

**RULES  
OF  
COMPTROLLER GENERAL  
CHAPTER 120-3  
RULES OF  
TSAFETY FIRE COMMISSIONER**

**SUBJECT 120-3-22  
RULES AND REGULATIONS FOR THE MANUFACTURING,  
STORAGE, SALES, EXHIBITIONS AND DISPLAYS OF FIREWORKS AND  
PYROTECHNICS, USE OF FLAME EFFECTS BEFORE A PROXIMATE AUDIENCE**

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**120-3-22-.01 Promulgation and Purpose.**

(1) These Rules and Regulations for Fireworks are promulgated by the Georgia Safety Fire Commissioner pursuant to O.C.G.A. Sections 25-2-4 and 25-10-5.

(2) The purpose of these rules and regulations is to provide precautionary and protective techniques that are reasonable and practical measures for the prevention of injury to persons and property from the retail sales, distribution, manufacturing, storage, transportation, and use of Consumer Fireworks, Display Fireworks, and Pyrotechnic Articles as authorized pursuant to Chapter 10 of Title 25 of the Official Code of Georgia Annotated.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5

**120-3-22-.02 Definitions.** The definitions contained herein are in addition to and in clarification of the definitions contained in the adopted codes and standards.

(1) "Commissioner" means the Georgia Safety Fire Commissioner.

(2) "Consumer fireworks" shall have the same meaning as set forth in O.C.G.A. § 25-10-1(a)(1). Consumer fireworks do not include those items listed in O.C.G.A. § 25-10-1(b).

(3) "Consumer fireworks retail sales facility" shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.

(4) "Distributor" means any person, firm, corporation, association, or partnership which sells consumer fireworks directly to the consumer or to other distributors.

(5) "Fireworks distributor license" means the license issued by the Safety Fire Commissioner that a distributor must maintain in order to legally sell consumer fireworks.

(6) "Fireworks or Pyrotechnics Exhibitions or Displays before a Proximate Audience" means any exhibition or display of fireworks, or any use of pyrotechnic special effects, that occurs within a building or structure or before an audience closer to the pyrotechnic devices than permitted by NFPA 1123, *Code for Fireworks Display*.

(7) "NFPA" means the National Fire Protection Association.

(8) "Nonprofit group" means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a public or private elementary school or secondary school in the state.

(9) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and any trustee, receiver, assignee, or personal representative thereof.

(10) "Proper Identification" means a document issued by a governmental agency containing a description of the person or such person's photograph, or both, and giving such person's date of birth, including a passport, military identification card, driver's license, or identification card authorized under Code Sections 40-5-100 through 40-5-104.

(11) "Public exhibition or display of fireworks" means the use of pyrotechnics, display fireworks, consumer fireworks, or any combination of these for any purpose relating to the amusement or entertainment of the public that does not occur within a building or structure or before a proximate audience; provided that such term shall not include the private, personal use of consumer fireworks by the public.

(12) "Qualified Individual" means an individual including but not limited to a Georgia registered architect, a Georgia registered fire protection engineer, a Georgia registered professional engineer, a local building official, a local fire official, an individual certified as a Georgia certified

fire inspector or an individual who has a national certification from a national codes organization acceptable to the State Fire Marshal.

(13) "State Fire Marshal" means the State Fire Marshal of Georgia or his or her designee.

(14) "Store" shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall only include such buildings with at least 4,000 square feet of retail display space and **wherefrom**:

(a) No more than 25 percent of the retail display space is used for consumer fireworks and items or products as provided for under O.C.G.A. § 25-10-1(b); and

(b) Other items or products which are not consumer fireworks or items or products as provided for under O.C.G.A. § 25-10-1(b) are sold; and provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known to the public by the same name or share central management.

(15) "Wholesale" means the sale of consumer fireworks within the State of Georgia for resale by others.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5

#### **120-3-22-.03 Submission of Plans for Storage Installations.**

Plans for all proposed storage facilities of fireworks or modifications of any existing storage facility shall be submitted to the Commissioner as required in Chapter 10 of Title 25 of the Official Code of Georgia Annotated.

(1) At least two sets of plans for storage facilities shall be submitted, drawn to scale and shall be of sufficient clarity and detail to indicate the location, setting, construction, distances and such other information as necessary to indicate compliance with the requirements of this Chapter.

(2) The plans shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Commissioner or his designee.

(3) Pursuant to O.C.G.A. Section 25-2-4.1, the plans shall be accompanied by the mandatory plan review fee payable to the Commissioner.

(4) One set of plans shall be retained by the Commissioner and one copy shall be returned to the applicant with approval or disapproval indicated thereon. A copy of the approved plans shall be kept available at the construction site for inspection by authorized representatives of the Commissioner.

