TITLE 25
FIRE PROTECTION AND SAFETY

2. Requirement of Fire and Other Hazards to Persons and Property Generally, 25-2-1 through 25-2-40.
3. Local Fire Departments Generally, 25-3-1 through 25-3-27.
7. Georgia Fire Academy, 25-7-1 through 25-7-8.
8. Regulation of Blasting Operations Generally, 25-8-1 through 25-8-12.
12. Regulation of Fire Extinguishers and Suppression Systems, 25-12-1 through 25-12-22.

Annotations
Cross references. Criminal penalties for transmitting false report of fire, transmitting a false public alarm and making restitution, or refusing to farmers' mutual fire insurance companies, Ch. 16, T. 33.
Property insurance generally, Ch. 32, T. 33.
Management of emergencies generally, Ch. 3, T. 38.
Liability of officers and agents for acts performed while fighting fires or for acts performed at scenes of emergencies, § 51-1-38.

RESEARCH REFERENCES

CHAPTER 1
GENERAL PROVISIONS
Sec.
25-1-1. Making available dynamite caps or like devices to minors; criminal and civil penalties.
Annotations
RESEARCH REFERENCES

Innkeeper's Failure to Protect Against Fire, 14 POP2d 657.
Failure to Prevent Outbreak and Spread of Fire, 23 POP2d 461.
Point of Origin of Fire - Improperly Installed or Maintained Heating Appliance, 17 POP2d 1.
Improper or Defective Wiring as Cause of Fire, 47 POP2d 451.
Electric Signs - Determining the Cause of Property Damages or Personal Injury, 23 POP3d 159.

25-1-1. Making available dynamite caps or like devices to minors; criminal and civil penalties.

Statute text
(a) Any person, firm, or corporation who sells, gives, or otherwise makes available any dynamite cap or other similar device to a minor shall be guilty
(b) In addition to the punishment provided in subsection (a) of this Code section, the licensee or permit to engage in the business of dealing in or t

History
(Ga. L. 1958, p. 306, §§ 1, 2.)

Annotations
RESEARCH REFERENCES


CHAPTER 2
REGULATION OF FIRE AND OTHER HAZARDS TO PERSONS AND PROPERTY GENERALLY
Sec.
25-2-1. "Commissioner" defined.
25-2-5. State fire marshal - Appointment; qualifications; salary.
25-2-6. State fire marshal; head of Safety Fire Division.
25-2-7. Appointment process of deputy state fire marshal and other personnel.
25-2-8. Payment of transportation, etc., expenses of employees in state fire marshal's office.
25-2-9. Exemption of public employees and employees to investigate causes and origin of fires; power to arrest.
25-2-10. Appeal from rulings of state fire marshal to Commissioner; appeal from Commissioner to superior court; bond.
25-2-11. Fire inspections - Duty of cities and counties generally; assistance of cities and counties by state fire marshal [Repealed];
25-2-12. Adoption of state fire safety standards and enforcement; investigations; excuse from compliance with standards; interpretation of standards
25-2-12.1. Deputizing of local fire marshals, deputy local fire marshals, and state inspectors as state officers; qualification of applicants; duty t
25-2-13. (For effective date, see note.) Buildings presenting special hazards to persons or property; requirements as to construction, maintenance, a
25-2-14. Buildings presenting special hazards to persons or property - Requirement, issuance, etc., of building permits and certificates of occupanc
25-2-14.1. Buildings presenting special hazards to persons or property - Compliance of existing and proposed buildings and structures with minimum fi
25-2-15. Buildings presenting special hazards to persons or property - Issuance, etc., of temporary occupancy permits; time limits for compliance wit
25-2-16. Regulation of the storage, transportation, and handling of hazardous materials; use of hold-open latches at self-service gasoline stations;
25-2-17. Regulation of explosives.
25-2-18. Exemption of public buildings from fees or licenses; waiver for churches and charities.
25-2-19. Regulation of fire hazards in hotels, apartment houses, department stores, warehouses, and public places.
25-2-20. Licensing of traveling carnivals, circuses, and other exhibits.
25-2-21. Investigation on complaint of dangerous building appurtenances; effect of failure to remove or repair after notice [Repealed];
25-2-22. Right of Commissioner and other authorized officials to enter and inspect buildings and premises.
25-2-22.1. Inspection warrants.
25-2-23. Issuance of notice to correct unsafe conditions.
25-2-25. Remedy of unsafe conditions by city or county upon failure to comply with court order; liability for expenses generally; issuance of fl. fa.
25-2-27. Procedure for investigation of suspected arson - Taking of testimony; arrest of suspect; furnishing of information to district attorney.
25-2-28. Procedure for investigation of suspected arson - Issuance of subpoenas to compel attendance of witnesses or production of documents; admin
25-2-30. Duty of state fire marshal as to promotion of fire prevention and life safety generally.
25-2-31. Dissemination of fire prevention information by state fire marshal generally; fire prevention programs in schools; cooperation with state fire marshal.
25-2-32. Maintenance of records of fire losses; reports of losses by insurance companies; reports of fires.
25-2-32.1. Reports to Safety Fire Division of serious burn injuries.
25-2-32.2. Investigation of burn injuries reported pursuant to Code Section 25-2-32.1.
25-2-33. Release of fire loss information by insurers on request by state or local official; immunity for furnishing of information; confidentiality.
25-2-33.1. Reports to Safety Fire Division of serious burn injuries.
25-2-33.2. Investigation of burn injuries reported pursuant to Code Section 25-2-32.1.
25-2-34. Cooperation with Commissioners, deputies and inspectors by Department of Public Safety and Georgia State Patrol.
25-2-35. Payment of sheriffs and other peace officers for assistance in determining causes of fires, etc.
25-2-36. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Injunctive relief.
25-2-37. Locking exit doors; construction of building without approval of plans; civil penalties for violation of chapter or rules.
25-2-38. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Criminal penalty.
25-2-38.1. Sovereign immunity; effect of this chapter on legal duties of property owners and lessees.
25-2-40. Smoke detectors required in new dwellings and dwelling units; exceptions.

