

**AN ORDINANCE TO AMEND THE CITY OF DACULA
NOISE ORDINANCE**

WHEREAS, the City has adopted a comprehensive Noise Ordinance for the protection of the citizens; and

WHEREAS, changes in circumstances and State law and requests from citizens have prompted the City staff and elected officials to review the Noise Ordinance to update it as allowed by State law;

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the City Code to adopt by reference the Noise Ordinance as outlined herein; and

WHEREAS, the City has provided notice as required by O.C.G.A. Sec. 25-10-1 and conducted a public hearing on the aspects of this Ordinance Amendment as required by State law;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that Chapters 13 and 18 of the City Code are hereby amended as follows:

SECTION 1

Section 13-51 of the City Code is amended to add the following subsection (19)

Sec. 13-51 (19) Consumer Fireworks

Restrictions regarding noise produced by consumer fireworks. The use or ignition of consumer fireworks as defined in O.C.G.A. § 25-10-1 that willfully make, continue, or cause to be made or continued any excessive or unusually loud noise, except during the following dates and times:

- a. On January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September and December 31 beginning at the time of 10:00 a.m. and up to and including the ending time of 11:59 p.m.; and
- b. On January 1 of each year beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 a.m.
- c. It shall be unlawful for any person to possess, display, use, set off or attempt to ignite any consumer fireworks, firecrackers, and other pyrotechnics, unless in compliance with applicable State laws, the City Code, and after receipt of a written permit issued in advance of such use by the City Administrator or his/her designee. The regulatory fee shall be in the amount set forth in the fee schedule, not to exceed the sum permitted by State law.

For the purposes of this section, the term "consumer fireworks" shall have the meaning set forth in O.C.G.A. § 25-10-1(a)(1), but such term shall not include those items excluded therefrom in O.C.G.A. § 25-10-1(b).

SECTION 2

The existing Sec. 18-76 is hereby deleted.

SECTION 3

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 4

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 5

All laws and parts of laws in conflict with this Ordinance are hereby repealed. All of the rest and remainder of Chapter 13 and Chapter 18, not specifically amended herein shall continue in full force and effect.

SECTION 6

This Ordinance and the amendment outlined herein shall be effective immediately upon adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this 7th day of September, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX
CITY ADMINISTRATOR