(5) Construction shall not commence until the plans have been approved and returned to the applicant.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-3.1, and 25-10-5

#### **120-3-22-.04 Submission of Plans and Licensing of Fireworks Manufacturers.**

(1) Manufacturing operations shall be permitted only after a fireworks manufacturer's license has been issued by the Commissioner in accordance with this rule. A manufacturer's license shall not exempt the holder thereof from obtaining any other permits or licenses that may be required by other government agencies.

(2) Application for a fireworks manufacturer's license shall be made to the Commissioner annually on the form provided and shall be accompanied by a license fee pursuant to O.C.G.A. Section 25-2-4.1.

(3) Plans for all proposed manufacturing facilities or modification of any existing manufacturing facilities shall be submitted to the Commissioner with the fireworks manufacturer's application as provided in O.C.G.A. Section 25-10-3.

(a) At least two sets of plans for fireworks manufacturing facilities shall be submitted, drawn to scale, and shall include a general arrangement layout, location, safety control devices or arrangements, electrical and ventilation arrangements, construction details, emergency control arrangements and such other details, information and specifications as necessary to indicate safe operations.

(b) The plans shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Commissioner or his designee.

(c) Pursuant to O.C.G.A. Section 25-2-4.1, the plans shall be accompanied by the mandatory plan review fee payable to the Commissioner.

(d) One set of plans shall be retained by the Commissioner and one copy shall be returned to the applicant with approval or disapproval indicated thereon. A copy of the approved plans shall be kept available at the construction site for inspection by authorized representatives of the Commissioner.

(e) Construction shall not commence until the plans have been approved and returned to the applicant.

(4) Upon receipt of a fireworks manufacturer's license application, the Commissioner shall direct his authorized representative to inspect the facility. If the authorized representative determines that all requirements for the manufacturing of fireworks contained in this Chapter have been satisfied, he may recommend that the license be processed.

(5) Upon receipt of the inspection report, the Commissioner shall examine the application and inspection report. If all requirements contained in this Chapter have been satisfied, he shall issue a fireworks manufacturer's license that shall be posted by the applicant in a conspicuous location on the premises. The manufacturer's license is nontransferable and shall expire on December 31 of each year or upon a change in the name, ownership or location of the facility. The current license number shall be recorded on all invoices, shipments, and similar transactions. The license authorizes the manufacture of any fireworks not prohibited by Congress or any federal agency; the possession, transportation, and storage of any such fireworks by any manufacturer thereof; the possession, transportation, or distribution of any such fireworks to a distributor located outside the State; the sale of such fireworks by any such manufacturer to a distributor located outside this State; or the

possession and transportation of such fireworks by any manufacturer or contractor or common carrier from the point of manufacture within this State to any point outside this State.

(6) A fireworks manufacturer's license may be revoked for cause after notice and hearing provided in accordance with Rule 120-3-2-.02 of the Rules of Safety Fire Commissioner; provided, however, that the Commissioner may revoke any license prior to notice and hearing if he determines that the situation involves an imminent peril to the public health, safety and welfare and that the situation therefore requires emergency action. An emergency revocation shall contain reasons and findings for the determination, and shall be accompanied by a notice of opportunity for a hearing, which may provide that a hearing will be held if and only if the aggrieved person requests a hearing within ten (10) days of receipt of the revocation and notice.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5

### **120-3-22-.05 Submission of Plans for Consumer Fireworks Retail Sales Facilities**

1. Plans for all proposed consumer fireworks retail sales facilities or major modifications of any existing consumer fireworks retail sales facility in which the total quantity of consumer fireworks on hand at any time will exceed 1,000 pounds gross packaged product weight shall be submitted to, and receive the approval of, the State Fire Marshal prior to consumer fireworks being sold or offered for sale at retail in accordance with the following:

(a) Plans shall be submitted in duplicate.

(b) Plans shall be drawn to scale, shall be of sufficient clarity and detail, and shall include all information necessary to indicate compliance with the requirements of this Chapter and NFPA 1124 entitled, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles* .

(c) The plans shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Commissioner or his designee.

(d) Pursuant to O.C.G.A. Section 25-2-4.1, the plans shall be accompanied by the mandatory plan review fee payable to the Commissioner.

(e) One set of plans shall be retained by the Commissioner and one copy shall be returned to the applicant with approval or disapproval indicated thereon. A copy of the approved plans shall be kept available at the CFRS facility and shall be made available to authorized representatives of the State Fire Marshal or qualified individual at the time of inspection.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5

### **120-3-22-.06 Inspections.**

The Commissioner and his authorized representatives may conduct periodic inspections of fireworks storage installations, manufacturer's facilities, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, and transportation vehicles to ascertain whether the owners or operators are in compliance with this Chapter.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5

### **120-3-22-.07 Reporting of Fires and Accidents.**

(1) All owners, managers or operators of all vehicles, equipment, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, and manufacturing and storage facilities covered under this Chapter shall, as soon as possible but in no event later than eight hours of such incident occurring, notify the Commissioner's Office of all fires involving such manufacturer's vehicles, equipment or facilities and all accidents involving the same that may create a hazard to the public from fire, explosion or related risk. In addition to the initial notification, but in no event later than seventy-two (72) hours, all owners, managers or operators of all vehicles, equipment, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, and manufacturing and storage facilities covered under this Chapter shall submit a written report to the Commissioner's Office of all fires involving such vehicles, equipment, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, manufacturing or storage facilities, and all accidents involving the same that may create a hazard to the public from fire, explosion or related risk.

