



Agenda
City Council Meeting
May 30th, 2023
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Invocation and Pledge

Consent Agenda

- a. Approval of Minutes: Council Meeting 5/15/23.

Citizen Comment

Public Hearings

Reports

Old Business

New Business

1. Consideration/Approval of Fireworks Event Permit Application
2. Consideration/Approval of Per Diem Policy Manual Changes

Executive Session

Announcements

- a. The Piedmont Library System Pop Up Rolling Library will be set up at the Farmers' Market in Baldwin from 11 am – 12:00 pm beginning this Friday and every Friday through the end of July. We encourage all our residents, especially those with children, to come and check out or return books. This is available to anyone with a PINES library card. Cards can be issued on site for those that do not currently have one.

Additionally, those attending the Pop Up Rolling Library with children will also receive food bags courtesy of the Food Bank of Northeast Georgia.

- b. Join us for The Baldwin Water War on June 10th from 2:30 – 4:30 pm at Mitchell Gailey Park! Bring your water guns and a towel and get ready for a capture-the-flag style brawl to beat the heat! We will have water gun refill stations set up around the park. Sign up today at City Hall, on the Facebook event, or email baldwinevents@cityofbaldwin.org

Adjournment



City of Baldwin Fireworks Display Permit Office of the City Clerk

P. O. Box 247
186 Hwy 441 Bypass, Baldwin, GA 30511

“Fireworks” or “Pyrotechnics” includes any combustible/explosive composition, or any substances/article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. This includes blank cartridges, skyrockets, bombs, sparklers, and other combustible and explosives of like construction or contain any kind of explosive or flammable substance. *Any devices that use a flame for propulsion or lighting are strictly prohibited.*

All Baldwin Fireworks Display Permits submitted for approval must include an inventory of proposed devices with mortar sizes and a diagram indicating the discharge site and **measured** distances from the discharge site to any structures, tree lines, or other objects that could sustain damage from the fireworks. The minimum site size must have a radius equal to or greater than the largest required radius.

All permits must be approved by the City Council and the Baldwin Fire Chief at least seven (7) days prior to the event. If approved, the permit will be issued after payment of a non-refundable \$100.00 permit fee. All fireworks displays must be conducted in accordance with the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Georgia Safety Fire Commissioner. The Baldwin Fire Chief reserves the right to inspect the proposed fireworks display site at will and terminate the display permit at will should he or she find the display to be unsafe/not in compliance with NFPA 1123.

Mason Murray

INDIVIDUAL AND/OR ORGANIZATION ASSUMING RESPONSIBILITY FOR EVENT

2691 Cannon Bridge Rd. 706-949-1015
ADDRESS **PHONE NUMBER**

June 3rd 23 4hr 10 min / 9pm
DATE OF EVENT **DURATION OF EVENT** **TIME & DURATION OF DISPLAY**