Annotations
Administrative Rules and Regulations. - Organization, practice and procedures of the Safety Fire Department, Official Compilation of Rules and Regulations of State of Georgia, Comptroller, § 701-2-1 et seq.

OPINIONS OF THE ATTORNEY GENERAL
O.C.G.A. Title 25, Chapter 2 not impliedly amended. - Although Ga. L. 1973, p. 890 (see O.C.G.A. Title 42, Chapter 4, Article 2) deals, in part, with

RESEARCH REFERENCES
Negligent Fire Inspection by City or State Employee, 22 POP2d 55.
25-2-1. "Commissioner" defined.
Statute text
As used in this chapter, the term "Commissioner" means the Safety Fire Commissioner.
Statute text
The office of Safety Fire Commissioner is created. The Commissioner of Insurance shall be the Safety Fire Commissioner.
History
Annotations
JUDICIAL DECISIONS
Cited in Douglas v. Smith, 578 F.2d 1169 (5th Cir. 1978).

RESEARCH REFERENCES
C.J.S. - 67 C.J.S., Officers and Public Employees, §§ 18, 282 et seq. 81A C.J.S., States, § 82.
Statute text
Except as provided in Code Section 25-2-12, the Commissioner is charged with the duties and chief responsibility for the enforcement of this chapter.
History
(Ga. L. 1949, p. 1057, § 2; Ga. L. 1981, p. 1779, § 1.)
Annotations
Cross references. - Manufactured homes generally, § 8-2-130 et seq.
JUDICIAL DECISIONS
Authorized actions. - In the absence of the state fire marshal, the Safety Fire Commissioner was authorized to act on an application for a license to
Cited in Douglas v. Smith, 578 F.2d 1169 (5th Cir. 1978).

RESEARCH REFERENCES
Statute text
The Commissioner shall adopt such rules and regulations as he deems necessary to promote the enforcement of this chapter. Such rules and regulations s
History
(Ga. L. 1949, p. 1057, § 3; Ga. L. 1992, p. 2186, § 1.)
Annotations
JUDICIAL DECISIONS
Failure to comply with safety standards. - The rules and regulations of the Safety Fire Commissioner, having the force and effect of law, were applica

RESEARCH REFERENCES

Statute text
(a) The Commissioner is authorized to assess and collect, and persons so assessed shall pay in advance to the Commissioner, fees and charges unde

(1) New anhydrous ammonia permit for storage in bulk (more than 2,000 gallons aggregate capacity) for sale or distribution one-time fee ..$

(2) Annual license for manufacture of explosives other than fireworks ..100.00

(3) Annual license for manufacture, storage, or transport of fireworks ..1,000.00

(4) Carnival license ..100.00

(5) Certificate of occupancy ..100.00

(6) Construction plan review:
   (A) Bulk storage construction ..100.00
   (B) Building construction, 10,000 square feet or less ..100.00
   (C) Building construction, more than 10,000 square
      feet ...015
         per square foot
   (D) Other construction ..100.00

