

**RULES AND REGULATIONS OF
THE SAFETY FIRE COMMISSIONER
CHAPTER 120-3-22 RULES AND REGULATIONS FOR
FIREWORKS MANUFACTURING AND
FIREWORKS OR PYROTECHNICS EXHIBITIONS AND DISPLAYS**

TABLE OF CONTENTS

| | |
|---------------------|---|
| 120-3-22-.01 | Promulgation and Purpose. |
| 120-3-22-.02 | Definitions. |
| 120-3-22-.03 | Submission of Plans for Storage Installations. |
| 120-3-22-.04 | Submission of Plans and Licensing of Fireworks Manufacturers. |
| 120-3-22-.05 | Inspections. |
| 120-3-22-.06 | Reporting of Fires and Accidents. |
| 120-3-22-.07 | State Minimum Fire Safety Codes and Standards. |
| 120-3-22-.08 | Licensing Requirements for Fireworks or Pyrotechnics Displays before a Proximate Audience. |
| 120-3-22-.09 | Requests for Modification of Specific Requirements. |
| 120-3-22-.10 | Compliance with Rules and Regulations; Penalties. |
| 120-3-22-.11 | Forms. |
| 120-3-22-.12 | Notes. |
| 120-3-22-.13 | Severability. |

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 manufacturing, storage, transportation, and use of fireworks as authorized pursuant to Chapter 10 of Title 25 of the Official Code of Georgia Annotated.

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) “Fireworks or Pyrotechnics Displays before a Proximate Audience” means any exhibition or display of fireworks 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*.

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

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

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

(1) 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.

(a) 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.

(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.

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.

120-3-22-.05 Inspections. The Commissioner and his authorized representatives may conduct periodic inspections of fireworks storage installations, manufacturer's facilities, and transportation vehicles to ascertain whether the owners or operators are in compliance with this Chapter.

120-3-22-.06 Reporting of Fires and Accidents.

(1) All owners, managers or operators of all vehicles, equipment, 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 and manufacturing and storage facilities covered under this Chapter shall submit a written report to 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.

(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.

120-3-22-.07 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 fireworks manufacturing and fireworks or pyrotechnics exhibitions and displays.

(1) NFPA 1123, 2000 Edition, Code for Fireworks Display
Modifications:

(a) Modifications to Chapter 1:

1. Delete subsection 1.1.3 in its entirety and substitute in its place the following:
“**1.1.3** The use of fireworks by the general public is prohibited pursuant to Chapter 10 of Title 25 of the Official Code of Georgia Annotated.”

(b) Modifications to Chapter 5:

1. Add a new paragraph 5.1.3.4 to read as follows:
“**5.1.3.4** The operator shall be present and shall personally supervise all phases of the display.”

2. Add a new subsection 5.1.9 to read as follows:
“**5.1.9** The pyrotechnics operator shall be present and shall personally supervise all phases of the display or exhibition.”

(c) Modifications to Chapter 7:

1. Delete subsection 7.1.1 in its entirety and substitute in its place the following:
“**7.1.1** The operator shall be at least 21 years old. Prior to performing the fireworks display, 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.”

2. Delete subsection 7.1.2 in its entirety and substitute in its place the following:
“**7.1.2** 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 fireworks displays in which there were no personal injuries or property damage.

“(b) A statement providing full details of any such displays 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 displays or exhibitions which resulted in personal injuries or property damage.”

3. Delete subsection 7.1.3 in its entirety and substitute in its place the following:
“**7.1.3** 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 7.1.4 to read as follows:
“**7.1.4** The individual pyrotechnic operator who will actually conduct the display or exhibition 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 7.2 in its entirety and substitute in its place the following:

“7.2 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 7.3.1 in its entirety and substitute in its place the following:

“7.3.1 Prior to performing the fireworks display, 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 is to be held, pursuant to O.C.G.A. Section 25-10-4(a) to the authority having jurisdiction.”

7. Delete subsection 7.3.2 in its entirety and substitute in its place the following:

“7.3.2 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.”

8. Add a new section 7.4 to read as follows:

“7.4 Prior to performing the fireworks display, 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 7.4.1 to read as follows:

“7.4.1 Prior to performing the fireworks display, 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.”

(2) NFPA 1124, 2000 Edition, Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles

Modifications:

(a) Modifications to Chapter 1:

1. Delete the definition of the word 'Fireworks' in section 1-4 in its entirety and substitute in its place the following:

"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, 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 nor 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. The use of fireworks by the general public is prohibited pursuant to Chapter 10 of Title 25 of the Official Code of Georgia Annotated."

2. Delete the words 'Common Fireworks,' 'Consumer Fireworks,' 'Display Fireworks,' and 'Special Fireworks' in section 1-4 and their definition in their entirety without substitution:

(3) NFPA 1126, 2001 Edition, Standard for the Use of Pyrotechnics before a Proximate Audience
Modifications:

(a) Modifications to Chapter 1:

1. Delete subsection 1.5.47 in its entirety and substitute in its place the following:

"1.5.47 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 4:

1. Add a new subsection 4.1.5 to read as follows:

"4.1.5 Prior to performing the proximate audience fireworks display, 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 4.1.6 to read as follows:

"4.1.6 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 4.1.7 to read as follows:

“**4.1.7** The person, firm, corporation, association or partnership desiring to conduct a proximate audience public exhibition or display of fireworks 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 4.5.1 in its entirety and substitute in its place the following:

“**4.5.1** All pyrotechnic operators shall be at least 21 years old. Prior to performing the proximate audience fireworks display, 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. Add a new paragraph 4.5.1.1 to read as follows:

“**4.5.1.1** 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 subsection 4.5.2 in its entirety and substitute in its place the following:

“**4.5.2** 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.”

7. Add a new subsection 4.5.3 to read as follows:

“**4.5.3** Prior to performing the proximate audience fireworks display, 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.”

8. Add a new subsection 4.5.6 to read as follows:

“**4.5.6** Prior to performing the proximate audience fireworks display, 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 6:

1. Add a new subsection 6.6.7 to read as follows:

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

120-3-22-.08 Licensing Requirements for Fireworks or Pyrotechnics 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 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.

(c) The applicant shall submit to the Commissioner a list naming each pyrotechnic operator that shall use pyrotechnics or special effects before a proximate audience 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.

120-3-22-.09 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.

120-3-22-.10 Compliance with Rules and Regulations; Penalties. 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.

120-3-22-.11 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.

120-3-22-.12 Notes.

(1) The 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 these NFPA publications may be obtained from:

National Fire Protection Association
Batterymarch Park
Quincy, Massachusetts 02210

120-3-22-.13 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