165 Willingham ave Baldwin Fire Dept.
911 ADDRESS OF EVENT **PROPERTY OWNER**

[Signature] May 30th 23
SIGNATURE OF RESPONSIBLE PARTY **DATE OF APPLICATION SUBMISSION**

SIGNATURE OF BALDWIN MAYOR

SIGNATURE OF BALDWIN FIRE CHIEF

APPROVED DENIED (REASON) _____

FIRST READING June 8, 2015

PASSED June 22, 2015

AN ORDINANCE NO. 029-251

AN ORDINANCE TO AMEND THE ORDINANCES OF THE CITY OF BALDWIN, GEORGIA, TO REGULATE THE SALE, USE, EXPLOSION OF, POSSESSION, MANUFACTURE, TRANSPORT OR THE STORAGE OF ANY CONSUMER FIREWORKS OR FIREWORKS TO THE EXTENT PERMITTED BY THE GENERAL LAW OF THE STATE OF GEORGIA; TO PROVIDE A TITLE FOR THE ORDINANCE; TO PROVIDE DEFINITIONS FOR THE ORDINANCE; TO PROHIBIT THE SALE, USE OR POSSESSION OF CONSUMER FIREWORKS OR FIREWORKS IN THE PUBLIC PARKS OF THE CITY EXCEPT BY PERMIT ISSUED BY THE CITY COUNCIL; TO PROVIDE FOR THE ISSUANCE OF SPECIAL USE PERMITS AS TO THE USE OF ANY CONSUMER FIREWORKS OR FIREWORKS AT A TIME NOT PERMITTED GENERALLY UNDER STATE LAW OR AT A LOCATION NOT PERMITTED FOR SUCH USE ABSENT A SPECIAL USE PERMIT; TO PROVIDE FOR THE REGULATORY FEE FOR THE ISSUANCE OF A SPECIAL USE PERMIT; TO PROVIDE FOR THE ISSUANCE OF AN OCCUPATIONAL TAX LICENSE TO ALLOW A PERMANENT FIREWORKS RETAILS SALES FACILITY OR STORE TO BE LOCATED WITHIN THE MUNICIPALITY; TO PROVIDE REGULATIONS REGARDING A TEMPORARY CONSUMER FIREWORKS RETAIL SALES STAND; TO PROVIDE FOR THE LICENSE FEE FOR A DISTRIBUTOR SELLING CONSUMER FIREWORKS FROM A TEMPORARY CONSUMER FIREWORKS RETAILS SALES STAND; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly in the 2015 General Session, greatly expanded the sale at retail or wholesale, the use, possession, manufacture, transport, and storage of consumer fireworks or fireworks by the general public;

WHEREAS, the City Council of the City of Baldwin, Georgia is authorized by Art. IX, § II, ¶ III of the Constitution of the State of Georgia of 1983, and O.C.G.A. §§ 25-10-1 et seq. to regulate the sale at retail or wholesale, the use, the possession, the manufacture, the transport,

and storage of any consumer fireworks or fireworks to the extent authorized by the general law of the State of Georgia;

WHEREAS, the City Council of the City of Baldwin, Georgia, finds that it is appropriate for the public safety and general welfare of the citizens of the municipality, that the City of Baldwin regulate consumer fireworks or fireworks to the extent authorized by the general law of the State of Georgia; and

BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by the authority of the City Charter, the above-referenced authority and authority as provided by Georgia law, as follows:

SECTION 1. AMENDMENT TO THE ORDINANCES OF THE CITY OF BALDWIN.

This ordinance shall amend the ordinances of the City of Baldwin regulating consumer fireworks or fireworks, as follows:

Section 1. Title.

The sections of this ordinance shall be known and designated as the "Fireworks Regulations Ordinance."

Section 2. Definitions.

(a) As used in this ordinance, the term:

(1) "Consumer fireworks" means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations and the

Section 4. Prohibition of Consumer Fireworks or Fireworks in City Park Areas or the Use of Fireworks at a Time Not Authorized by the General Law of the State of Georgia Except Pursuant to a Special Use Permit.

(a) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or explode or cause to be exploded, or to possess, manufacture, transport, or store any consumer fireworks or fireworks, on, upon, or above any City property, including but not limited to the public parks of the City, except as allowed by a special use permit issued by the City.

(b) It shall be unlawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks on any day at a time not allowed by the general law of the State of Georgia within the City, unless such person, firm, corporation, association, or partnership is issued a special use permit by the City Council for the use or explosion of consumer fireworks in a location within the City at a time not allowed for under the general law of the State of Georgia. The applicant for a special use permit shall use the application forms of the City for said permit, and shall designate the time or times and location that such person, firm, corporation, association, or partnership desires to use or explode or cause to be exploded such consumer fireworks or fireworks. The City Council shall consider the application, and considering reasonable factors such as the time requested, the proposed location of the fireworks display, prior experience concerning the applicant's use of fireworks, the potential for fires or wildfires, and other reasonable factors, and in its discretion based upon these factors grant or deny the issuance of a special use permit. If the special use permit is granted by the City Council, then the applicant shall pay a special use permit fee of \$100.00 to the City. If the application is denied, then the applicant shall have a right of appeal to the superior court of the applicable county pursuant to the procedures for the grant of a writ of

certiorari by said court. The City of Baldwin, the City Council, and the agents of the City shall have no liability as to any decision made pursuant to this section.

Section 5. Occupational Tax for a Licensed Distributor Operating a Permanent Consumer Fireworks Retail Sales Facility or Store in the City.