(2) All holders of permits for display or exhibitions of fireworks or pyrotechnics shall, as soon as possible but in no event later than eight hours of such incident occurring, notify the Commissioner's Office of all fires, explosions, or other incidents of any type which result in personal injuries or property damage occurring at a display or exhibition of fireworks or pyrotechnics pursuant to the permit.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5

### **120-3-22-.08 State Minimum Fire Safety Codes and Standards.**

Unless otherwise stated in this Chapter, the following editions of the codes, standards, recommended practices, guides and methods, as published in the *National Fire Codes (NFC)* by the National Fire Protection Association (NFPA), as adopted and modified herein shall be the State's minimum fire safety standards related to the manufacturing, storage, transportation, and use of display fireworks and consumer fireworks, the retail sales of consumer fireworks, ~~and~~ fireworks or pyrotechnics exhibitions and displays, and the use of flame effects before a proximate audience.

#### **(1) NFPA 160, 2016 Edition, Standard for the Use of Flame Effects Before a Proximate Audience**

Modifications:

##### **(a) Modifications to Chapter 5:**

1. Delete subsection 5.1.1 in its entirety and substitute in its place the following:

**“5.1.1 Permit Required.** A use permit issued by the authority having jurisdiction shall be required for the use of flame effects before a proximate audience or within any building or structure.

#### **~~(1)~~(2) NFPA 1123, 2014 2018 Edition, Code for Fireworks Display**

Modifications:

**(a) Modifications to Chapter 3:**

1. Delete subsection 3.3.15 in its entirety and substitute in its place the following:

**“3.3.15 Fireworks.** Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, , bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term ‘fireworks’ shall not include:

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and,

(b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of 81 explosive mixture.”

2. Delete subsection 3.3.15.1 in its entirety and substitute in its place the following:

**“3.3.15.1 Consumer Fireworks.** 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 American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term ‘consumer fireworks’ shall not include:

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and,

(b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of 81 explosive mixture.”

3. Delete subsection 3.3.15.2 in its entirety and substitute in its place the following:

**“3.3.15.2 Display Fireworks.** Any large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by

combustion, deflagration, or detonation, as set forth in Part 555 of Title 27 of the Code of Federal Regulations, Part 172 of Title 49 of the Code of Federal Regulations, and American Pyrotechnics Association Standard 87-1. Display fireworks are described as Fireworks, UN0335 and are classified as Explosives, 1.3G by the U.S. Department of Transportation.

**(b) Modifications to Chapter 8:**

1. Add a new paragraph 8.1.3.6 to read as follows:

“**8.1.3.6** The operator shall be present and shall personally supervise all phases of the ~~display~~ public exhibition or display of fireworks.”

2. Add a new subsection **8.1.9.3** to read as follows:

“**8.1.9.3** The pyrotechnics operator shall be present and shall personally supervise all phases of the public exhibition or display of fireworks.”

**(c) Modifications to Chapter 10:**

1. Delete subsection 10.1.1 in its entirety and substitute in its place the following:

“**10.1.1** The operator shall be at least 21 years old. Prior to performing the ~~fireworks display~~ public exhibition or display of fireworks, the operator or the operator’s employer shall obtain a permit issued by the judge of the probate court of the county in which the public exhibition or display of fireworks is to be held in accordance with all applicable state laws.”

2. Delete subsection 10.1.2 in its entirety and substitute in its place the following:

“**10.1.2** An operator shall provide evidence of actual experience as an operator or assistant to the authority having jurisdiction. This evidence shall include the following:

“(a) At least five different affidavits signed by the local fire official or officials responsible for the area or areas that the operator has actively participated in all phases of a public exhibition or display of fireworks in which there were no personal injuries or property damage.

“(b) A statement providing full details of any such public exhibitions or displays of fireworks in which said operator has participated which resulted in personal injuries or property damage, or an affidavit by the operator certifying that said operator has never participated in any such public exhibition or display of fireworks which resulted in personal injuries or property damage.”

