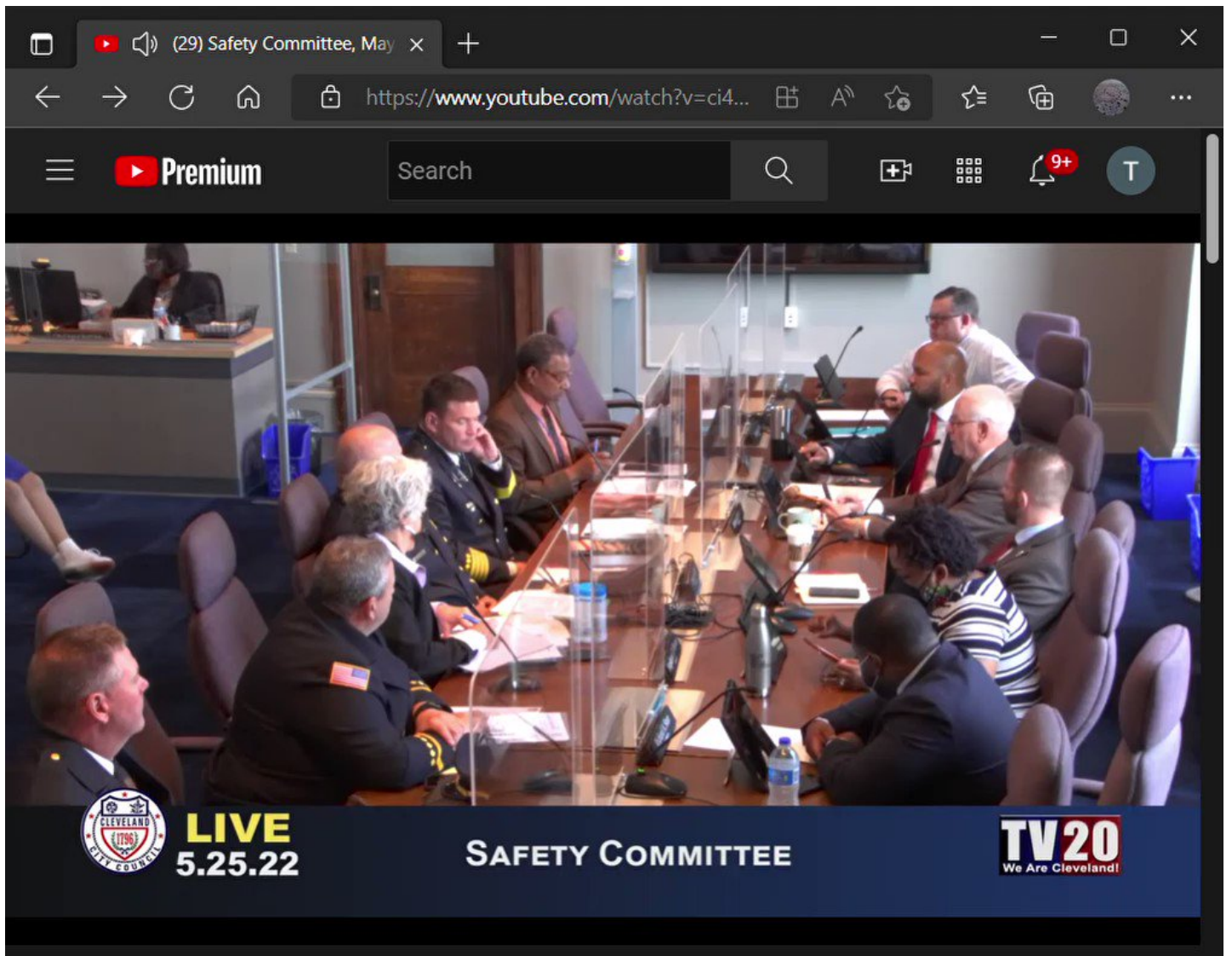


Polensek requests a member to motion to amend. It is motioned by Slife and seconded by Jones.

Polensek informs Public Safety that they have between now and Finance Committee to consider requesting the ability to issue tickets.

Polensek informs Public Safety that Council Members Jones, Slife, Howse, & Mooney have 15 minutes apiece to ask questions. There is 1 residence in attendance who would like to comment.

CPD Deputy Chief Sammy Morris is invited to the table & asked to comment before questioning.



W1 CM Joe Jones is first up for questioning.

Cleveland City Council Member

Joe Jones, Ward 1



Committees

Chair, Mayor's Appointments

Vice Chair, Safety

Member, Development, Planning, Sustainability

Member, Municipal Services & Properties

Member, Workforce, Education, Training & Youth
Development

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W1 CM Jones asks the same question that Polensek did earlier, what are 1.4G fireworks?

It is answered.

He then states that this meeting is a waste of time if the Fire Department will not enforce because there will not be proper enforcement with CPD due to low staffing.



W17 CM Charles Slife is up next for questioning.

