
CHAPTER 8.100. - FIREWORKS^[12]

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Footnotes:

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Cross reference— *Fire prevention code, ch. 15.70.*

8.100.010. - State law adopted.

O.C.G.A. title 25, chapter 10, "Regulation of Fireworks," as amended, is adopted as set forth herein.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.010)

8.100.020. - Definitions.

~~As used in this chapter, the term "fireworks" means 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, balloons requiring fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, 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 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 does not average more than 0.25 grains 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 "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes.~~

A. As used in this chapter, 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 American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.
2. "Distributor" means any person, firm, corporation, association, or partnership which sells consumer fireworks.
3. "Fireworks" means 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.
4. "Fireworks or pyrotechnics exhibition or display 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 National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Safety Fire Commissioner; provided, however, that such term shall not include the use of pyrotechnic special effects in television and motion picture production when no audience is present.

5. "Personal and private use" means the use of consumer fireworks for any activity other than any activity of a professional or commercial nature or for profit or commercial gain and intended, in particular, for household entertainment or enjoyment for private gatherings.
6. "Public exhibition or display of fireworks" means the use of pyrotechnics, display fireworks, consumer fireworks, or any combination thereof 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, however, that such term shall not include the private and personal use of consumer fireworks by the public.
7. "Pyrotechnics" means fireworks not intended for use by the general public.

B. As used in this chapter, the term "consumer fireworks" or "fireworks" shall not include:

1. 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
2. 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 poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.020)

Cross reference(s)—Definitions and rules of construction generally, § 1.20.010 et seq.

8.100.030. - Prohibited sale, possession or use.

It ~~is~~ shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or ~~explode~~ ignite or cause to be ~~exploded~~ ignited, or to possess, manufacture, ~~or~~ transport, or store any consumer fireworks or fireworks, except as otherwise provided by this chapter or the provisions of O.C.G.A. § 25-10-2, which are incorporated by reference herein.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.030)

8.100.040. - Permitted sale, possession or use

Nothing in this chapter shall be construed to prohibit the following:

- A. The wholesale or retail sale of fireworks for use in a public exhibition or public display and the transportation of fireworks for such use, provided that any person selling at wholesale or retail or transporting fireworks for such use must have a duplicate copy of the permit which has been issued by the ~~judge of the probate court~~ local fire authority to a person, firm, corporation, association, or partnership which has been authorized to hold a public exhibition or display;
- B. Use by railroads or other transportation agencies of fireworks specifically designed and intended for signal purposes or illumination;
- C. The sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletic or sports events or for use by military or police organizations; or
- D. 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 storage of certain such fireworks by a nonmanufacturer in accordance with the provisions of O.C.G.A. § 25-10-3.1;~~ the possession, transportation, or distribution of any such fireworks to a distributor located outside this 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.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.040)

8.100.050. - Permit for public ~~exhibition or~~ displays.

- A. Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks shall first obtain a permit from the ~~judge of the probate court~~ local fire authority of ~~the county~~ Hall County, Georgia, or the chartered fire department legally organized to operate in this state pursuant to O.C.G.A. 25-3-1 et seq., having operational authority of the area in which the public exhibition or display of fireworks is to be held. Application for a permit ~~must~~ shall be made in writing and filed with the ~~judge~~ local fire authority not less than ten days prior to the date of the proposed public exhibition or display of fireworks. ~~Fireworks distributors located outside this state shall obtain display permit application forms and provide the same to applicants upon request.~~ The ~~judge~~ local fire authority may grant a permit for the public exhibition or display on the following conditions:
 1. That the public exhibition or display of fireworks be conducted by a competent and operator ~~approved by the judge~~ licensed pursuant to O.C.G.A. § 25-10-3.2(b);

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2. That the **public exhibition or display of fireworks** ~~shall be of such character as in the opinion of the judge, after site inspection by the fire marshal, will not be hazardous to persons or property~~ **is in compliance with all applicable codes**; and
 3. That the application be accompanied by **either** a bond in the principal sum of ~~\$10,000.00~~ **\$50,000.00**, payable to ~~the county~~ **Hall County, Georgia**, ~~as 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** or, alternatively, that the application be accompanied by evidence 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, ~~with an insurance company duly licensed by the insurance commissioner.~~

~~B. The permit provided for in subsection A of this Code section shall be limited to the time specified therein, such time not to exceed a two week period. The permit shall not be transferable. In the event any fireworks bought and possessed under this Code section are not used by the licensee or in the event that there is a surplus or excess after the two week period expires, it shall be the duty of the licensee to dispose of the fireworks by turning them over to the state fire marshal or any of his agents. Any fireworks bought pursuant to this Code section which are not used for the purpose of public display in the time specified shall, at the expiration of such time, be deemed contraband and subject to seizure by the state fire marshal, the Georgia State Patrol, or any sheriff or local police official, and shall be destroyed at the licensee's expense.~~