(7) Fire sprinkler contractor certificate of competency ..100.00

(8) Liquefied petroleum gas storage license:
   (A) 2,000 gallons or less ..100.00
   (B) More than 2,000 gallons ..500.00

(9) Building construction inspection:
   (A) 80 percent completion, 100 percent completion, annual, and first follow-up ..none
   (B) Second follow-up ..100.00
   (C) Third and each subsequent follow-up ..150.00

(10) Purchase, storage, sale, transport, or use of explosives other than fireworks:
   (A) 500 pounds or less ..50.00
   (B) More than 500 pounds ..100.00

(11) New self-service gasoline station permit one-time fee ..100.00

(12) New permit to dispense compressed natural gas (CNG) for vehicular fuel one-time fee ..100.00

(b) The licenses and permits for which fees or charges are required pursuant to this Code section shall not be transferable. A new license or permit

History

Annotations
Code Commission notes. - Pursuant to Code Section 28-9-5, in 1992, a hyphen was inserted between "one" and "time" in paragraph (11).

25-2-5. State fire marshal - Appointment; qualifications; salary.

Statute text
The Commissioner shall appoint a state fire marshal. Qualifications for appointment as state fire marshal shall be previous training and experience in

History
(Ga. L. 1949, p. 1057, § 4.)

Annotations
JUDICIAL DECISIONS

Cited in Douglas v. Smith, 578 F.2d 1169 (5th Cir. 1978).
25-2-6. State fire marshal; head of Safety Fire Division.

Statute text
The Safety Fire Division of the office of Commissioner of Insurance shall be headed by the state fire marshal appointed by the Commissioner.

History
(Ga. L. 1972, p. 1015, § 2; Ga. L. 1986, p. 855, § 10.)

25-2-7. Appointment process of deputy state fire marshal and other personnel.

Statute text
The state fire marshal, subject to the approval of the Commissioner, shall appoint a deputy state fire marshal and administrative fire safety speciali

History

Annotations
RESEARCH REFERENCES

25-2-8. Payment of transportation, etc., expenses of employees in state fire marshal's office.

Statute text
All state employees connected with the state fire marshal's office shall be allowed subsistence, lodging, and other expenses in connection with the ex

History
(Ga. L. 1949, p. 1057, § 27.)

Annotations
Cross references. - Mileage, actual travel expenses for state officials and employees, and reimbursement, § 50-19-7.

RESEARCH REFERENCES
C.J.S. - 67 C.J.S., Officers and Public Employees, § 270 et seq.
25-2-9. Authority of fire marshal and employees to investigate cause and origin of fires; power to arrest.

Statute text
(a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the district attorney of the judicial circuit, or a local (b) Personnel employed and authorized by the state fire marshal shall have the power to make arrests for criminal violations established as a result

History

Annotations
The 2003 amendment, effective May 29, 2003, rewrote this Code section.

Cross references. - Obstructing or hindering law enforcement officers, § 16-10-24.

RESEARCH REFERENCES
25-2-10. Local inspections - Duty of cities and counties generally; assistance of cities and counties by state fire marshal.

Statute text
Should any person, firm, corporation, or public entity be dissatisfied with any ruling or decision of the state fire marshal, the right is granted to

History

Annotations
JUDICIAL DECISIONS
Court cannot substitute judgment for Commissioner. - Even if the procedures of the Safety Fire Commissioner in acting on an application for a license

RESEARCH REFERENCES
25-2-11. Local inspections - Duty of cities and counties generally; assistance of cities and counties by state fire marshal.

Statute text

25-2-12. Adoption of state fire safety standards and enforcement; investigations; excuse from compliance with standards; interpretation of standards a

Statute text
(a)(1) The county governing authority in any county having a population of 100,000 or more, and the municipal governing authority in any municipality (2) With respect to those buildings and structures listed in Code Section 25-2-13, except for hospitals, nursing homes, jails, ambulatory health care (A) Conduct fire safety inspections of existing buildings and structures; (B) Review plans and specifications for proposed buildings and structures, issue building permits when plans are approved, and conduct fire safety ins (C) Issue permanent and temporary certificates of occupancy. (3) Nothing in this subsection shall be construed so as to prohibit fire service personnel of any such local governing authority from making inspectio
(4) Nothing in this subsection shall be construed so as to place upon any municipality, county, or any officer or employee thereof, the responsibility to

(5) Every such local governing authority shall have the authority to charge and retain appropriate fees for performing the duties required in subparagraph