3. Delete subsection 10.1.3 in its entirety and substitute in its place the following:

“**10.1.3** An operator shall provide evidence to the authority having jurisdiction that he/she possess at least one of the following:

“(a) Certificate(s) of training totaling 20 hours related to fireworks from national organization(s) that promote safety in fireworks displays, or

“(b) Licensure for fireworks displays by another state which administers a competency test accepted by the Commissioner, or

“(c) Other training, testing and/or experience acceptable to the Commissioner.”

4. Add a new subsection 10.1.4 to read as follows:

“**10.1.4** The individual pyrotechnic operator who will actually conduct the public exhibition or display of fireworks must provide to the authority having jurisdiction proof of employment by said person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks.”

5. Delete section 10.2 in its entirety and substitute in its place the following:

“**10.2** All assistants shall be at least 18 years old. Each operator shall complete a form on each assistant for each permit being applied for that provides the assistant’s age, date of birth, and states the operator’s satisfaction as to the qualifications of that assistant.”

6. Delete subsection 10.3.1 in its entirety and substitute in its place the following:

“**10.3.1** Prior to performing the public exhibition or display of fireworks, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall obtain and provide a copy of a display permit to conduct a firework(s) display issued by the judge of the probate court of the county in which the public exhibition or display of fireworks is to be held, pursuant to O.C.G.A. Section 25-10-4(a) to the authority having jurisdiction.”

7. Delete subsection 10.3.2 in its entirety and substitute in its place the following:

“**10.3.2** Proof of a bond in the principal sum of \$10,000.00, payable to the county in which the public exhibition or display of fireworks is being held and conditioned for the payment of damages which may be caused either to persons or to property by reason of the public exhibition or display of fireworks must be provided or, alternatively, evidence be provided that the applicant carries proper liability insurance for bodily injury in the amount of not less than \$25,000.00 for each person and \$50,000.00 for each accident and for property damage in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate, purchased from an insurer authorized to do business in Georgia, or an insurer regulated pursuant to O.C.G.A. Title 33, Chapter 5, if insurance cannot be obtained from an insurer authorized to do business in Georgia.”

8. Delete subsection 10.3.4 in its entirety with no substitution.

9. Add a new section 10.4 to read as follows:

“**10.4** Prior to performing the public exhibition or display of fireworks , the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction the name and qualifications of every operator and assistant who will participate in the public exhibition or display of fireworks.”

10. Add a new subsection 10.4.1 to read as follows:

“**10.4.1** Prior to performing the public exhibition or display of fireworks, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction a statement signed by the individual pyrotechnic operator who will actually conduct the public exhibition or display of fireworks certifying the operator’s satisfaction with the qualifications of each such assistant.”

**(3) NFPA 1124, 2006 Edition, Code for the Manufacture, Transportation, and Storage, and Retail Sales of Fireworks and Pyrotechnic Articles**

Modifications:

**(a) Modifications to Chapter 7:**

1. Add a new subsection 7.3.25 to read as follows:

“**7.3.25 Required Signs**”

2. Add a new paragraph 7.3.25.1 to read as follows:

“7.3.25.1 Every licensed distributor selling consumer fireworks shall have within the retail display area for consumer fireworks at least one sign which reads as follows:

PLEASE CHECK YOUR LOCAL ORDINANCES PRIOR TO USING OR  
IGNITING CONSUMER FIREWORKS  
PLEASE USE CONSUMER FIREWORKS IN ACCORDANCE WITH THEIR  
AFFIXED CAUTION AND WARNING LABELS  
PLEASE BE A GOOD NEIGHBOR AND BE MINDFUL THAT  
UNANNOUNCED IGNITION NEAR SOME MILITARY VETERANS AND OTHER  
PERSONS AND NEAR SOME PETS CAN BE TRAUMATIC”

3. Add a new subparagraph 7.3.25.1.1 to read as follows:

“7.3.25.1.1 Such signs shall be at least 22 inches by 28 inches in size, be printed in at least 40 point boldface type in a color contrasting from such sign's background color, and kept free from obstruction and in plain sight of customers.”

4. Add a new paragraph 7.3.25.2 to read as follows:

“7.3.25.2 Signs shall be posted throughout the retail display area and shall read:

Pursuant to O.C.G.A. 25-10-2, it is unlawful to:

Sell consumer fireworks to any person under 18 years of age. Persons purchasing consumer fireworks must provide the seller proper identification at the time of purchase

Use consumer fireworks indoors or within the right of way of a public road, street, highway, or railroad of this state.

Use or ignite, possess, and transport consumer fireworks by any person under 18 years of age.”

5. Add a new paragraph 7.3.25.3 to read as follows:

“7.3.25.3 Consumer fireworks retail sales facilities, stores, and stands which sell or offer for sale any balloon, bag, parachute, or other similar device which requires fire underneath for propulsion or any floating water lantern or wish lantern which uses a flame to create a lighting effect shall have signs posted throughout the retail display area and customer check out areas which shall read as follows:

Pursuant to O.C.G.A. 25-10-10, it is unlawful 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 waterway, lake, pond, stream, or river.