B. Any person, firm, corporation, association, or partnership desiring to conduct a fireworks or pyrotechnics exhibition or display before a proximate audience shall first obtain a permit from the local fire authority of Hall County, Georgia, or the chartered fire department legally organized to operate in this state pursuant to O.C.G.A. 25-3-1 et seq., having operational authority of the area in which the fireworks or pyrotechnics exhibition or display is to be held. Application for a permit shall be made in writing and filed with the local fire authority not less than ten days prior to the date of the proposed fireworks or pyrotechnics exhibition or display before a proximate audience. Fireworks distributors located outside this state shall obtain display permit application forms and provide the same to applicants upon request. The local fire authority may grant a permit for the fireworks or pyrotechnics exhibition or display before a proximate audience on the following conditions:

1. **That the fireworks or pyrotechnics exhibition or display be conducted by an operator licensed pursuant to O.C.G.A. § 25-10-3.2(a);**
2. **That the fireworks or pyrotechnics exhibition or display is in compliance with all applicable codes; and**
3. **That the application be accompanied by either a bond in the principal sum of \$50,000.00, payable to Hall County, Georgia, as the county in which the display is being held, and conditioned for the payment of damages that may be caused either to persons or to property by reason of the fireworks or pyrotechnics exhibition or display**

or, alternatively, that the application be accompanied by evidence that the applicant carries property 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.

~~C. The judge of the probate court shall receive \$10.00 for his services in granting or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant.~~

C. No permit, as provided for in subsections (A) and (B) of this section, shall be granted unless the applicant has met all the requirements of and is in full compliance with the rules and regulations promulgated by the Safety Fire Commissioner pursuant to state law.

D. The permit provided for in subsections (A) and (B) of this section shall be limited to the time specified therein, which shall not exceed a two-week period. The permit shall not be transferable. In the event any fireworks bought and possessed under this section are not used by the licensee or in the event that there is a surplus or excess after the two-week period expires, it shall be the duty of the licensee to return such fireworks to a facility approved in accordance with O.C.G.A. § 25-10-3.1 and the rules and regulations promulgated by the Safety Fire Commissioner. Fireworks stored in accordance with O.C.G.A. § 25-10-3.1 and regulations shall not be deemed contraband and shall not be subject to seizure.

E. The local fire authority shall receive a fee of up to \$100.00 for the administrative cost of processing in granting or refusing the original permit pursuant to this section and \$10.00 for each copy issued, to be paid by the applicant. In addition to the original permit fees, local fire authorities may also charge reasonable fees for personnel needed for standby fire suppression and permit compliance. The local fire authority shall provide the Safety Fire Commissioner a copy of each permit granted prior to the proposed date of the public exhibition or display of fireworks or the fireworks or pyrotechnics exhibition or display before a proximate audience.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.050)

8.100.060. - License and fee for manufacture, storage or transportation of fireworks or pyrotechnic displays.

The annual license fee for any person, firm, ~~or~~ corporation, association, or partnership conducting business in this state under section 8.100.040.D shall be ~~\$1,000.00~~ \$1,500.00 per year, payable to the ~~safety fire commissioner~~ Safety Fire Commissioner. The license shall expire on December 31 of each year. The ~~safety fire commissioner~~ Safety Fire Commissioner is authorized and directed to promulgate safety regulations relating to the manufacture, storage, and transportation of fireworks within this state in order to ensure the adequate protection of the employees of any such person, firm, ~~or~~ corporation, association, or partnership and of the general public. The Safety Fire Commissioner is further authorized and directed to promulgate safety regulations relating to fireworks or pyrotechnics exhibitions or displays before a proximate audience and the licensing requirements of those conducting such fireworks or pyrotechnics exhibitions or displays before a proximate audience, as he or she deems necessary. The ~~safety~~

~~fire commissioner~~ Safety Fire Commissioner is further authorized and directed to conduct periodic inspections of the facilities of any person, firm, ~~or~~ corporation, association, or partnership manufacturing, storing, and transporting fireworks as provided in section 8.100.040.D in order to ensure compliance with fire safety rules and regulations.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.060)

Cross reference(s)—Business licenses and regulations, tit. 5.

8.100.070. - Seizure of illegal fireworks.

All fireworks or consumer fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this chapter are declared to be contraband and may be seized, taken, and removed, or caused to be removed, and destroyed or disposed of at the expense of the owner thereof by the state fire marshal, the Georgia State Patrol, or any sheriff or local police official.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.070)

8.100.080. - Exemptions.

This chapter shall not apply to the high explosives covered by O.C.G.A. § 25-2-17 over which the ~~safety fire commissioner~~ Safety Fire Commissioner has regulatory control.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.080)

8.100.090. - Violations; penalty.

Any person, firm, corporation, association or partnership violating any provision of this chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this chapter as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia section 1.50.020 for each violation in the discretion of the court.

(Res. of 11-28-88, § 1(B); Code 1991, § 8.36.090; Res. of 6-10-04(1), § 1)