(6) Every such local governing authority shall be responsible for investigating all causes of arson and other suspected incendiary fires within its jur

(7) No such local governing authority shall have the authority to grant any waiver or variance which would excuse any building, structure, or proposed

(b) Municipalities having a population of less than 45,000 as determined by the most recent decennial census published by the United States Bureau of

(c) With respect to those buildings and structures under the jurisdiction of a local government for purposes of paragraph (3) of this subsection, the

(d) Except as specifically stated in this Code section, nothing in this Code section shall reduce or avoid the duties and responsibilities of the off

(1) The office of the Commissioner shall be responsible for interpretation of the State minimum fire safety standards as adopted in this Code section and

(2) On the construction on existing buildings, local governments authorized to enforce the state minimum fire safety standards pursuant to subsection

(3) Whenever new buildings not under the jurisdiction of a local government for purposes of paragraph (1) of this subsection, the

(4) On the construction of new buildings, the Commissioner, upon the written recommendation of the state fire marshal and the written request of the f

(5) Variances granted pursuant to paragraphs (2), (3), and (4) of this subsection shall be as nearly equivalent as practical to the standards required

History


JUDICIAL DECISIONS

City required to enforce fire safety standards against county building project within city limits. - A county government is exempt from all municipal

OPINIONS OF THE ATTORNEY GENERAL

Implied power of repeal. - Where O.C.G.A. § 25-12-12(b) provides that certain municipal governing authorities may adopt and enforce the state minimum f

Duties of Commissioner as to buildings presenting special hazards. - The Commissioner is charged with specific duties with respect to those buildings

RESEARCH REFERENCES

ALR. - Zoning; creation by statute or ordinance of restricted residence districts within municipality from which business buildings are excluded, 33 A Compendium of statutes and ordinances of general public importance because of their bearing on the question of zoning 280. - Zoning; exclusive use of buildings and structures for agriculture or related purposes, 26 A.L.R. 2d 546. - Zoning; regulation of rental of buildings and structures for agricultural purposes, 26 A.L.R. 2d 546. - Zoning; regulation of rental of buildings and structures for agricultural purposes, 26 A.L.R. 2d 546. - Zoning; regulation of rental of buildings and structures for agricultural purposes, 26 A.L.R. 2d 546.

Liability of owner or occupant of premises to building or construction inspector coming upon premises in discharge of duty, 28 A.L.R. 3d 891.

Municipal liability for negligent fire inspection and subsequent enforcement, 69 A.L.R. 4th 739.

JUDICIAL DECISIONS

Annotations

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ALR. - Zoning; creation by statute or ordinance of restricted residence districts within municipality from which business buildings are excluded, 33 A Compendium of statutes and ordinances of general public importance because of their bearing on the question of zoning 280. - Zoning; exclusive use of buildings and structures for agriculture or related purposes, 26 A.L.R. 2d 546. - Zoning; regulation of rental of buildings and structures for agricultural purposes, 26 A.L.R. 2d 546. - Zoning; regulation of rental of buildings and structures for agricultural purposes, 26 A.L.R. 2d 546. - Zoning; regulation of rental of buildings and structures for agricultural purposes, 26 A.L.R. 2d 546.

Liability of owner or occupant of premises to building or construction inspector coming upon premises in discharge of duty, 28 A.L.R. 3d 891.

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Duties of Commissioner as to buildings presenting special hazards. - The Commissioner is charged with specific duties with respect to those buildings

History

The 2006 amendment, effective January 1, 2007, designated the previously existing provisions of subsection (a) as paragraph (a)(1); and added paragraph (a)(2).

Code Commission notes. - Owing to the duplication in subparagraph designations, the subparagraph (b)(1)(I) added by Ga. L. 1985, p. 869, § 1 was redes

Pursuant to Code Section 28-9-5, in 1988, a comma was added following "reformatoria" in subparagraph (b)(1)(E).

Editor's notes. - Ga. L. 1985, p. 1642, § 3, not codified by the General Assembly, provided that nothing in that Act would amend or repeal the defin

Administrative Rules and Regulations. - Criteria for designation, Official Compilation of the Rules and Regulations of the State of Georgia, Designat

JUDICIAL DECISIONS


OPINIONS OF THE ATTORNEY GENERAL

Authority of Board of Offender Rehabilitation to set standard for construction of prison dormitories. - The Board of Offender Rehabilitation has auth

The authority of the Commissioner to investigate potential fire hazards upon written complaint under O.C.G.A. § 25-2-22(b) is not limited to the build

Duties of Commissioner as to O.C.G.A. § 25-2-12. - The Commissioner is charged with specific duties with respect to those buildings listed in O.C.G.A.

