

## **ORDINANCE NO. 19-05-02**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF HELEN, GEORGIA, WITH THE ADDITION OF CODE SECTION 42-24, PREVIOUSLY RESERVED, TO ADDRESS CONSUMER FIREWORKS USAGE WITHIN THE CITY OF HELEN, GEORGIA.

**WHEREAS**, the Georgia Legislature has approved consumer fireworks usage under O.C.G.A. 25-10-1 *et. seq.*; and

**WHEREAS**, the City Commission finds that the Municipal Code should be amended to reflect the state law in this respect, but also include an express prohibition against any usage of any fireworks in such a way which endangers the safety of the life, limb, health or property of another,

**WHEREAS**, the City Commission further finds that the municipal code should be further amended to include a prohibition for the uses of consumer fireworks on municipally owned properties, unless a special use permit has been issued by the City of Helen;

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE COMMISSION OF THE CITY OF HELEN, GEORGIA, as follows:**

That Chapter 42, Miscellaneous Offenses and Provisions, Article I, In. General, is hereby amended by the Addition of Sec. 42-24. – Consumer Fireworks.

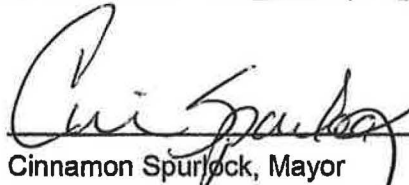
### **Sec. 42-24. – Consumer Fireworks**

- (a) It shall be unlawful for any person to use, explode or cause to be exploded any fireworks to the disturbance of the public tranquility, except such consumer fireworks as are authorized by O.C.G.A. chapter 25-10-1 *et. seq.*; or to use, explode or cause to be exploded any fireworks in such a manner so as to endanger the safety of life, limb, health or property of any person within the City of Helen, Georgia.
- (b) It shall be unlawful for any person to use any fireworks, consumer or otherwise, within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the City of Helen, except pursuant to a special use permit as may be issued by the City.
- (c) If such special use permit is issued, such special use permit shall designate the time or times and location that any such person, firm, corporation, association, or partnership applying may use or ignite or cause to be ignited such consumer fireworks. Any special use permit application for the use of consumer fireworks on City of Helen property shall be submitted a minimum of five business days prior to the proposed use, and shall require the approval of the Helen Police Chief, and the Helen City Manager (or his designee). A fee of \$100.00 shall be charged for such special use

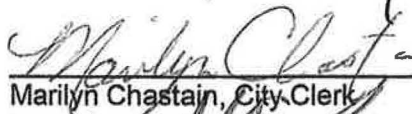
permit application.

**BE IT FURTHER ORDAINED**, by the Helen City Commission, that this ordinance shall become effective upon adoption.

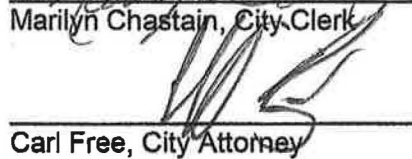
This ordinance approved by the Helen City Commission this 11<sup>th</sup> day of June, 2019.

 (SEAL)  
Cinnamon Spurlock, Mayor

ATTEST:

  
Marilyn Chastain, City Clerk

APPROVED AS TO FORM:

  
Carl Free, City Attorney

Date 6-11-19

Passed First Reading 5-14-19

Passed Second Reading 6-11-19

Approved and Adopted 6-11-19

(Ref. OCGA § 25-10-1 et. seq.)