

**ORDINANCE NO. \_\_\_\_\_ 2018**  
(Fireworks - LMW)

**AN ORDINANCE REGULATING THE USE OF  
FIREWORKS IN THE CITY OF TEMPLE, GEORGIA**

**WHEREAS**, the City of Temple has received inquiries with regard to the creation of either a stand, or other potential consumer sale of fireworks within the corporate limits of the City; and

**WHEREAS**, when Georgia passed a comprehensive fireworks State law, with applicable regulations, commencing at O.C.G.A. § 25-10-1, et. seq.; the State sanctioned the use of fireworks under very stringent federal, state, and/or local provisions regarding the licensing, sale, public exhibition and/or other use of fireworks within the State of Georgia and its counties and cities; and

**WHEREAS**, Temple desires to comply with the provisions of State law, and to otherwise insure appropriate sale, use and/or distribution of fireworks within the City of Temple; and

**WHEREAS**, the Mayor and Council has determined that under proper circumstances and certain regulated use; sales or uses of fireworks will be allowed inside the corporate limits of the City of Temple;

**NOW, THEREFORE**, be it ordained by the City of Temple and it is hereby ordained and established as follows:

**Section 1:**

The Code of the City of Temple shall stand amended, within the discretion of the municipal codifiers of the City of Temple Official Code, by adding thereto a new section and/or

chapter, as they determine in their discretion, to be entitled “Fireworks”, which shall hereafter read as follows:

## “FIREWORKS

### Sec. 1 – Adoption of State Law Regulation of Fireworks

The definitions, general regulations, prohibitions, licensing requirements and all other matters as contained in current O.C.G.A. § 25-10-1, et. seq. (Regulation of Fireworks) are incorporated herein by reference and made a part of this Code in its entirety. This shall include all amendments to Chapter 10 of Title 25 of the Georgia Code as presently enacted as of the date of adoption of this Ordinance; or as hereinafter amended, modified, repealed and/or revised.

### Sec. 2 – Licensing Requirements

No person, firm, corporation, association or partnership shall cause any public exhibition or display of fireworks, distribution and/or sale of fireworks, nor the manufacture, or release of any form of fireworks without strict compliance with State law and the obtaining of all required federal, state and/or local licenses in order to conduct any activities permitted hereunder.

### Sec. 2 – License Fees

Any distributor selling consumer fireworks from a permanent consumer fireworks retail sales facility shall, in addition to all other requirements of State law, pay fees to the State Fire Commissioner as provided in Chapter 10 of Title 25. Further, the City license fee for a Distributor selling consumer fireworks from a temporary consumer fireworks retail stand is \$500.00 per location in the City of Temple and the Distributor shall also meet all State law requirements for the sale of temporary consumer fireworks as generally contained in Chapter 10 and as specifically set forth in O.C.G.A. § 25-10-5.1. Applications for a license shall be submitted to the City of Temple Fire Department, or its designee.

### Sec. 3 – Penalties

In addition to any and all enforcement penalties, regulations and/or provisions of State law, a violation of this ordinance shall be punished as

set forth in the general penalties section of the Code of the City of Temple.

**Section 2:**

All laws and parts of law in conflict herewith are specifically repealed.

**Section 3:**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same would have been enacted by the City Council without the incorporation herein of any such unconstitutional phrase, clause, sentence paragraph or section.

ADOPTED AND APPROVED by the City Council of the City of Temple at a meeting duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018. Councilmembers \_\_\_\_\_ voting "Aye" and \_\_\_\_\_ voting "No".

BY: \_\_\_\_\_  
HONORABLE MICHAEL C. JOHNSON  
MAYOR, CITY OF TEMPLE

ATTEST: \_\_\_\_\_  
KRISTIN ETHEREDGE, CLERK  
CITY OF TEMPLE

(seal)