

## Consumer Fireworks in Georgia

What are NOT consumer fireworks?

(b) As used in this chapter, the term 'consumer fireworks' or '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 explosive mixture.”

Ground-Based Effects

Usually referred to as “Safe and Sane”

Normally labeled “CAUTION – EMITS SHOWERS OF SPARKS”

What are consumer fireworks?

### As defined by Law

**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 “TELLS” OF CONSUMER FIREWORKS

1. Does it explode?
2. Does it go aerial?

3. The easiest explanation of aerial:

It propels a pyrotechnic device for a secondary effect.

Labeled as 1.4G is NOT a good indicator. Safe and Sane can also be labeled as “1.4G Consumer Fireworks”

Who can buy consumer fireworks?

Anyone over 18 years old:

(b)(1) Notwithstanding any provision of this chapter to the contrary, 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**.

All sales transactions must be face-to-face:

(2) It shall be **unlawful** to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person by any means other than an **in-person, face-to-face sale**. Such person shall provide proper identification to the seller at the time of such purchase. For purposes of this paragraph, the term '**proper identification**' means any **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 and includes without being limited to, a passport, military identification card, driver's license, or identification card authorized under Code Sections 40-5-100 through 40-5-104.**

When can consumer fireworks be used?

In accordance with the law:

Any time between the hours of 10:00 a.m. and 12:00 midnight.  
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EXCEPT on July 3<sup>rd</sup>, July 4<sup>th</sup>, December 31<sup>st</sup> and January 1

On these days it is legal to use consumer fireworks until 2:00 a.m.

Unless.....

A special use permit is issued:

(D) Any person, firm, corporation, association, or partnership may use or explode or cause to be exploded any consumer fireworks on any day at a time not provided for under subparagraph (B) of this paragraph if such person, firm, corporation, association, or partnership is issued a special use permit pursuant to the law of a governing authority of a county

or municipal corporation for the use or explosion of consumer fireworks in a location within such county or municipality at a time not provided for under subparagraph (B) of this paragraph.

Such special use permit shall designate the time or times and location that such person, firm, corporation, association, or partnership may use or explode or cause to be exploded such consumer fireworks.

A fee assessed by a county or municipal corporation for the issuance of a special use permit pursuant to this subparagraph shall not exceed \$100.00.

No governing authority or official of a county, municipality, or other political subdivision shall bear liability for any decisions made pursuant to this Code section.

Where can consumer fireworks be used?

In accordance with the law:

(C) Subject to paragraph (4) of this subsection, it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks anywhere in this state except:

- (i) As provided for under subparagraph (A) of this paragraph (INDOORS);
- (ii) In any location where such person, firm, corporation, association, or partnership **is not lawfully present** or is not otherwise lawfully permitted to use or explode or cause to be exploded any consumer fireworks; or
- (iii) Within 100 yards of a nuclear power facility or a facility engaged in the retail sale of gasoline or the production, refining, processing, or blending of gasoline for such retail purposes.

Who needs a license to sell consumer fireworks?

Everyone.

Definition of distributor:

'Distributor' means any person, firm, corporation, association, or partnership which sells consumer fireworks.

“It shall be lawful to sell consumer fireworks from a permanent consumer fireworks retail sales facility or store only if such permanent consumer fireworks retail sales facility or store is:

(i) In compliance with the requirements for such a permanent consumer fireworks retail sales facility or store in the selling of consumer fireworks as provided for in NFPA 1124; and

(ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1.

## Types of Facilities Under State Jurisdiction

Consumer Fireworks Retail Sales Facility

Consumer Fireworks Retail Sales Store

### **Consumer Fireworks Retail Sales FACILITY**

**3.3.29.1 Consumer Fireworks Retail Sales Facility (CFRS Facility).** A permanent or temporary building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

However 25-10-2(b)(6)(A) addresses that it shall be lawful to sell from a CFRS Facility or store if it is permanent. And 25-10-2-(b)(6)(C) prohibits sales from motor vehicles and trailers towed by a motor vehicle.

### Consumer Fireworks Retail Sales STORE

**3.3.74 Store.** A building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks.

**7.5.1.1** For the purpose of this chapter, stores in which retail sales of consumer fireworks are conducted shall not be considered CFRS facilities as defined in 3.3.29.1 where both of the following conditions exist:

- (1) The area of the retail sales floor occupied by the retail displays of consumer fireworks does not exceed 25 percent of the area of the retail sales floor in the building or 600 ft<sup>2</sup> (55.5 m<sup>2</sup>), whichever is less.
- (2) The consumer fireworks are displayed and sold in a manner approved by the AHJ and comply with the applicable provisions of this code, federal and state law, and local ordinances.

If both of these conditions are not met, then it IS NOT A STORE

### CFRS Facility vs. CFRS Store Licensing

Facilities:

Each CFRS Facility must be licensed.

Requires \$5,000.00 initial license fee for each location.

25-10-5.1 (b)(1): (b)(1) The initial license fee for a distributor selling consumer fireworks from a permanent consumer fireworks retail sales facility shall be \$5,000.00 per location, payable to the Safety Fire Commissioner.