**(4) NFPA 1126, 2011 2016 Edition, Standard for the Use of Pyrotechnics before a Proximate Audience**

Modifications:

**(a) Modifications to Chapter 3:**

1. Delete subsection 3.3.39 in its entirety and substitute in its place the following:

“3.3.43 Proximate Audience. An audience closer to pyrotechnic devices than permitted by NFPA 1123, *Code for Fireworks Display* or an audience within a building or structure where pyrotechnic devices are used.

**(b) Modifications to Chapter 6:**

1. Add a new subsection 6.1.5 to read as follows:

"**6.1.5** Prior to performing the fireworks or pyrotechnics exhibition or display before a proximate audience, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall obtain and provide a copy of a display permit to conduct a proximate audience firework(s) display issued by the judge of the probate court of the county in which the public exhibition or display is to be held, pursuant to O.C.G.A. Section 25-10-4(b) to the authority having jurisdiction."

2. Add a new subsection 6.1.6 to read as follows:

"**6.1.6** Proof of a bond in the principal sum of \$10,000.00, payable to the county in which the display is being held and conditioned for the payment of damages which may be caused either to persons or to property by reason of the display must be provided or, alternatively, evidence be provided that the applicant carries proper liability insurance for bodily injury in the amount of not less than \$25,000.00 for each person and \$50,000.00 for each accident and for property damage in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate, purchased from an insurer authorized to do business in Georgia, or an insurer regulated pursuant to O.C.G.A. Title 33, Chapter 5, if insurance cannot be obtained from an insurer authorized to do business in Georgia."

3. Add a new subsection 6.1.7 to read as follows:

"**6.1.7** The person, firm, corporation, association or partnership desiring to conduct a fireworks or pyrotechnics exhibition or display before a proximate audience must provide a copy of the license or amended license issued by the Commissioner to the authority having jurisdiction that indicates that the individual pyrotechnic operator(s) who will actually conduct the proximate audience display or exhibition is licensed under the person, firm, corporation, association or partnership."

4. Delete subsection 6.5.1 in its entirety and substitute in its place the following:

"**6.5.1** All pyrotechnic operators shall be at least 21 years old. Prior to performing the fireworks or pyrotechnics exhibition or display before a proximate audience, the operator or the operator's employer shall obtain a permit issued by the judge of the probate court of the county in which the public exhibition or display is to be held in accordance with all applicable state laws. In addition, each operator shall provide evidence of actual experience as an operator or assistant to the authority having jurisdiction. This evidence shall include the following:

"(a) At least five different affidavits signed by the local fire official or officials responsible for the area or areas that the pyrotechnic operator has actively participated in all phases of a fireworks or pyrotechnics exhibition or display before proximate audiences in which there were no personal injuries or property damage.

"(b) A statement providing full details of any fireworks or pyrotechnics exhibitions or displays before proximate audiences in which said pyrotechnic operator has participated which resulted in personal injuries or property damage, or an affidavit by the pyrotechnic operator certifying that said operator has never participated in any such displays or exhibitions which resulted in personal injuries or property damage."

5. Delete paragraph 6.5.1.1 in its entirety and substitute in its place the following:

“**6.5.1.1** Each operator shall provide evidence to the authority having jurisdiction that he/she possess at least one of the following:

“(a) Certificate(s) of training totaling 20 hours related to fireworks from national organization(s) that promote safety in fireworks displays, or

“(b) Licensure for fireworks displays by another state which administers a competency test accepted by the Commissioner, or

“(c) Other training, testing and/or experience acceptable to the Commissioner.”

6. Delete paragraph 6.5.1.2 in its entirety.

7. Delete subsection 6.5.2 in its entirety and substitute in its place the following:

“**6.5.2**All assistants shall be at least 18 years old. In addition, a form shall be completed on each assistant for each permit being applied for that provides the assistant’s full name, age, date of birth, address, previous experience, and certifies in writing the operator’s satisfaction as to the qualifications of that assistant.”

8. Add a new subsection 6.5.3 to read as follows:

“**6.5.3** Prior to performing the fireworks or pyrotechnics exhibition or display before a proximate audience, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction the name and qualifications of every operator and assistant who will participate in the display or exhibition.”

9. Add a new subsection 6.5.4 to read as follows:

“**6.5.4** Prior to performing the fireworks or pyrotechnics exhibition or display before a proximate audience, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction a statement signed by the individual pyrotechnic operator who will actually conduct the display or exhibition certifying the operator’s satisfaction with the qualifications of each such assistant.”

**(c) Modifications to Chapter 8:**

1. Add a new subsection 8.6.7 to read as follows:

“**8.6.7** The pyrotechnics operator shall be present and shall personally supervise all phases of the proximate audience display or exhibition.”

