

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 18-351 TO PROVIDE FOR DEFINITIONS IN O.C.G.A. SECTION 25-10-1 AND TO AMEND SECTION 18-352(C).**

WHEREAS, the State Legislature passed House Bill 727 in 2016 which changed certain definitions relating to the sale and use of fireworks and added certain prohibited locations for the sale of fireworks;

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

1. Sec. 18-351 is deleted in its entirety and the following is substituted therefore:

***Sec. 18-351. Definitions.***

*(A) As used in this Article, the terms "Consumer fireworks", "Consumer fireworks retail sales facility", "Consumer fireworks retail sales stand", "Distributor", "Fireworks", "NFPA 1124", "Nonprofit group", "Proximate audience", "Pyrotechnics", "Store"*

*(B) "Fire Chief" shall mean the City of Canton Fire Chief or his designees.*

*(C) As used in this Article, the term "consumer fireworks" or "fireworks" shall not include:*

*(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" or "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and*

*(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.*

2. Sec. 58-352(C) is deleted in its entirety and the following substituted therefor:

*(C) It shall be unlawful to sell consumer fireworks from any motor vehicle, from a trailer towed by a motor vehicle, or from a tent, canopy or membrane structure.*

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

