

SPONSOR: COMMISSIONER MALLORY C. JONES, III

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION AMENDING SECTION 26 OF ARTICLE 2 OF CHAPTER 15 OF THE CODE OF ORDINANCES OF MACON-BIBB COUNTY, GEORGIA TO PROHIBIT THE USE OF FIREWORKS DURING TIMES NOT AUTHORIZED PURSUANT TO STATE LAW; AND FOR OTHER PURPOSES.

WHEREAS, on April 26, 2016, HB 727 was placed into effect by the Georgia legislature; and

WHEREAS, HB 727 amended the time frame within which fireworks may be used in the State of Georgia as follows:

- All days of the year - 10:00 am to 9:00 pm
- All days of the year – 9:00 pm to 11:59 pm (so long as such use does not violate any local noise ordinance)
- January 1, July 3, July 4, and December 31 – 10:00 am to 11:59 pm
- January 1 – 12:00 midnight to 1:00 am

WHEREAS, as shown above, HB 727 authorized local governments to determine whether the use of fireworks between the hours of 9:00 pm and 11:59 pm on all days of the year (with the exception of January 1, July 3, July 4, and December 31) is authorized in that jurisdiction via ordinance; and

WHEREAS, the Macon-Bibb County Commission desires to prohibit the use of fireworks between the hours of 9:00 pm and 11:59 pm on all days of the year (with the exception of January 1, July 3, July 4, and December 31); and

WHEREAS, amending Section 15-2 of the Code of Ordinances of Macon-Bibb County to include the use of fireworks as a prohibited noise violation during the aforementioned hours shall achieve this desired effect; and

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission, and it is hereby so ordained by authority of the same that Section 26 of Article 2 of Chapter 15 of the Code of Ordinances of Macon-Bibb County, Georgia is hereby amended and shall read as follows:

Section 1.

Section 26 of Article 2 of Chapter 15 of the Code of Ordinances of Macon-Bibb County, Georgia is hereby amended to specifically include the use of fireworks as a prohibited noise during the identified hours. The proposed changes have been underlined and prefaced in bold to identify such amendments, and deletions have been struck through to identify such removal from the Section. Section 12 Article 2 of Chapter 11 of Article 2 of the Code of Ordinances of Macon-Bibb County, Georgia shall read as follows:

Sec. 15-26. Prohibited noises specified.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(11) Fireworks. With the exception of the issuance of a special use permit, and the dates of January 1, July 3, July 4, and December 31, it shall be unlawful for any person, firm, corporation, association, partnership, or the like to use, ignite, explode, or cause to be detonated any consumer fireworks as defined in O.C.G.A. § 25-10-1 during the hours of 9:00 pm and 11:59 pm. On January 1, July 3, July 4, and December 31, pursuant to state law, the use of consumer fireworks shall be authorized during the hours of 10:00 am to 11:59 pm. In addition, on January 1, pursuant to state law, the use of fireworks shall be authorized from 12:00 midnight to 1:00 am. All use of consumer fireworks must be done accordance with the laws of the State of Georgia (see Title 25 Chapter 10 of the Official Code of Georgia Annotated.)

Section 3.

It is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 4.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 6.

This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval. Pursuant to Section 14 of the Charter, the

Mayor may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

SO ORDERED AND ORDAINED this 19 day of July, 2016.

By: Robert A.B. Reichert
ROBERT A.B. REICHERT, Mayor



Attest: Janice S. Ross
JANICE S. ROSS, Clerk of Commission