

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 18, ARTICLE I, SECTION 18-3 RELATING TO FEES FOR FIREWORKS SALES AND DISPLAYS; AND ADOPTING SECTION 18-5 RELATING TO THE USE OF FIREWORKS AND RESTRICTIONS BASED ON NOISE**; AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON MAY 11, 2016.

WHEREAS, the State of Georgia has previously adopted House Bill 110 and has now adopted House Bill 727 regulating the sale of fireworks, hours of use and ignition of fireworks, and for temporary consumer fireworks retail stands, as such terms are defined and used in Chapter 10 of Title 25 of the Official Code of Georgia, and

WHEREAS, Fire Chief and Fire Marshal have recommended the adoption of this amendment to the fee structure and permit structure for fireworks; and to regulate the use of fireworks based on noise and nuisance; and

WHEREAS, the Commissioner deems it to be in the best interest of the citizens of Bartow County to make said amendments;

NOW THEREFORE, BE IT ORDAINED, and it is hereby ordained, that Chapter 18, Article I, of the Code of Bartow County relating to Fees is amended as follows and the following fees are hereby imposed and assessed pursuant to the relevant provisions of law:

I. Section 18-3 is amended by the following additions and deletions as shown:

Special use firework permit, per day, per event: (per OCGA Sec. 25-10-2(b)(3)(D))	\$100
Temporary Consumer Fireworks Retail Stand (per OCGA Sec. 25-10-5.1(c)(1)):	\$500
Application <u>Site inspection fee for public exhibition or display of fireworks, (under OCGA Sec. 25-10-4) Professional Fireworks permit,</u> per day, per event:	\$100

II. Section 18-5 is added as follows:

Sec. 18-5. Fireworks; noise ordinance.

(a) Definitions. The terms “fireworks” and “consumer fireworks,” as used in this section, shall have the definition as set forth in OCGA Sec. 25-10-1.

(b) Fees. Fees relating to fireworks shall be as set forth in Code Sec. 18-3.

(c) Restriction. The County finds that use or ignition of any fireworks or consumer fireworks, other than as authorized by State law, to be a nuisance on the basis of the noise created. Such fireworks and consumer fireworks can also pose a risk to public safety, in the form of fire or injury to persons or property. It shall therefore be unlawful to use or ignite any fireworks or consumer fireworks before 10:00 a.m. or after 9:00 p.m. on any day except as explicitly permitted by OCGA Sec. 25-10-2(b)(3)(B)(iii) or (iv). The County shall not issue special use permits under OCGA Sec. 25-10-2(b)(3)(B)(ii) since fireworks and consumer fireworks are hereby restricted on the basis of noise.

(b) Public Exhibition or Display. Permits for public exhibition or display of fireworks are granted by the Probate Court Judge under OCGA Sec. 25-10-4. The restriction of subsection (a) shall not apply to public exhibition or display of fireworks under a permit granted by the Probate Court.

(b) Temporary Stands; Permanent Stands. Licenses for temporary consumer fireworks retail stands are granted by the County fire department pursuant to Chapter 10 of Title 25 of the Official Code of Georgia. Permanent consumer fireworks retail sales facilities are permitted by the State Fire Marshal under Chapter 10 of Title 25 of the Official Code of Georgia.

SO ORDAINED, this 11th day of May, 2016, to be effective immediately, the public health, safety and welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

Kathy Gill, Clerk

Steve Taylor, Commissioner