**(4) International Fire Code (IFC)**

Modifications:

(a) Refer to Chapter 120-3-3, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, 25-10-4, 25-10-5, and 25-10-5.1

**120-3-22-.0809 Licensing Requirements for Fireworks or Pyrotechnics Exhibitions or Displays before a Proximate Audience.**

(1) The applicant for a license must satisfy the Commissioner that all of the following requirements are met before the Commissioner issues a license for fireworks or pyrotechnic exhibitions or displays before a proximate audience:

(a) The applicant shall submit a completed application on a form prescribed by the Commissioner.

(b) The applicant shall submit to the Commissioner proof of a valid comprehensive liability insurance policy purchased from an insurer authorized to do business in Georgia, or an insurer regulated pursuant to O.C.G.A. Title 33, Chapter 5, if insurance cannot be obtained from an insurer authorized to do business in Georgia. The coverage must include bodily injury and property damage, products liability, completed operations, and contractual liability. The proof of insurance must also be provided before any license can be renewed. The minimum amount of said coverage shall be \$1 million or such other amount as specified by the Commissioner. An insurer which provided such coverage shall notify the Commissioner of any change in coverage in writing which falls below the minimal insurance requirements of this regulation.

(c) The applicant shall submit to the Commissioner a list naming each pyrotechnic operator that shall use pyrotechnics or pyrotechnic special effects before a proximate audience or within a building or structure pursuant to the license. Each pyrotechnic operator listed on the application for a license shall give his or her full name, age, date of birth, address, and written permission for a criminal background investigation. The applicant must submit evidence that each such pyrotechnic operator is qualified in accordance with NFPA 1126, *Standard for the Use of Pyrotechnics before a Proximate Audience* as adopted and modified herein.

(d) Any natural person applying for a license, and each pyrotechnic operator listed on the application for a license, must give their permission for a criminal background investigation.

(e) The applicant shall pay the required licensing fee as prescribed in Code Section 25-10-5.

(f) The applicant shall comply with all other applicable portions of these regulations and standards adopted hereunder.

(g) The applicant shall provide any other information deemed necessary by the Commissioner.

(2) The licensee must apply for, and receive, an amended license issued by the Commissioner for any additional pyrotechnic operator employed by a person, firm, corporation, association, or partnership and who is not listed on the original license application. The applicant for an amended license must comply with the requirements of subsections (c) and (d), above, as to the additional pyrotechnic operator.

(3) The licensee must notify the Commissioner in writing within 10 days of the date the licensee withdraws sponsorship of a pyrotechnic operator who is listed on the license application. The reason for the licensee's withdraw of sponsorship must be stated.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, 25-10-3.2, and 25-10-5

### **120-3-22.10 Licensing Requirements for Distributors of Consumer Fireworks**

(1) An applicant for a fireworks distributor license must submit a completed application before a license will be issued.

(2) An application for initial license or annual license renewal must be received by the State Fire Marshal's office and contain the following items before the license application will be considered complete:

- (a) The appropriate application on a form prescribed by the Commissioner;
- (b) Proper identification showing that said applicant is at least 18 years of age;
- (c) Proof of a valid public liability and product liability insurance policy which provides coverage limits of at least \$2 million to cover losses, damages, or injuries which might result from the selling of consumer fireworks and which is provided by an insurer authorized to do business in Georgia or procured through a surplus line broker licensed to pursuant to Title 33;
- (d) The appropriate license fee as required by Code Sections 25-10-5.1(b)(1) or 25-10-5.1(d)(1), whichever is applicable, payable to the Safety Fire Commissioner; and
- (e) Documentation, in the form of an inspection report on a form approved by the State Fire Marshal, that an inspection has been conducted by a qualified individual indicating the consumer fireworks retail sales facility or consumer fireworks retail sales store for which an application for license has been received meets the minimum fire safety and construction requirements of the 2006 edition of the National Fire Protection Association (NFPA) 1124 entitled, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles* and as modified herein this chapter. An application for initial license or annual license renewal for distributors selling consumer fireworks from a store shall identify each store location to which an initial or annual license is applicable; and
- (f) Signed and notarized Citizenship Affidavit Form (GID-276-EN); and
- (g) A copy of the front and back of a secure and verifiable form of identification (list of acceptable forms can be found on the Commissioner's website)

(3) The initial license fee for a fireworks distributor license for a consumer fireworks retail sales facility or wholesale distribution facility shall be \$5,000.00, payable to the Safety Fire Commissioner. Such initial license shall expire on January 31 of the year after such initial license was issued or as provided for in O.C.G.A. Section 25-10-5.1(b)(2).

(4) The annual renewal license fee for a fireworks distributor license for a consumer fireworks retail sales facility or wholesale distribution facility shall be \$1,000.00, payable to the Safety Fire Commissioner. Such annual license shall expire on January 31 of the year after such ~~initial~~ annual license was issued or as provided for in O.C.G.A. Section 25-10-5.1(b)(2).