## CFRS Facility vs. CFRS Store Licensing

### Stores:

Each CFRS Store must be licensed and requires a \$5,000.00 license fee UNLESS the store is a RETAIL CHAIN.

25-10-5.1 (d)(1) The initial license fee for a distributor selling consumer fireworks from a store shall be \$5,000.00, payable to the Safety Fire Commissioner, provided that, if a store is a retail chain, one payment of \$5,000.00 shall satisfy such license fee for each store of the retail chain.

Retail Chain – means a person, firm, corporation, association, or partnership with more than one store, where all such stores are collectively known to the public by the same name or share general management

Retail Chain does not apply to CFRS Facilities

## CFRS Facility vs. CFRS Store Licensing

The licenses for Retail Sales Facilities, Stores, and Stores that are a Retail Chain expires January 31 of each year.

\$1,000.00 annual renewal fee for Retail Sales Facilities and Stores

The renewal covers all Stores that are a Retail Chain

Distributors can not apply for an annual license earlier than 30 days prior to the expiration of license.

The license is non transferrable and expires upon a change of location.

### What's needed for licensing?

Portal is open at [www.gainsurance.org](http://www.gainsurance.org)

Register facility, store, or retail chain main office on portal

Upload the following within the portal

Proof of liability insurance with 2 million dollar minimum coverage

Proof of citizenship

Proof of inspection of the facility

Life Safety Compliance

Proposed quantities

Is the building sprinklered (and is it Ordinary hazard Group 2?)

If properly sprinklered, does it meet the requirements of Chapter 7 of NFPA 1124, 2006 Edition?

### What's Needed for Licensing?

Rules and Regulations 120-3-22

Why an inspection and who can inspect the facilities?

Documentation, acceptable to 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.

“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.

What about Retail Chain Stores?

Rules and Regulations 120-3-22

**120-3-22-.10 Registration of Retail Chain Locations**

1. Prior to selling fireworks at branch locations of a retail chain, a licensee must complete a registration on the Safety Fire Commissioner’s website. That registration shall include the following for each location:
  - (a) The name of the business that will be selling fireworks;
  - (b) The street address; and
  - (c) An attestation by the licensee that each location has been inspected by a qualified individual and meets the minimum safety requirements required by law. A copy of such inspection report completed by the qualified individual shall be provided to the State Fire Marshal’s office.

Licenses will be issued as follows:

- 1) Non-sprinklered buildings:  
Quantities on hand not to exceed 500 lbs. gross weight
- 2) Sprinklered buildings not meeting the requirements of NFPA 1124:  
Quantities on hand not to exceed 1,000 lbs.  
gross weight
- 3) Sprinklered building meeting the requirements of NFPA 1124:  
Quantities on hand may exceed 1,000 lbs. gross weight

NFPA 1124, 2006 Edition

Why the 2006 Edition?

The law directly adopts this standard without any modifications.

There is no newer edition at this time.

Sprinkler Requirements

**7.3.6** An automatic sprinkler system designed and installed in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*, shall be provided throughout permanent CFRS facilities and stores in which CFRS are conducted in the following buildings:

(1) New buildings greater than 6000 ft<sup>2</sup> (557.2 m<sup>2</sup>) in area

(2) Existing buildings greater than 7500 ft<sup>2</sup> (694 m<sup>2</sup>) in area

BUT.....

**7.3.5 Construction of Buildings and Structures.** Consumer fireworks shall only be permitted to be sold at retail in any of the following buildings or structures, provided that any new building or structure does not exceed one story in height:

(1) Permanent buildings or structures constructed in accordance with the building code enforced by the AHJ

So now we have to also apply:

2012 International Building Code

IBC Sprinkler Requirements

IBC Sprinkler Requirements

The IBC requires that all H-3 occupancies must be sprinklered, regardless of size.

**903.2.5.1 General.** An *automatic sprinkler system* shall be installed in Group H occupancies.

H-3 Occupancies shall have a design density of Ordinary hazard Group 2

UNLESS ceiling height is greater than 16'

It becomes Extra hazard Group 1

The annex of NFPA 1124 is the only guideline for this

NFPA 1124, 2006 Edition

Exempt Amounts

**7.3.1.1** The requirements of this chapter shall not apply to CFRS facilities or stores where the consumer fireworks are in packages and where the total quantity of consumer fireworks on hand does not exceed 125 lb (net) [56.8 kg] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, *Standard for the Installation of Sprinkler systems*, 250 lb (net) [113.6 kg] of pyrotechnic composition.

**7.3.1.2** Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

So.....