Cleveland City Council Member

Charles Slife, Ward 17



Committees

Vice Chair, Health, Human Services & the Arts

Vice Chair, Transportation & Mobility

Member, Safety

Member, Workforce, Education, Training & Youth
Development

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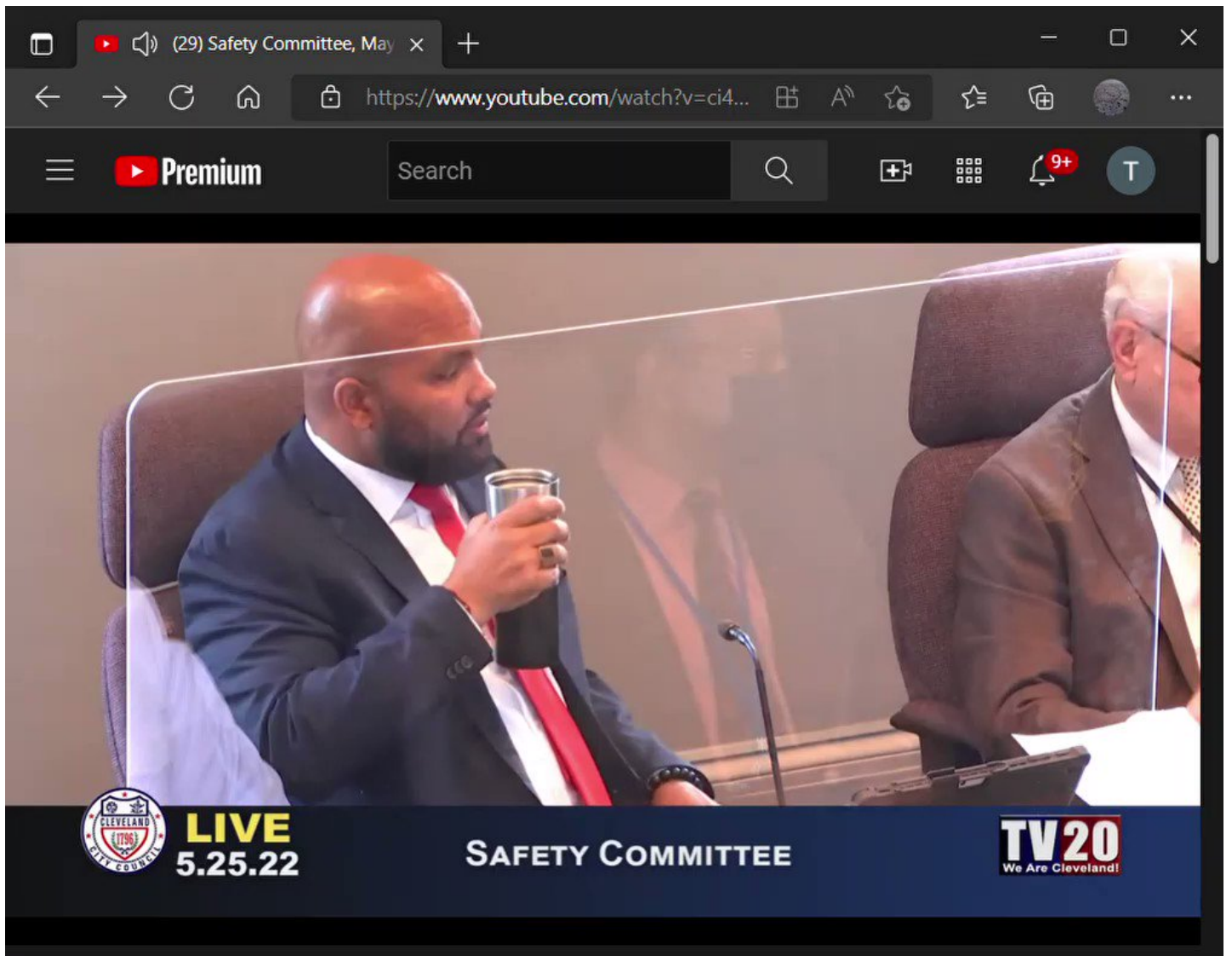
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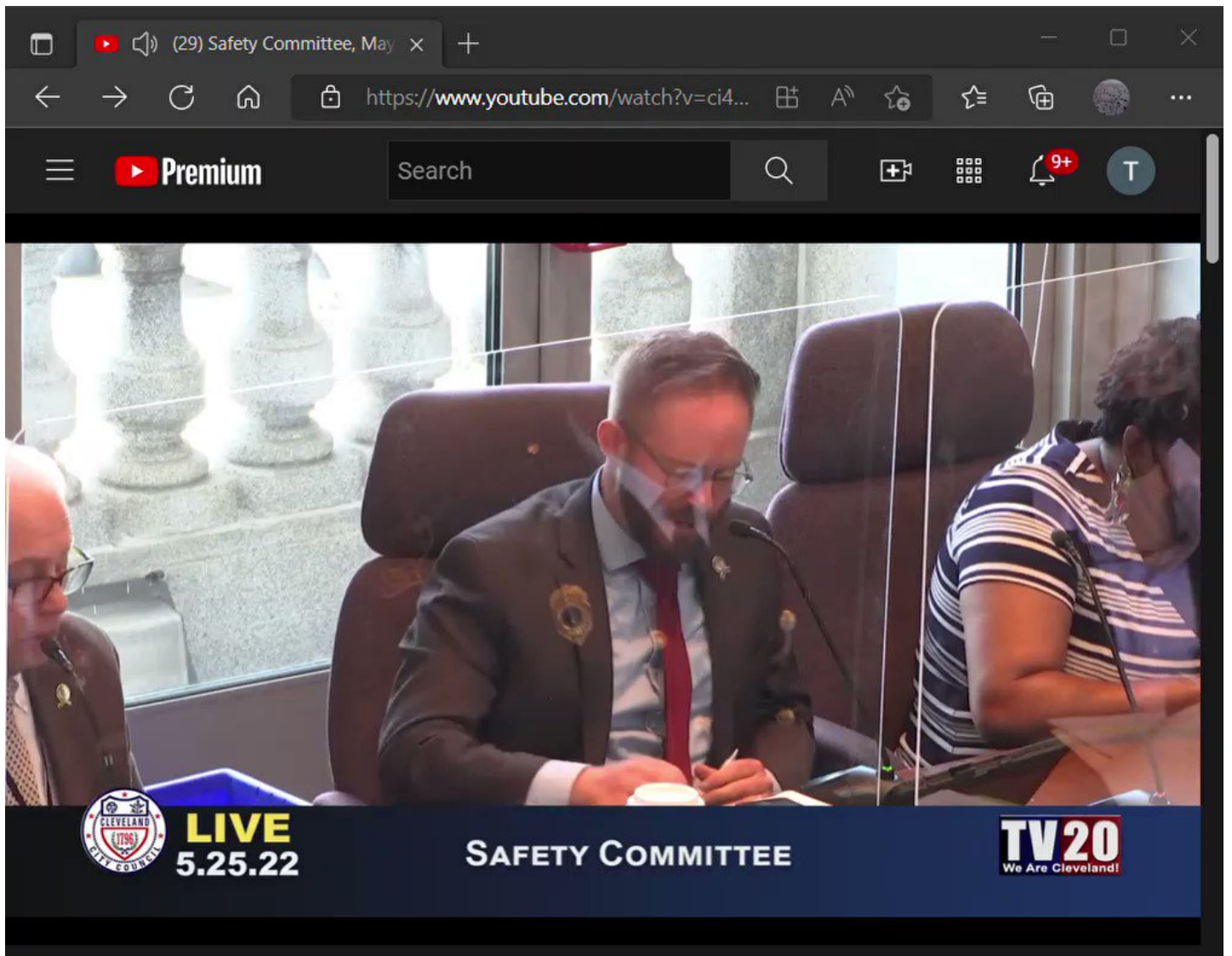
W17 CM Slife asks about the change in state law concerning certain dates/

W1 CM Jones is frustrated and mumbling about the meeting is a waste of time as Slife questions.

