



To: Honorable Mayor and City Council Members

From: Wendell K. Willard, City Attorney

Date: For Submission onto the August 16, 2016 City Council Regular Meeting Agenda

Agenda Item: Consideration of an Ordinance to restrict the hours during which consumer fireworks may be lawfully discharged or ignited

City Attorney's Office Recommendation:

Adoption of the attached proposed ordinance is recommended to allow the discharge or ignition of consumer fireworks within the city in accordance with state law provisions.

Background:

The 2015 House Bill 110, amended at length Chapter 10 of Title 25 of the Official Code of Georgia governing the regulation of fireworks, and as a result thereof, the governing authority of a county or municipal corporation could not prohibit the sale or use or explosion of consumer fireworks unless such prohibition was expressly authorized by general law.

At the 2016 General Assembly Session, House Bill 727 was passed and subsequently signed into law by the Governor. The 2016 law contains the same general provisions with some definitions and other wording being changed or revised, as well as a reduction in the hours during which it shall be lawful to use, ignite, or cause to be ignited consumer fireworks.

Sandy Springs' Code of Ordinances has never addressed when fireworks may be lawfully used, discharged, or ignited. While the City cannot prohibit the use, discharge, or ignition when lawfully allowed by state law, the City can restrict the use, discharge, or ignition of consumer fireworks in accordance with the provisions of state law.

There have been a number of complaints and concerns raised by residents relating to the use of fireworks late at night.

Discussion:

If the City wishes to address concerns and complaints raised by residents regarding the hours during which consumer fireworks may be used, discharged, or ignited, the only way in which the City may do this is by adopting the authorized hours set forth in the state statutes.

Alternatives:

The Council could decide not to adopt the proposed Ordinance.

ORDINANCE NO. 2016-08-XX

**STATE OF GEORGIA
COUNTY OF FULTON**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 38 – Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Sandy Springs by adding to Division 1 of Article III on Offenses Involving Public Peace, Order and Safety, a provision restricting the hours during which consumer fireworks may be lawfully discharged or ignited

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that Chapter 38 of the Code of the City of Sandy Springs (the “Code”) is hereby amended by adding the following Section 38-64 to Division 1 of Article III on Offenses Involving Public Peace, Order and Safety:

“Sec. 38-64. Consumer Fireworks – restrictions.

It shall be unlawful for a person to ignite or discharge, or cause to be ignited or discharged, any consumer fireworks on any day before 10:00 A.M. and after 9:00 P.M.; provided, however, it shall be lawful after the time of 9:00 P.M. and up to and including the time of 11:59 P.M. on January 1, July 3, July 4, and December 31 of each year and on January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 A.M.”

Secs. 38-65 – 38-80. Reserved.

APPROVED AND ADOPTED this 16th day of August, 2016.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(SEAL)