If 500 pounds gross weight or less on hand within a non-sprinklered building, 1124 does not apply

If 1,000 pounds gross weight or less on hand within a properly sprinklered building, 1124 does not apply

The sparkling devices or any items NOT defined as fireworks ARE NOT included in the gross weight

NFPA 1124, 2006 Edition

General Requirements for All Retail Sales

Separation Distances

CFRS Facilities and CFRS Stores shall NOT be located within 50 feet of:

Retail propane dispensing station dispensers

Aboveground tanks for flammable and combustible liquids, flammable gas, or flammable liquefied gas

Motor vehicle fuel dispensing station dispensers

NFPA 1124, 2006 Edition

General Requirements for All Retail Sales

Separation Distances

Retail Sales Areas and Storage Areas shall NOT be located within 300 feet of aboveground bulk storage and dispensing areas for:

Flammable or combustible liquids

Flammable gas

Flammable liquefied gas

NFPA 1124, 2006 Edition

General Requirements for All Retail Sales

Signage

At least one sign that reads:

**FIREWORKS – NO SMOKING**

Shall be posted at each entrance; or at stores posted within 10 feet of every aisle directly the serving the CFRS area

Letters must be at least 2” high on a contrasting background color

120-3-22 Additional Sign



Add new paragraph 7.3.15.2.3 to read as follows:

**7.3.15.2.3** Signs shall be posted throughout the 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.

Explode or cause to be exploded any consumer fireworks on any day after 12:00 midnight or before 10:00 am; except on January 1, July 3, July 4, and December 31, on which days it is unlawful to explode or cause to be exploded any consumer fireworks after 2:00 am or before 10:00 am.

NFPA 1124, 2006 Edition

CFRS FACILITIES

Site Requirements

The area located within 30 ft of a CFRS facility shall be kept free of accumulated dry grass, dry brush, and combustible debris.

No motor vehicle or trailer used for the storage of consumer fireworks shall be parked within 10 ft of a CFRS facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.

NFPA 1124, 2006 Edition

CFRS FACILITIES

Signage

Each exterior side of a CFRS FACILITY shall have a sign posted that reads:

NO FIREWORKS DISCHARGE  
WITHIN 300 FEET

Letters 4 inches high on a contrasting background

Temporary Stands

As defined by NFPA 1124:

**3.3.19\* Consumer Fireworks Retail Sales (CFRS) Stand.** A temporary or permanent building or structure that has a floor area not greater than 800 ft<sup>2</sup> (74 m<sup>2</sup>), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

And then expanded on in the annex:

**A.3.3.19 Consumer Fireworks Retail Sales (CFRS) Stand.** Stands can include, but are not limited to, small buildings, plywood or sheet metal

structures, manufactured buildings, semitrailers, trailers, shipping containers, or similar structures or facilities.

However, the law itself prohibits sales from trailers.

AND.....

**3.3.19\* Consumer Fireworks Retail Sales (CFRS) Stand.** A temporary or permanent building or structure that has a floor area not greater than 800 ft<sup>2</sup> (74 m<sup>2</sup>), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

The official interpretation of the definition of Consumer Fireworks Retail Sales Stand excludes tent sales

Tent sales of consumer fireworks as temporary stands are not allowed.

#### Temporary Stands Requirements

Must be in compliance with the requirements for such a temporary consumer fireworks retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124

Must be within 1,000 feet of a fire hydrant or a fire department connection of a building affiliated with such consumer fireworks retail sales stand unless the chief administrative officer of the fire department having operational authority over such location of the temporary consumer fireworks retail sales stand provides in writing that such temporary consumer fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant or fire department connection

Must be selling consumer fireworks of a distributor licensed for CFRS Facility or Store

#### Temporary Stands Requirements

May not any one time operate more than two temporary stands for each license issued to distributors for CFRS Facilities and Stores

except that a distributor which is a retail chain and which is licensed shall not at any one time operate more than two temporary consumer fireworks retail sales stands for each store of such retail chain

#### Temporary Stands Requirements

The sales of consumer fireworks from such temporary consumer fireworks retail sales stand shall accrue to the benefit of a nonprofit group

'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3) of 60 the Internal Revenue Code of 1986.

#### Temporary Stands Requirements

Such temporary consumer fireworks retail sales stands shall be located within the same county as the location of such permanent consumer fireworks retail sales facility or store provided for under subsection (b) or (d) of Code Section 25-10-5.1; provided, however, that if a county does not have a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within its boundaries, then a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within 75 miles of the perimeter of the boundaries of such county may locate one of the two temporary consumer fireworks retail sales stands in the unserved county.

#### Temporary Stands Requirements

Even though 1124 has provisions for sales from a trailer:

It shall be unlawful to sell consumer fireworks from any motor vehicle or from a trailer towed by a motor vehicle.

#### Temporary Stands Licensing

\$500.00 license fee per location, payable to the governing authority of the county, municipality, or other political subdivision of this state in whose boundaries such temporary consumer fireworks retail sales stand shall be located or is proposed to be located.

#### Temporary Stands Licensing

Fire departments issue licenses for each location after finding that the applicant has met the following:

- Is in compliance with the requirements for such a temporary stand in the selling of consumer fireworks as provided for in NFPA 1124

- Application has been made for each location in writing or on a form provided by the fire department

- Has a valid license for CFRS Facility of Store

- Has no more than two temporary stands per licensed location

- That the sales accrue to the benefit of a nonprofit group

#### Temporary Stands Licensing

No licenses for temporary stands are to be issued before January 1, 2016

The governing authority of a county, municipality, or other political subdivision receiving fees pursuant to this Code section shall expend such fees for public safety purposes.

The license expires 90 days after issuance