A licensed distributor operating a permanent consumer fireworks retail sales facility or store shall be entitled to receive a City occupational tax license for said facility or store upon making application for said license from the City pursuant to the City's procedure, and providing a copy of the license issued to the distributor and as to said permanent facility or store by the Georgia Safety Fire Commissioner or the judge of the probate court of the applicable county and as provided by general law.. The occupational tax license fee for said licensed distributor shall be assessed for said licensed distributor upon the same basis as other businesses, professions, or occupations under the City's occupational tax ordinance. Any termination, revocation, or suspension of the license issued by the Georgia Safety Fire Commissioner shall act to automatically in similar fashion terminate, revoke, or suspend the City occupational tax license issued to said licensed distributor. If the licensed distributor selling consumer fireworks from a permanent consumer fireworks retail sales facility or store is a part of a retail chain as defined herein, then any City occupational tax license issued for said retail chain store shall be sufficient to authorize the sale or the offer for sale at retail or wholesale any consumer fireworks without having said retail chain store acquiring an additional occupational tax license from the City as to the sale of consumer fireworks or fireworks.

Section 6. License for a Temporary Consumer Fireworks Retail Sales Stand.

The City of Baldwin is hereby authorized to issue a temporary license (and which shall also serve as a temporary occupational tax license) for a temporary consumer fireworks retail

sales stand or stands, provided that the City fire department, or the fire department that is legally authorized to operate within the City, determines that the temporary consumer fireworks retail sales stand meets the requirements of the general law of the State of Georgia, including but not limited to O.C.G.A. § 25-10-5.1(c)(1) and O.C.G.A. § 25-10.5.1(a)(1). In accordance with O.C.G.A. § 25-10-5.1(c)(2), a temporary license shall also be granted in the event that the judge of the probate court of the applicable county determines that such a temporary license should be issued due to an appeal of the decision by the applicable fire department. The application for the temporary consumer fireworks retail sales stand shall be submitted to the applicable fire department, and with a copy provided to the administrative office of the City. Any temporary license issued shall identify the temporary consumer fireworks retail sales stand applicable to such license, and the temporary license shall expire 90 days after the issuance of such license. The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand shall be \$500.00 per location, payable to the governing authority of the City. All temporary licenses for a temporary consumer fireworks retail sales stand shall only be issued to licensed distributors where the sales of consumer fireworks from such temporary consumer fireworks retail sales stands shall accrue to the benefit of a nonprofit group as agreed between the licensed distributor and the participating nonprofit group. A nonprofit group benefitting from the sale of consumer fireworks pursuant to this provision shall directly participate in operating the temporary consumer fireworks retail sales stand. No such temporary license shall be issued by the City prior to January 1, 2016.

Section 7. Enforcement.

(a) The City fire department, or any applicable fire department that operates within the City, is authorized to refer cases for enforcement as to violations of O.C.G.A. § 25-10-5.1(c) to the State Fire Marshall.

(b) All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this ordinance or state law, or both, are declared to be contraband may be seized, taken, and removed, or caused to be removed and resold with the proceeds of the sale to be used for public safety purposes, or destroyed at the expense of the owner thereof, or both, by any authorized law enforcement officer operating within the City of Baldwin.

Section 8. Certain Devices Unlawful that Require a Flame for Propulsion or Lighting.

It shall be unlawful for any person, firm, corporation, association, or partnership to release or cause to be released any balloon, bag, parachute, or other similar device which requires fire underneath for propulsion or to release or cause to be released any floating water lantern or wish lantern which uses a flame to create a lighting effect in any public waters within the City of Baldwin.

Section 9. Penalties.

Any person, firm, corporation, association, or partnership that knowingly violates the provisions of this ordinance may be punished by a fine, or imprisonment, or both, up to the maximum penalties allowed under the City Charter for the City of Baldwin, or pursuant to state law. Each act in violation of this ordinance, including but not limited each sales transaction, shall be deemed to be a separate offense, and subject to the maximum penalties as provided herein.

SECTION 2.

**REPEAL OF CONFLICTING ORDINANCES TO THE
EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Baldwin, Georgia.

SECTION 3.

SEVERABILITY.

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction 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 provisions 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 to be the intent of the City Council of the City of Baldwin, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

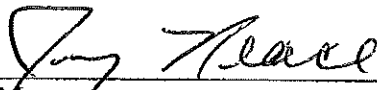
SECTION 4.