(5) The initial license fee for a fireworks distributor license for a store shall be \$1,500.00 in addition to \$250.00 per store location, payable to the Safety Fire Commissioner. Additional store locations may be added to the initial license prior to the expiration of such license upon payment of \$250.00 per added store location. The initial license shall expire on January 31 of the year after the initial license was issued or as provided for in O.C.G.A. Section 25-10-5.1(d)(1).

(6) The annual renewal license fee for a fireworks distributor license for a store shall be \$1,000.00 in addition to \$100.00 per store location, payable to the Safety Fire Commissioner.

Additional store locations may be added to the annual license prior to the expiration of such license upon payment of \$250.00 per added store location. The annual license shall expire on January 31 of the year after the annual license was issued or as provided for in O.C.G.A. Section 25-10-5.1(d)(2).

(7) A distributor shall ~~not~~ submit a completed application for annual renewal of license by December 1 in the year preceding the expiration date of such initial or annual license. When an initial license is issued to a distributor on or after December 1, then such distributor shall apply for an annual license by the first business day of the next year.

(8) A fireworks distributor license shall be nontransferable.

(9) A fireworks distributor license shall be void upon a change in the ownership or upon a change of location of the consumer fireworks retail sales facility or store location.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5.1

### **120-3-22-.11 Sales of Consumer Fireworks.**

(1) Except as provided for herein, the sale of consumer fireworks at retail or wholesale locations shall be permitted only after the seller has obtained a fireworks distributor license.

(2) The fireworks distributor license shall be posted at a prominent location within each location which sells consumer fireworks

(3) The wholesale sale of consumer fireworks shall be conducted from a distribution facility as defined in NFPA 1124, 2006 edition entitled, Code for the Manufacture, Transportation, ~~and~~ Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, and shall not be conducted from a consumer fireworks retail sales facility, store, or temporary stand.

(4) A consumer fireworks retail sales facility or store shall meet the minimum fire safety and construction requirements of the 2006 edition of the National Fire Protection Association (NFPA) 1124 entitled, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles* and as modified herein this chapter. In accordance with the *International Building Code* (IBC), consumer fireworks retail sales facilities and stores having a maximum quantity of consumer fireworks on hand exceeding 500 pounds gross packaged product weight shall have installed an NFPA 13 compliant automatic sprinkler system designed as an Ordinary Hazard Group 2 hazard facility. Where consumer fireworks retail sales facilities and stores have both a maximum quantity of consumer fireworks on hand exceeding 500 pounds gross packaged product weight and a ceiling height exceeding 16 feet, the required NFPA 13 compliant automatic sprinkler system shall be designed as an Extra Hazard Group 1 hazard facility.

~~(6)~~(5) It shall be unlawful for any person, firm, corporation, association, or partnership to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person under 18 years of age.

~~(7)~~(6) Any person selling any consumer fireworks at the consumer fireworks retail sales facility or store shall be at least 18 years of age; provided however, it shall be lawful for any person who is 16 or 17 years of age to sell or to offer for sale at retail ~~or wholesale~~ any consumer fireworks, provided that such person is serving as an assistant to a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand or the nonprofit group directly participating in the operation of a temporary consumer fireworks retail sales stand.

(7) The holder of a wholesale consumer fireworks distributor license shall provide to the Commissioner the names and addresses of all fireworks retailers located in the State of Georgia to which that license holder sells consumer fireworks.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-2

### **120-3-22-.12 Purchase of Consumer Fireworks.**

Any individual purchasing fireworks from a consumer fireworks retail sales facility, consumer fireworks retail sales store or a temporary consumer fireworks retail sales stand shall:

- (1) Make all purchases in-person and through a face-to face sale;
- (2) Be a minimum of 18 years of age; and
- (3) Provide proper identification to the seller at the time of such purchase. Such identification shall contain at a minimum the following:
  - (a) A description of the person or such person's photograph, or both; and
  - (b) The individuals' date of birth.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-2

### **120-3-22-.13 Use of Fireworks.**

Consumer fireworks may be used, ignited, or caused to be ignited on any day between the hours of 10:00 A.M. and 11:59 P.M. unless during such times the noise from such use or ignition is not in compliance with a noise ordinance of a county or municipal corporation.

*Exception 1: Consumer fireworks may be used, ignited, or caused to be ignited on January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year after the time of 10:00 A.M. and up to and including the time of 11:59 P.M.; and 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..*

*Exception 2: After having obtained a special use permit as provided for in O.C.G.A. § 25-10-2(a)(3)(D)*

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-2

### **120-3-22-14 Unlawful Activity**

(1) It shall be unlawful to use fireworks, consumer fireworks, or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors or within the right of way of a public road, street, highway, or railroad of this state.

