

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to
2 regulation of fireworks, so as to revise provisions relating to the sale, use, or explosion
3 thereof; to provide for a definition; to revise the days, times, and locations in which
4 consumer fireworks can be lawfully used or exploded; to revise places within this state where
5 the use or explosion of consumer fireworks is prohibited; to provide for exceptions for the
6 days, times, and locations in which consumer fireworks can be lawfully used or exploded
7 through a special use permit issued pursuant to the law of a governing authority of a county
8 or municipal corporation; to amend Chapter 60 of Title 36 of the Official Code of Georgia
9 Annotated, relating to provisions applicable to counties and municipal corporations, so as to
10 revise local governments' role in regulating or prohibiting the sale, use, or explosion of
11 consumer fireworks; to provide for related matters; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14 Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of
15 fireworks, is amended in subsection (a) of Code Section 25-10-1, relating to definitions, by
16 adding a new paragraph to read as follows:
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18 "(12) 'Used for residential purposes' means any lot or tract five acres or less in size on
19 which is constructed a habitable dwelling unit."

SECTION 2.

20 Said chapter is further amended by revising paragraph (3) of subsection (b) of Code Section
21 25-10-2, relating to prohibited fireworks activities, as follows:
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23 "(3)(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined
24 in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors.

25 (B) Except as provided for in ~~subparagraph~~ subparagraphs (C) and (D) of this
 26 paragraph and subject to paragraph (4) of this subsection, on any property other than
 27 property used for residential purposes, it shall be lawful for any person, firm,
 28 corporation, association, or partnership to use, ~~or~~ explode, or cause to be exploded any
 29 consumer fireworks on any day between the hours of 10:00 A.M. and 12:00 Midnight
 30 only; provided, however, that it shall be lawful for any person, firm, corporation,
 31 association, or partnership to use, ~~or~~ explode, or cause to be exploded any consumer
 32 fireworks on January 1, July 3, July 4, and December 31 of each year between the hours
 33 of 12:00 Midnight and 2:00 A.M.

34 (B.1) Except as provided for in subparagraphs (C) and (D) of this paragraph and
 35 subject to paragraph (4) of this subsection, on any property used for residential
 36 purposes, it shall be lawful for any person, firm, corporation, association, or partnership
 37 to use, explode, or cause to be exploded any consumer fireworks on March 17, the last
 38 Monday in May, July 4, the first Monday in September, and December 31 between the
 39 hours of 5:00 P.M. and 10:00 P.M. only.

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

43 (i) As provided for under subparagraph (A) of this paragraph;

44 (ii) In any location where such person, firm, corporation, association, or partnership
 45 is not lawfully present or is not otherwise lawfully permitted to use, ~~or~~ explode, or
 46 cause to be exploded any consumer fireworks; ~~or~~

47 (iii) Within 100 yards of a nuclear power facility or a facility engaged in the retail
 48 sale of gasoline or the production, refining, processing, or blending of gasoline for
 49 such retail purposes;

50 (iv) Within 50 feet of any habitable dwelling unit on property used for residential
 51 purposes; or

52 (v) Within any park, historic site, or recreational area which is operated by, for, or
 53 under the custody and control of a governing authority of a county or municipal
 54 corporation, except pursuant to a special use permit as provided for in
 55 subparagraph (D) of this paragraph.

56 (D) Any person, firm, corporation, association, or partnership may use, ~~or~~ explode, or
 57 cause to be exploded any consumer fireworks on any day ~~at a~~ or at any time not
 58 provided for under subparagraph (B) or (B.1) of this paragraph or within a park, historic
 59 site, or recreational area which is operated by, for, or under the custody and control of
 60 a governing authority of a county or municipal corporation as provided for in division
 61 (v) of subparagraph (C) of this paragraph if such person, firm, corporation, association,

62 or partnership is issued a special use permit pursuant to the law of a governing authority
 63 of a county or municipal corporation for the use or explosion of consumer fireworks in
 64 a location within such county or municipality ~~at a time~~ on a day or at a time not
 65 provided for under subparagraph (B) ~~or (B.1)~~ of this paragraph or within a park, historic
 66 site, or recreational area as provided for under division (v) of subparagraph (C) of this
 67 paragraph. Such special use permit shall designate the day, time or times, and location
 68 that such person, firm, corporation, association, or partnership may use, ~~or~~ explode, or
 69 cause to be exploded such consumer fireworks. A fee assessed by a county or
 70 municipal corporation for the issuance of a special use permit pursuant to this
 71 subparagraph shall not exceed \$100.00. No governing authority or official of a county,
 72 municipality, or other political subdivision shall bear liability for any decisions made
 73 pursuant to this Code section."

74 **SECTION 3.**

75 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
 76 applicable to counties and municipal corporations, is amended by revising Code Section
 77 36-60-24, relating to the sale, use, or explosion of consumer fireworks, as follows:

78 "36-60-24.

79 (a)(1) The governing authority of a county or municipal corporation shall not prohibit
 80 the sale ~~or use or explosion~~ of consumer fireworks or products or services which are
 81 lawful under subsection (b) of Code Section 25-10-1, unless such prohibition is expressly
 82 authorized by general law.

83 (2) The governing authority of a county or municipal corporation may further regulate
 84 the use or explosion of consumer fireworks or products or services which are lawful
 85 under subsection (b) of Code Section 25-10-1.

86 (b) Except as provided for under paragraph (2) of subsection (a) of this Code section, if
 87 ~~If~~ the sale of a product or service is regulated by Chapter 10 of Title 25, the governing
 88 authority of a county or municipal corporation shall not enact additional regulation of the
 89 sale, ~~or~~ use, or explosion of such product or service, unless such additional regulation is
 90 expressly authorized by general law.

91 (c) Notwithstanding subsections (a) and (b) of this Code section, the governing authority
 92 of a county or municipal corporation may provide for permits or licenses for the sale, ~~or~~
 93 use, or explosion of consumer fireworks as provided for under subsection (c) of Code
 94 Section 25-10-5.1.

95 (d) Notwithstanding subsections (a) and (b) of this Code section, the governing authority
 96 of a county or municipal corporation may further regulate the sale of consumer fireworks
 97 from temporary consumer fireworks retail sales stands.

98 (e) The governing authority of a county or municipal corporation shall not unreasonably
99 delay or deny an application for a temporary consumer fireworks retail sales stand.

100 (f) For purposes of this ~~subsection~~ Code section, the terms 'consumer fireworks' and
101 'consumer fireworks retail sales stand' shall have the same meanings as provided in Code
102 Section 25-10-1.

103 (g) Any ordinance enacted before, on, or after July 1, 2006, by a county or municipal
104 corporation in violation of this Code section is void."

105 **SECTION 4.**

106 All laws and parts of laws in conflict with this Act are repealed.