Slife seconds Jones' point but is not opposed to the legislation.



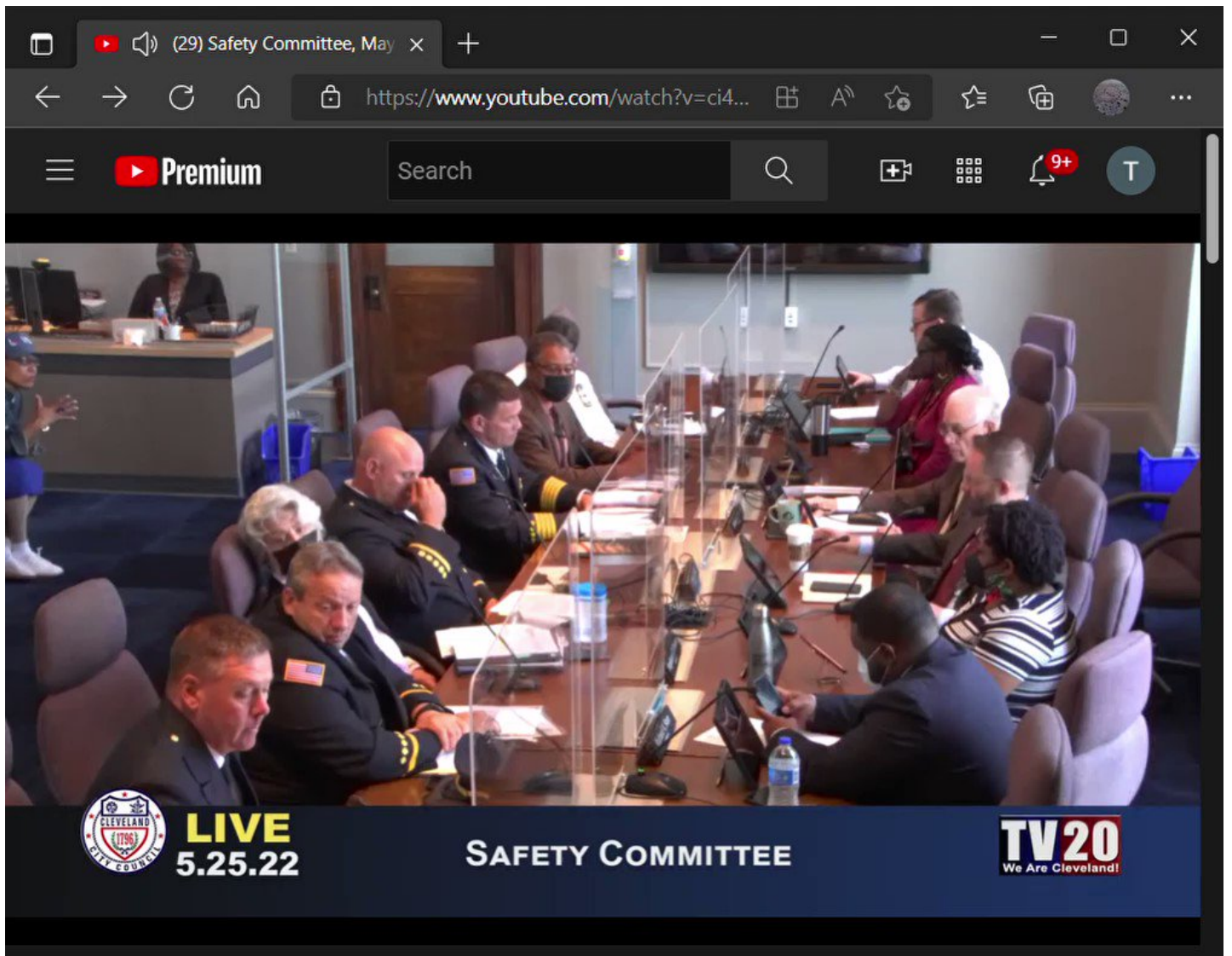
Slife asks if they have data about explosions related to fireworks or if this is just a sound complaint and a public nuisance.



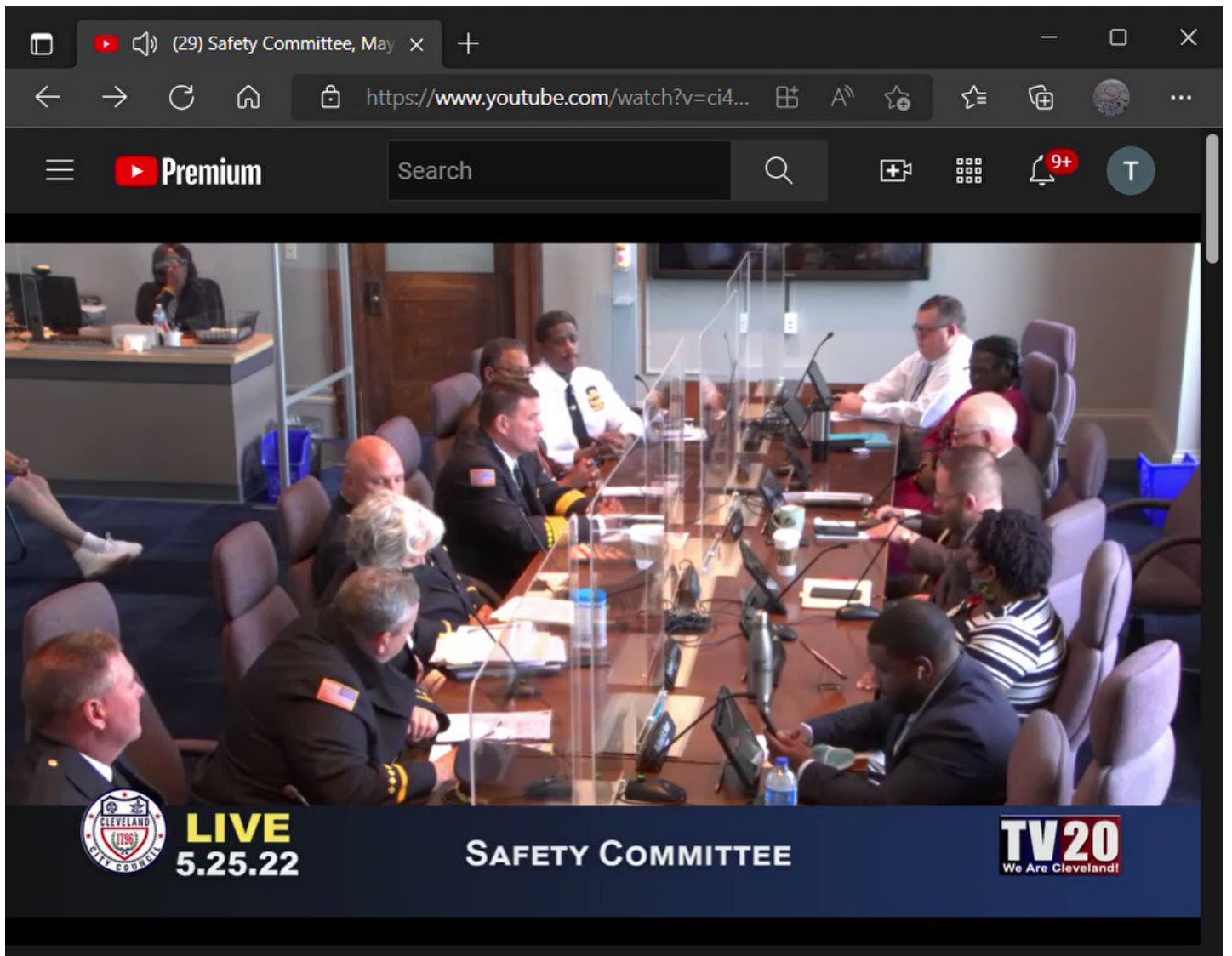
Captain Guiliase provides local data from several years ago and state data. He shares the data is incomplete.

