

AN ORDINANCE TO PROHIBIT THE GENERAL USE OF FIREWORKS ON PUBLIC PROPERTY OWNED OR OPERATED BY THE CITY OF CUMMING, GEORGIA, TO PROVIDE FOR REGULATION OF THE SAME, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the General Assembly of the State of Georgia has expressly prohibited the use of fireworks on public property of Georgia municipalities pursuant to Chapter 10 of Title 25 of the Official Code of Georgia Annotated; and

WHEREAS, the General Assembly has provided for municipalities to enact local laws and regulations concerning special uses of fireworks, including use on property owned or operated by Georgia municipalities; and

WHEREAS, the City of Cumming owns substantial real property in and throughout the corporate limits of the City of Cumming; and

WHEREAS, the City of Cumming owns the City of Cumming Fairgrounds, which are used for recreational purposes and have been historically used for fireworks displays to celebrate Independence Day in the United States of America; and

WHEREAS, it is the desire of the governing authority of the City of Cumming to continue to utilize the City of Cumming Fairgrounds, and other such properties as may be advisable in the future, for fireworks displays, but to continue to prohibit the use of fireworks by the general public on property owned by the municipality; and

WHEREAS, the regulation of such fireworks in this manner is left, by the Georgia General Assembly, to the discretion of local governments, and this regulation is in the best interests of the public health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDAINED as follows:

**1. DEFINITIONS:** All terms utilized in this ordinance shall bear the same definitions as those set forth in O.C.G.A. § 25-10-1, et. seq.

**2. PROHIBITION OF USE OF FIREWORKS ON PROPERTY OWNED BY THE CITY OF CUMMING, GEORGIA GENERALLY:** It shall be unlawful for any person, firm, organization, corporation, association or partnership to use, ignite, or cause to be ignited any fireworks, including consumer fireworks, 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 Cumming, Georgia.

**3. LIMITED USE OF FIREWORKS ON PROPERTY OWNED BY THE CITY OF CUMMING, GEORGIA:**

Section 2 of this Ordinance notwithstanding, the City of Cumming, its agencies, authorities, and departments, shall have the authority to use, ignite, or cause to be ignited fireworks, including consumer fireworks, and shall additionally have the authority

to contract with third parties to use, ignite, or cause to be ignited fireworks, including consumer fireworks, on property which is owned by or operated by, for, or under the custody and control of the City of Cumming, Georgia. No special use permit from the City of Cumming shall be required in order for the City of Cumming, its agencies, authorities and departments to engage in the activities covered by this paragraph.

**4. VIOLATIONS:** Violation of this ordinance and its provisions shall be punishable as provided in Section 1-11 of the Code of the City of Cumming, Georgia.

**5. SEVERABILITY:** If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, 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, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

**6. REPEALER:** All laws and parts of laws in conflict with this enactment are hereby repealed.

**7. EFFECTIVE DATE.** This ordinance shall take effect upon passage by the Mayor and Council of the City of Cumming.

**SO ORDAINED AND RESOLVED** by the City Council of Cumming, Georgia, this 21st day of June, 2016.

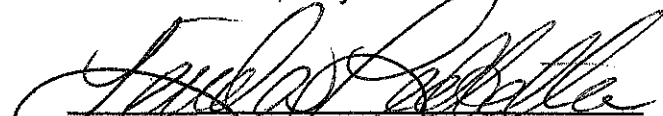
ATTESTED TO BY:

CITY OF CUMMING

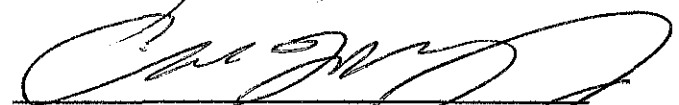
  
Jeff Honea, City Clerk

By:   
H. Ford Gravitt, Mayor

  
Lewis Ledbetter, Council Member

  
Dr. Linda Ledbetter

  
Quincy Holton, Council Member

  
Charles Welch

  
Christopher Light, Council Member