(2) It shall be unlawful for any person, firm, corporation, association, or partnership to sell or offer for sale consumer fireworks at a consumer fireworks retail sales facility, consumer fireworks retail sales store or a temporary consumer fireworks retail sales stand or wholesale distribution facility without maintaining the appropriate license.

(3) It shall be unlawful for any person, firm, corporation, association, or partnership to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person under 18 years of age.

(4) It shall be unlawful to sell consumer fireworks from any motor vehicle or from a trailer towed by a motor vehicle, or from a tent, canopy, or membrane structure.

(5) It shall be unlawful for any person under 18 years of age to use or ignite or cause to be ignited or to possess, manufacture, transport, or store consumer fireworks, except that it shall be lawful for any person who is 16 or 17 years of age to possess or transport consumer fireworks, provided that such person is serving as an assistant to a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand or the nonprofit group directly participating in the operation of a temporary consumer fireworks retail sales stand and is not transporting such consumer fireworks on a highway which constitutes a part of The Dwight D. Eisenhower System of Interstate and Defense Highways.

(6) It shall be unlawful 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 waterway, lake, pond, stream, or river.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-2

### **120-3-22-15 Compliance with Rules and Regulations; Penalties.**

(1) All persons shall, manufacture, transport, and store fireworks in conformity with this Chapter. After notice and hearing provided in accordance with Rule 120-3-2-.02 of the Rules of Safety Fire Commissioner, any person who is found to have violated any of the rules contained in this Chapter shall be subject to such penalties as authorized by law and regulation.

(2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an application executed pursuant to Code section 25-10-5.1 shall be guilty of a violation of Code Section 16-10-20.

(3) Any and all consumer fireworks distributors licenses may be suspended, revoked, refused, or be subject to nonrenewal if the Commissioner finds that a licensee or applicant has:

(a) Violated any provision of this Chapter and O.C.G.A. 25-10; or failed to comply with a cease and desist order issued by the Commissioner or his or her authorized representative

(b) Failed to maintain the minimum insurance coverage as set forth in O.C.G.A. 25-10-5.1(a)(B);

(c) Made a material misstatement or misrepresentation or committed a fraud in obtaining or attempting to obtain a license; or

(d) Failed to notify the Safety Fire Commissioner, in writing, within 30 days after a change of residence, principal business address, or name.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-2

#### **120-3-22-16 Requests for Modification of Specific Requirements.**

Upon receipt of a sworn affidavit from the owner stating all relevant facts and circumstances and such other information as may be required, the State Fire Marshal may recommend to the Commissioner that specific requirements of this Chapter and the NFPA codes, standards and recommended practices adopted herein, be modified to allow alternative arrangements which will secure as nearly equivalent measures as practical for the prevention of injury to persons and property. The Commissioner in his discretion may accept the State Fire Marshal's recommendation and grant the requested modification.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5

#### **120-3-22-17 Forms.**

(1) Unless otherwise indicated, and to the extent provided, each filing required under this Regulation Chapter is to be made on forms or electronic format approved by the Commissioner.

(2) Forms may be reproduced to accommodate manual or automated processing.

(3) Any form filed electronically requiring a signature shall contain the electronic signature of the person filing the form, as defined in O.C.G.A. Section 10-12-3.

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, 25-10-3.1, 25-10-3.2, 25-10-5, and 25-10-5.1

#### **120-3-22-18 Notes.**

(1) The National Fire Protection Association (NFPA) codes, standards and recommended practices adopted in this Chapter are on file in the office of the State Fire Marshal and are available for viewing.

(2) Copies of the National Fire Protection Association codes and standards may be obtained from:

National Fire Protection Association  
1 Batterymarch Park  
Quincy, Massachusetts 02269-9101  
Main 617-770-3000  
Phone: 800-344-3555  
<http://www.nfpa.org/catalog/>  
Main 617-770-3000  
Phone: 800-344-3555  
<http://www.nfpa.org/catalog/>

(3) Copies of the International Code Council codes are on file in the Office of the State Fire Marshal and are available for viewing. Copies may be obtained from:

International Code Council  
1-888-ICC-SAFE (422-7233) or  
<http://www.iccsafe.org/>

Authority:— O.C.G.A. §§Sections 25-2-4, 25-2-16, 33-2-9, and 50-13-21.

#### **120-3-22-.19 Severability.**

If any rule or portion thereof contained in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

**If you are an individual with a disability and wish to acquire this publication in an alternative format, please contact the ADA Coordinator, Safety Fire Division, Office of Commissioner of Insurance, No. 2 Martin Luther King Jr. Drive, Atlanta, Georgia 30334, 404 656-2056, TDD 404 656-4031**

Authority: O.C.G.A. Sections 25-2-4, 25-2-16, and 25-10-5.