Slife follows up with a question about success rate currently with enforcement and how the law will adjust it.

Deputy Chief Morris will have to pull the data.



W17 CM Slife concludes with similar remarks from earlier, he isn't opposed to the legislation, it may create false expectations among residents, and it will be hard to enforce.



W7 CM Stephanie Howse has the table for questioning.

Cleveland City Council Member

Stephanie Howse, Ward 7



Committees

Vice Chair, Workforce, Education, Training & Youth Development

Member, Development, Planning, Sustainability

Member, Safety

Member, Health, Human Services & the Arts

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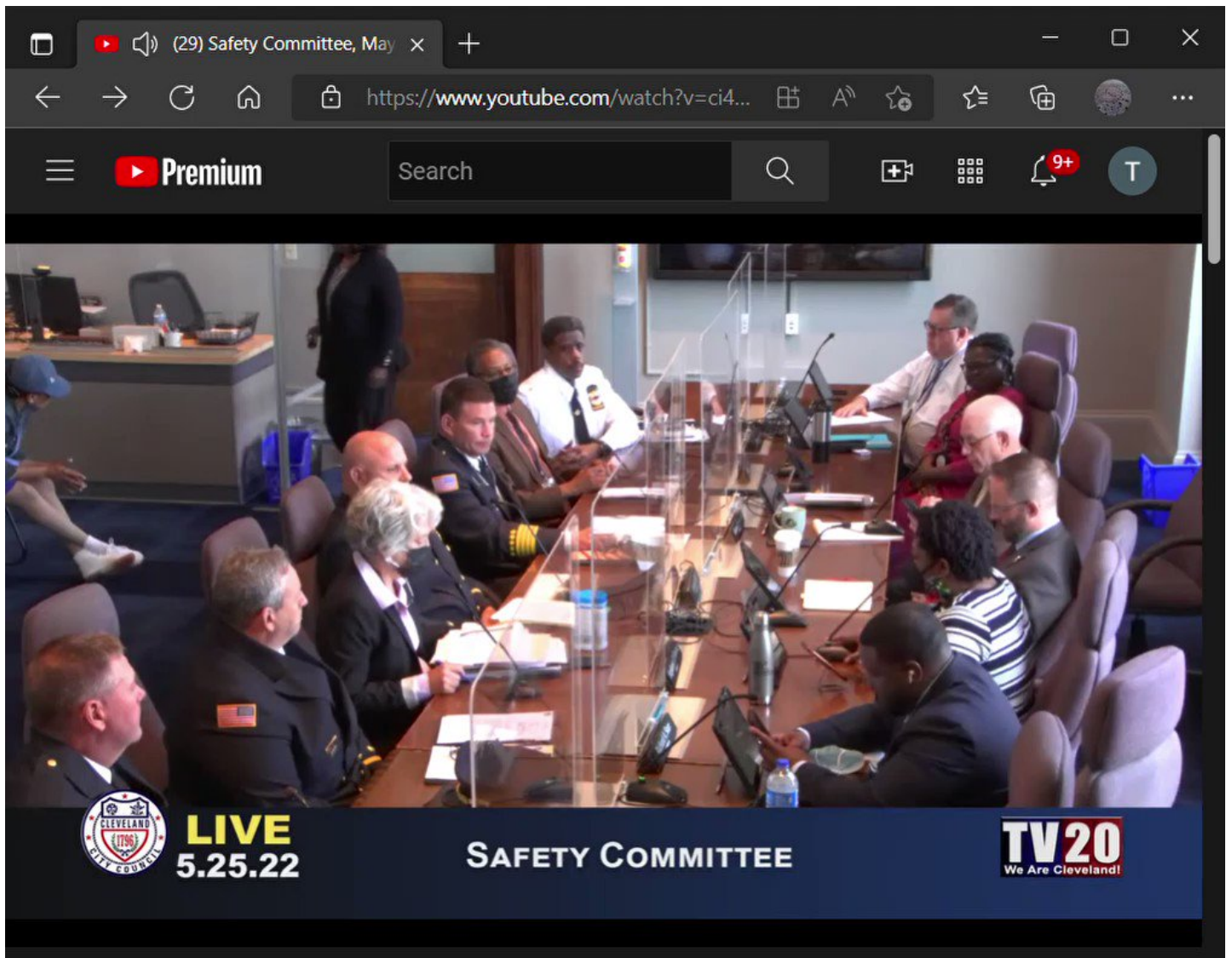
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Howse asks if there is a requirement to collect data and/or how is data collected.

