

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 33 ARTICLE VI – NOISE CONTROL TO ADD EXCEPTION FOR CONSUMER FIREWORKS; TO AMEND CHAPTER 18, ARTICLE I – OFFENSES TO ADD PROVISION ABOUT USE OF FIREWORKS ON PUBLIC PROPERTY

WHEREAS, the State Legislature passed House Bill 110 in April 2015 regulating the sale and use of fireworks and

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CANTON as follows:

1. Chapter 33, Article VI – Noise Control, Section 33- 128 is deleted and the following substituted therefore:

Sec. 33-128. - Exceptions.

This article shall not apply to or be enforced against the following:

- (1) Any city vehicle while engaged in necessary public business.
- (2) Excavations or repairs of streets by or on behalf of the city, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses that are noncommercial in character.
- (4) Areas located outside of platted subdivisions or more than 1,720 feet from a platted subdivision.
- (5) Consumer Fireworks, as that term is defined in O.C.G.A. Section 25-10-1, provided that the use of the consumer fireworks is in compliance with O.C.G.A. Section 25-10-2 and Section 25-10-2.1. Consumer Fireworks may be used from 10:00 a.m. to 9:00 p.m. on any day, except that they may be used up to 11:59 on January 1, July 3, July 4 and December 31, and from 12:00 midnight to 1:00 a.m. on January 1.

2. Chapter 34, Article I – Offenses is amended to add Section 34-11 Use of Fireworks, to read as follows:

Sec. 34-11. Use of Fireworks on Public Property.

It shall be unlawful to use fireworks or consumer fireworks in any public right of way, in any public park, or on any public property.

3. If any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

4. This Ordinance shall become effective on the date the Mayor signs the ordinance indicating approval, ten days after the adoption of the ordinance if the Mayor has not signed nor vetoed, or immediately upon an affirmative vote of the City Council after the Mayor's veto, whichever shall first occur.

Attest:

Susan C. Stanton
CITY CLERK

Gene Hobgood, MAYOR
Date:

Approved as to form:

Robert M. Dyer, City Attorney

ORDINANCE NO. _____

First Reading _____

Adopted by Council _____

Approved by Mayor _____

Veto by Mayor _____

Second Vote by Council _____

Effective Date _____

Susan C. Stanton, City Clerk