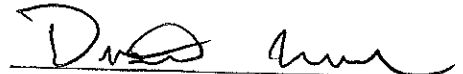
EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council

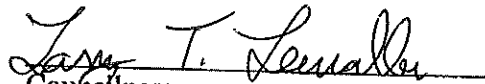
SO ORDAINED, this _____ day of _____, 2015.


BALDWIN CITY COUNCIL

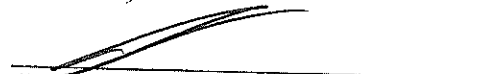
By: 
Mayor


Councilperson


Councilperson


Councilperson


Councilperson


Councilperson

Attest:

City Clerk

RDS/lc/1825-269/W173980

memo

To: All City Staff
From: Mayor and Council
Effective July 1st, 2023
Date:

Policy Manual Section II Employment Practices & Regulations **10.1 Travel and Training – Approval and Attendance**

As Written:

“C. The procurement of airline transportation associated with City travel should be made through the City Administrator and approved by the Mayor.

*D. All travel and training **MUST** be pre-approved by the Mayor.*

E. Employees are not guaranteed attendance at conferences and training seminars. Department Heads have the authority and responsibility to approve or disapprove requests for travel. The Mayor has final approval/denial of requests to travel.”

To be Changed:

“C. The procurement of airline transportation associated with City travel should be made through and approved by the City Administrator.

D. All travel and training **MUST** be pre-approved by the City Administrator.

E. Employees are not guaranteed attendance at conferences and training seminars. Department Heads have the authority and responsibility to approve or disapprove requests for travel. The City Administrator has final approval/denial of requests to travel.”

memo

To: All City Staff
From: Mayor and Council
Effective July 1st, 2023
Date:

Policy Manual Section II Employment Practices & Regulations **10.2 Travel and Training – Transportation**

As Written:

“C. Pre-approval from the Mayor/City Administrator is required to use a personal vehicle unless there is no City vehicle available.

...

E. Mileage is reimbursed for personal vehicle use, upon Mayoral or City Administrator approval and at the standard IRS reimbursement rate or that approved by the Council but not less than the IRS.”

To be Changed:

“C. Pre-approval from the City Administrator is required to use a personal vehicle unless there is no City vehicle available.

...

E. Mileage is reimbursed for personal vehicle use, upon City Administrator approval and at the standard IRS reimbursement rate or that approved by the Council but not less than the IRS.”

memo

To: All City Staff
From: Mayor and Council
Effective July 1st, 2023
Date:

Policy Manual Section II Employment Practices & Regulations

10.3 Travel and Training – Lodging

As Written:

“B. A receipt for lodging expenses will be required and must be provided to the Finance Manager with the expense report.

C. Lodging for overnight stays must be necessary and reasonable to accomplish the City’s business. Overnight lodging must be approved by the Mayor and/or City Administrator.”

To be Changed:

“B. Lodging for overnight stays will be booked in advance by the City Administrator, who shall provide the employee’s Department Head with a receipt.

C. Lodging for overnight stays must be necessary and reasonable to accomplish the City’s business. Overnight lodging must be approved by the City Administrator.”

Approved 5/30/2023

memo

To: All City Staff
From: Mayor and Council
Effective July 1st, 2023
Date:

Policy Manual Section II Employment Practices & Regulations

10.4 Travel and Training – Meals and Incidental Expenses

As Written:

“Reimbursements will only be given for out of town, overnight stay at a per diem rate of \$50.00 per day for meals and incidental expenses. Any additional funds must be approved by the Mayor and the City Administrator.”

To be Changed:

“Reimbursements will be given for day trips and out of town meetings or training that have been approved by the City Administrator.

- A. Day Trip – Meeting or training must take place 25 miles or more from employee’s home office location and be a minimum of 6 hours (excluding travel time). A \$15.00 per diem for day trip meals and incidental expenses will be provided for every day trip made. Any additional funds must be approved by the City Administrator on a case-by-case basis.
 - B. Overnight Stay: Meeting or training must take place 50 miles or more from the employee’s home office location. A \$60.00 per diem for overnight stay meals and incidental expenses will be provided for every overnight stay. Any additional funds must be approved by the City Administrator on a case-by-case basis.”
-

Approved 5/30/2023