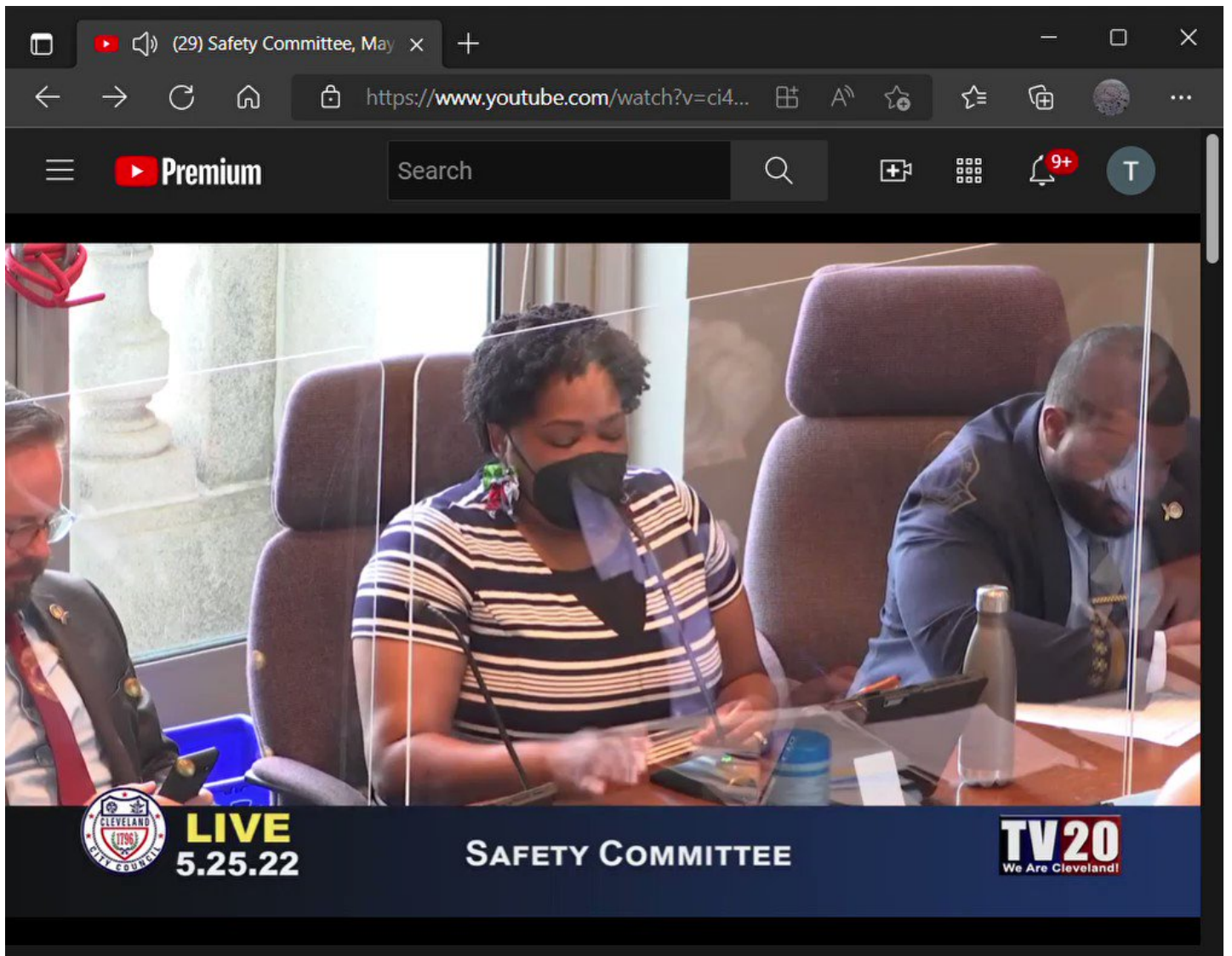
AD of Law Tomasello says we can collect data but there is no requirement.

Howse states she will seek an amendment requiring data collection if this EO were to move forward.



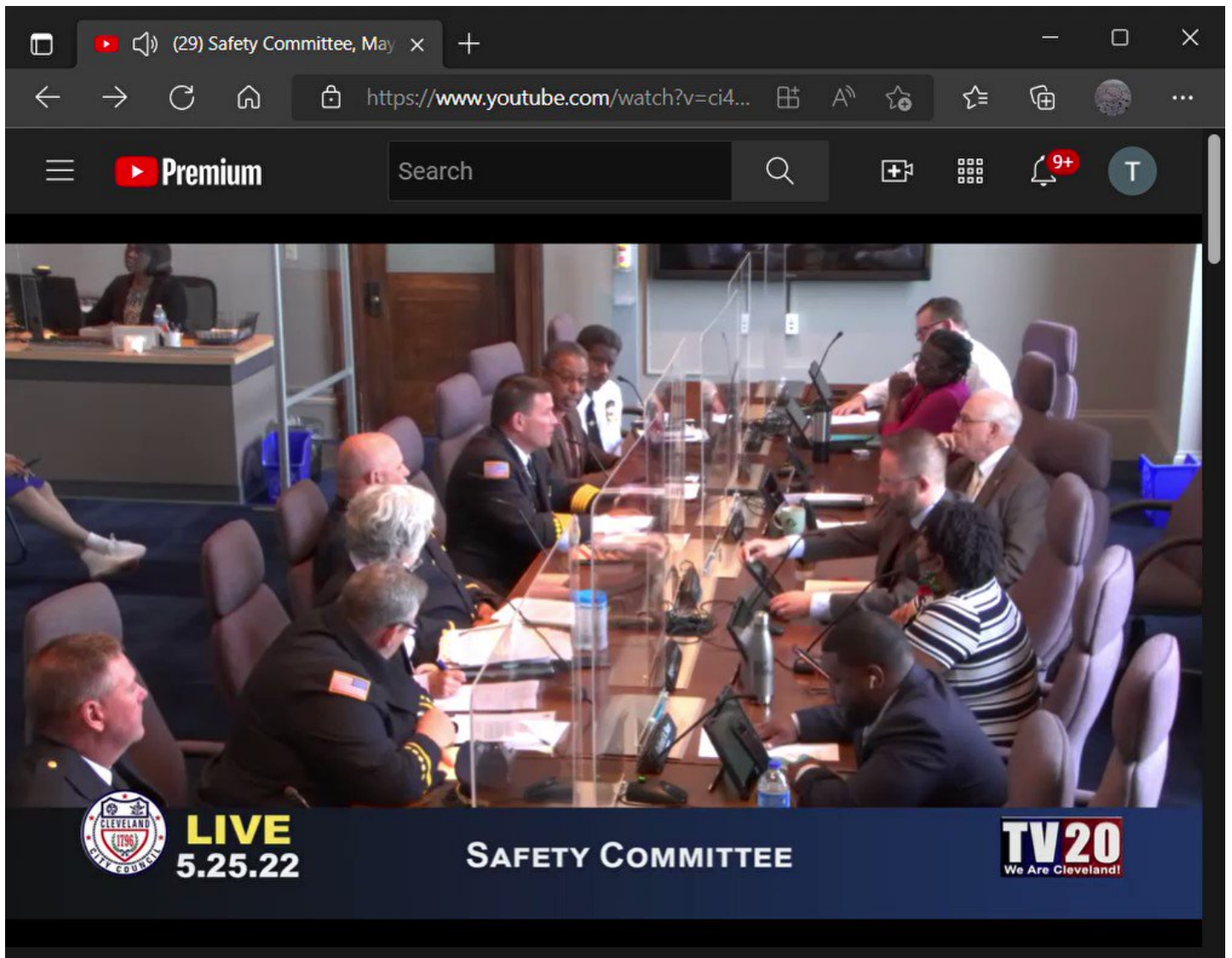
Howse ponders if this is the best way to stop people from using fireworks.

