

The Senate Committee on Public Safety offered the following substitute to HB 419:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 25-10-2 of the Official Code of Georgia Annotated, relating to
2 prohibited fireworks activities, so as to subject the use or ignition of consumer fireworks to
3 noise ordinances of counties and municipal corporations; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Code Section 25-10-2 of the Official Code of Georgia Annotated, relating to prohibited
8 fireworks activities, is amended by revising subparagraphs (b)(3)(B), (b)(3)(D), and (b)(3)(E)
9 as follows:

10 "(B) Except as provided for in subparagraph (D) or (E) of this paragraph and subject
11 to paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for
12 any person, firm, corporation, association, or partnership to use or ignite or cause to be
13 ignited any consumer fireworks:

14 (i) Except as provided for in divisions (ii) through (v) of this subparagraph, on ~~On~~
15 any day beginning at the time of 10:00 A.M. and up to and including the ending time
16 of ~~9:00 P.M.;~~

17 ~~(ii) On any day after the time of 9:00 P.M. and up to and including the time of 11:59~~
18 P.M. if such use or ignition is lawful pursuant to any noise ordinance of the county
19 or municipal corporation of the location in which such use or ignition occurs, except
20 as otherwise provided for under this subparagraph; provided, however, that no such
21 noise ordinance shall treat consumer fireworks differently from any other sound; and
22 provided, further, that a county or municipal corporation may additionally require the
23 issuance of a special use permit pursuant to subparagraph (D) of this paragraph for
24 use or ignition;

25 ~~(iii)~~(ii) On January 1, ~~July 3, and July 4, and December 31~~ of each year and any day
26 recognized and observed as a public and legal holiday pursuant to Code Section 1-4-1

27 and the two days prior to such dates or days and the two days after such dates or days
 28 after the time of 9:00 P.M. 10:00 A.M. and up to and including the time of 11:59
 29 P.M.; and

30 ~~(iv)~~(iii) On January 1 of each year beginning at the time of 12:00 Midnight and up
 31 to and including the ending time of 1:00 A.M.;

32 (iv) On any Friday after the time of 6:00 P.M. and up to and including the time of
 33 11:59 P.M., if such Friday is prior to any date or day provided for under division (ii)
 34 of this subparagraph; and

35 (v) On any Saturday after the time of 10:00 A.M. and up to and including the time
 36 of 11:59 P.M., if such Saturday is prior to any date or day provided for under division
 37 (ii) of this subparagraph."

38 "(D) Any person, firm, corporation, association, or partnership may use or ignite or
 39 cause to be ignited any consumer fireworks as provided for under divisions ~~(3)(B)(ii)~~
 40 (3)(B)(i) and (3)(C)(v) of this subsection if such person, firm, corporation, association,
 41 or partnership is issued a special use permit pursuant to the law of a governing authority
 42 of a county or municipal corporation for the use or ignition of consumer fireworks in
 43 a location within such county or municipality as provided for under divisions ~~(3)(B)(ii)~~
 44 (3)(B)(i) and (3)(C)(v) of this subsection, provided that such special use permit is
 45 required for such use or ignition. Such special use permit shall designate the time or
 46 times and location that such person, firm, corporation, association, or partnership may
 47 use or ignite or cause to be ignited such consumer fireworks. A fee assessed by a
 48 county or municipal corporation for the issuance of a special use permit pursuant to this
 49 subparagraph shall not exceed \$100.00. No governing authority or official of a county,
 50 municipality, or other political subdivision shall bear liability for any decisions made
 51 pursuant to this Code section.

52 (E) ~~Whenever the Governor issues a declaration of drought~~ Department of Natural
 53 Resources declares a drought response of Level 1 or higher, or its equivalent, for an
 54 area, the Governor may, for the boundaries of the area covered by such drought
 55 declaration, enact further regulations and restrictions concerning the use of consumer
 56 fireworks than provided for under this chapter; provided, however, that no such further
 57 regulations or restrictions on the use of consumer fireworks shall be effective pursuant
 58 to this subparagraph on January 1, July 3, July 4, or December 31 of any year;
 59 provided, further, that such further regulations or restrictions shall only apply to the
 60 exact prohibiting any person, firm, corporation, association, or partnership to ignite or
 61 cause to be ignited consumer fireworks in the boundaries of the area covered by such
 62 declaration and shall only apply with regard to the ignition of consumer fireworks; and
 63 provided, further for the duration of such declaration; provided, however, that upon

64 expiration or conclusion of such declaration, such further regulations or restrictions
65 shall be rescinded by law."

66 **SECTION 2.**

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