AD of Safety Coulter argues the EO is to deter. He also notes there is data collected through the CAD (?) system as they are documenting all calls.



IC Burchak knows it is not realistic to target individuals with 1 or 2 fireworks but those who have a large collection & are firing those off in parks.

DC Morris notes citations are recorded in the CAD system and call for service.



Polensek seconds Howse's point about data collection & supports such an amendment.

Howse, "We have so many ordinances that we don't have the capacity to enforce them. If the end goal is to stop harmful things, have we had a system to have a permit to do it?"

Howse asks, "What is the system now?"

Large fireworks are required to permit through hazmat unit.

Howse struggles with passing EOs without data in advance. She believes a different perspective is required to address this issue and as such will not support it at the moment.



W11 CM Brian Mooney has the table for questioning.

Cleveland City Council Member

Brian Mooney, Ward 11



Committees

Vice Chair, Municipal Services & Properties

Member, Safety

Member, Utilities

Member, Operations

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Mooney was under the impression that EO 483-2022 was intended for sellers of 1.4G fireworks such as the local corner stores.

Interim Chief Burchak said it was always illegal to sell the fireworks.

Mooney reflects that the current law wasn't enforced and is curious about the current penalty.

AD of Law Tomasello answers his question about the escalating penalties for violation.

Mooney's final question, "Police go out and see the fireworks, so they just leave gthem with the individual?"

DC Morris, "I imagine they keep them in different location tha nthe streets. If we catch the individuals we do cite them and we do take the fireworks."

W5 CM Richard Starr has the table for questioning.

Cleveland City Council Member

Richard Starr, Ward 5



Committees

Member, Health, Human Services & the Arts

Member, Safety

Member, Municipal Services & Properties

Member, Mayor's Appointments

Member, Workforce, Education, Training & Youth Development

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W5 CM Richard Starr states he will not support the ordinance until it comes back with some hardcore data and thoughtful answers.

W4 CM Deboarh Gray has the table for questioning.

Cleveland City Council Member

Deborah Gray, Ward 4



Committees

Member, Health, Human Services & the Arts

Member, Safety

Member, Transportation & Mobility

Member, Utilities

Member, Workforce, Education, Training & Youth Development

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W4 CM Gray also refuses to sign off on the ordinance until there is more data. She states a lot of people don't understand what ordinances are and don't believe it applies to them. She would like to see data about who can purchase the fireworks.

Howse and Starr have departed the table.

Polensek summarizes the issues Council Members are having with the EO and requests for a document that details what "novelty" fireworks are legal.

W1 CM Jones suggests Public Safety should come back to the table with a plan to address the sellers and to consider taking on enforcement measures.

"We can't keep going down with the same plan. If the plan is not working then those plans need to change."



W1 CM Jones, "If we put together an actual comprehensive piece with some real bite to it. ... I give this up to the Bibb's Administration for allowing this process to work out as the last Administration did not."

AD of Safety Coulter, "Safety does not wish to move forward with this at this time. Our objective is how to help people to enjoy celebrations in a safe manner, in a manner that does not cause harm to persons or properties and increase quality of life for Clevelanders."

AD of Safety Coulter, "This discussion has been fruitful in that regard. We will pull for a later date."



Polensek informs Safety if they want this passed by July they will have to factor in the requests of the Council and have it in by June 6 before Council recesses for summer.



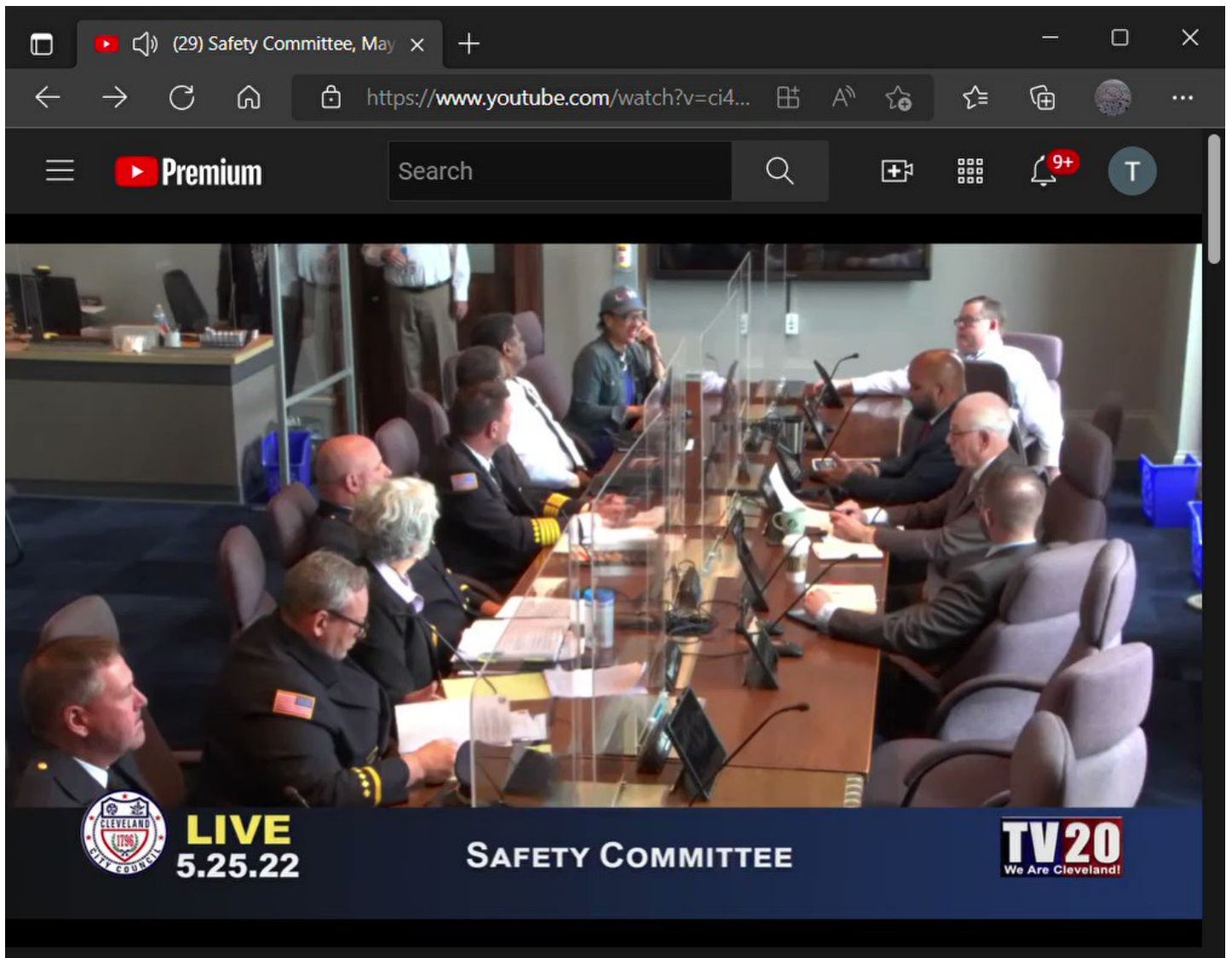
Polensek continues describing fireworks as a quality of life issue. He iterates he is hopeful about the Bibb Admin and their efforts in addressing the issues facing the safety.

"I feel we are on a right path for the first time in a long time. I feel we are coming together."



Reverend Pamela E. Pinkney is present to address this legislation. She states EO 483-2022 is not good legislation, that is racially and economically biased, nor is it reasonable. "The priorities are very wrong and out of order. Fireworks are for celebrations."

Reverend Pinkney, "We're worried about fireworks when people are worried about getting their children to school and put food on their table. ... These fireworks just like drugs and guns, we need to be rethinking some things."



Polensek follow up, "Our fireworks is still in effect?"

AD of Law Tomasello, "That's correct."

Polensek, "Fireworks are still illegal, is that correct?"

AD of Law Tomasello, "That's correct."

Polensek asks about miscellaneous concerns.

W9 CM Kevin Conwell is present and has the table.

Cleveland City Council Member

Kevin Conwell, Ward 9



Committees

Chair, Health, Human Services & the Arts

Member, Finance, Diversity, Equity & Inclusion

Member, Operations

Member, Rules

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W9 CM Conwell expresses his concerns about Memorial Day weekend and asks for a response.

DC Morris responds, "If you see something please call us. If you know who is doing these things, please call us. ... No one wants to be a victim."



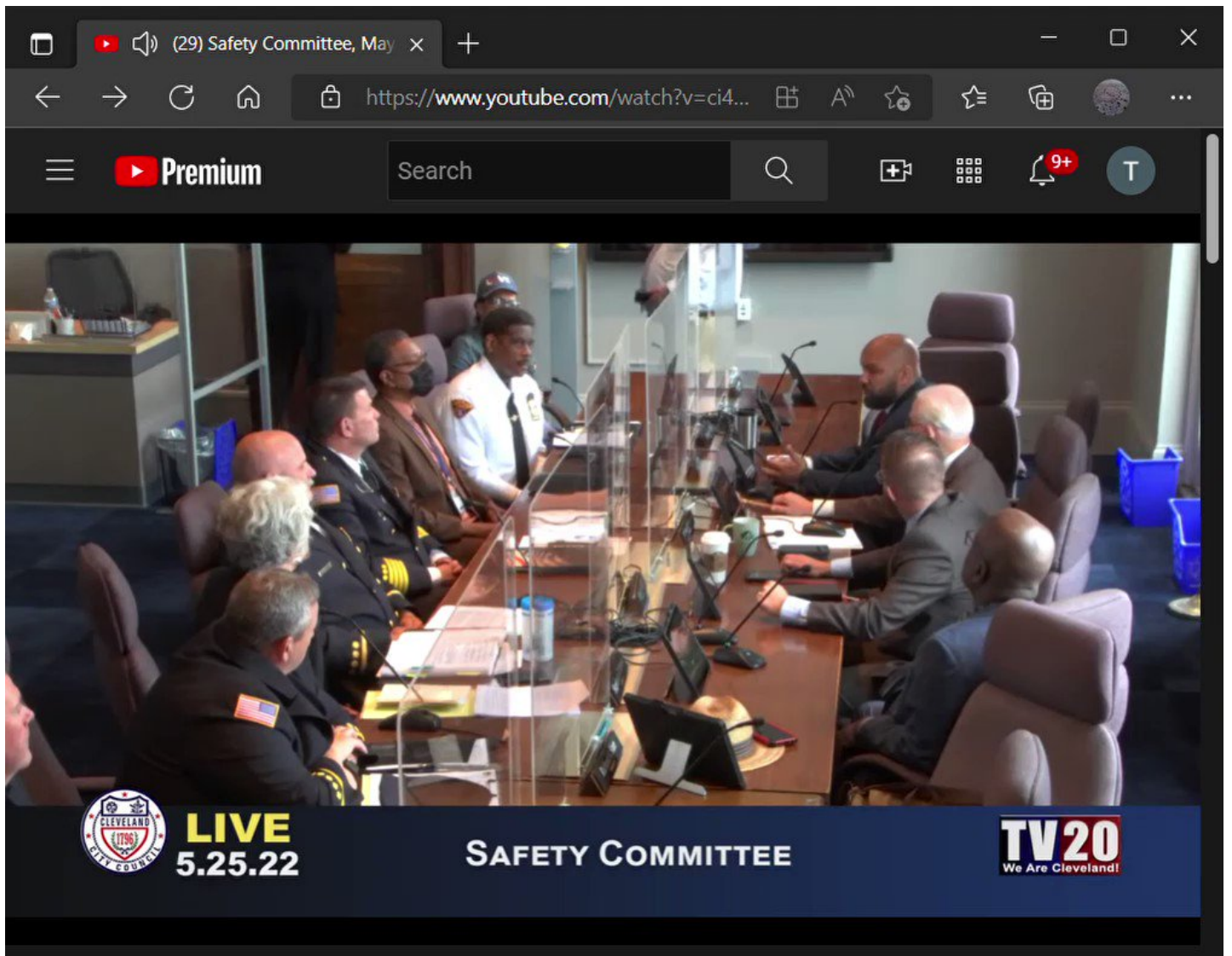
W8 CM Polensek follows up on Conwell's comments and voices frustrations with the "reoccurring them of victim uncooperative, unwilling to provide information. I can assure that I am talking if someone shoots me."

DC Morris, "A concerned that comes forwards is not a snitch. You're a human being, a good person."

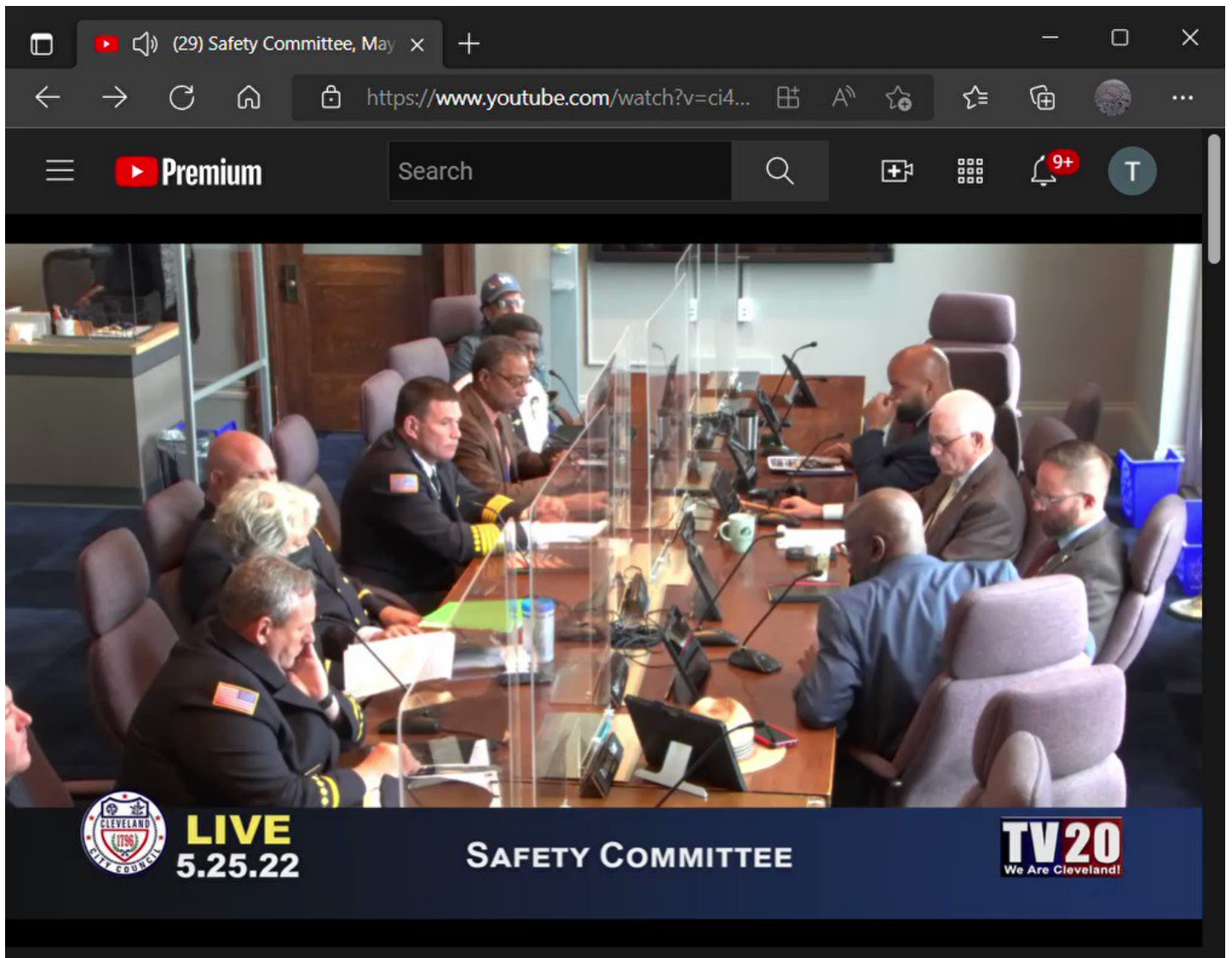
W1 CM Jones, "The other side of the coin is that we're paying 230 million dollars a year for our Police Department and there is no safety or security in Cleveland streets. ... Now you have 2 to 3 to 4 generations that have been terrorized."

W1 CM Jones continues lambasting his perceived failures of Cleveland's Police Department, fellow Council Members silence, and offering explanations for why citizens act as they do.

Jones' full comments below:



Final comments by Council Safety Committee and Public Safety members.



Cleveland City Council's Safety Committee adjourned at or around 11:54 PM on Wednesday, May 25, 2022.

Take the time to watch the video for full comments by all participants. My subjective paraphrasing may or may not accurately capture the essence of an individual's comments.

Remember to check out recorded notes and live-tweets for other governance meetings. They are posted on the Cleveland Documenter's website, access past meetings here:

<https://t.co/bh8hUMTBGG>

To become involved and for more meeting coverage, check out <https://t.co/rqwG6GSYfV>. Have questions? Think we got something wrong? Send any enquiries on the meeting or these tweets to [@cledocumenters](https://twitter.com/cledocumenters)

Or email us at documenters@neighborhoodgrants.org