Commissioner has no duty to inspect certain abandoned buildings. - An abandoned building, which is three stories or less in height, which does not oth

Safety Fire Commissioner has authority to adopt rules and regulations which pertain to safety and protection of public at race tracks so long as there

Jurisdiction over condominiums. - The plain language of the 1981 amendments to O.C.G.A. § 25-2-13 clearly demonstrates the legislative intention to ex

The office of the Commissioner has jurisdiction only over the common areas or elements (such as boiler rooms or recreation facilities) of condominium

Permit applicant to obtain approval of fire marshal before permit issued. - Ga. L. 1967, p. 619, § 2 (see O.C.G.A. § 25-2-14) imposes a duty on local

Board of regents should continue to submit to state fire marshal only those plans and specifications for proposed buildings which come under classific

RESEARCH REFERENCES


ALR. - Constitutionality of statute or ordinance requiring proprietor of place of amusement to furnish fire or police protection at his own expense, 8

Power to require all places of amusement, including bars and night clubs, to be equipped with smoke detectors and fire alarms, 66 ALR3d 517.

Validity, construction, and application of the Uniform Fire Code, 46 ALR5th 479.

Validity, construction and of agreement excepting operator of amusement facility from liability for personal injury or death of patron, 54 ALR

Validity and construction of statute or ordinance requiring installation of automatic sprinklers, 68 ALR5th 517.

25-2-14. Buildings presenting special hazards to property or requirement, issuance, etc., of building permits and certificates of occupancy; Statute text

(a) (1) Plans and specifications for all proposed buildings which come under classification in paragraph (1) of subsection (b) of Code Section 25-2-1

(2) (A) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official cannot provide plan review within 30 bu

(B) The state fire marshal, the proper local fire marshal, state inspector, or designated code official shall advise the permit applicant at the time

(C) Any plan review or inspection conducted by a private professional provider shall be no less extensive than plan reviews or inspections conducted b

(D) The person, firm, or corporation retaining a private professional provider to conduct a plan review shall be required to pay to the state fire mar

(E) A private professional provider performing plan reviews under this subsection shall review construction plans to determine compliance with the sta

(ii) The plans were reviewed by the affiant who is duly authorized to perform plan review pursuant to this subsection and who holds the appropriate lic

(ii) The plans comply with the state's minimum fire safety standards in effect which were adopted pursuant to this chapter and, where applicable, the

(F) All private professional providers providing plan review services pursuant to this subsection shall secure and maintain insurance coverage for pro

(G) The private professional provider shall be empowered to perform any plan review required by the state fire marshal, the proper local fire marshal,

(H) (i) The permit applicant shall submit a copy of the private professional provider's plan review report to the state fire marshal, the proper local

(I) The affidavit of the private professional provider required pursuant to this subsection;

(J) The applicable fees required for permitting;

(K) Other documents deemed necessary due to unusual construction or design, smoke removal systems where applicable with engineering analysis, and ad

(L) Any documents required by the state fire marshal, the proper local fire marshal, state inspector, or designated code official to determine that t

(M) No more than 30 business days after receipt of a permit application and the private professional provider's plan review report required pursuant

(N) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official provides a written notice of plan deficiency

(O) If the permit applicant submits revisions, the state fire marshal, the proper local fire marshal, state inspector, or designated code official sh

(P) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official determines that the building construction o

(Q) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official determines that the building construction o

(R) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official determines that the building is no longer in c

(S) Nothing in this subsection shall limit the authority of the state fire marshal, the proper local fire marshal, state inspector, or designated code

(T) Nothing in this subsection shall limit the authority of the state fire marshal, the proper local fire marshal, state inspector, or designated code

(U) When performing building code plan reviews related to determining compliance with the Georgia State Minimum Standard Codes most recently adopted b

(V) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official provides a second written notice of plan de

(W) If the permit applicant submits revisions, the state fire marshal, the proper local fire marshal, state inspector, or designated code official shall

(X) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official provides a written notice of plan deficiency

(Y) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official determines that the building construction o

(Z) Nothing in this subsection shall limit the authority of the state fire marshal, the proper local fire marshal, state inspector, or designated code

A complete set of approved plans and specifications shall be maintained on the construction site, and construction shall proceed in compliance wi

Every building or structure which comes under classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which comes under the

For purposes of this chapter, any existing building or structure listed in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come w

In cases where the governing authority of a municipality which is enforcing the fire safety standards pursuant to subsection (a) of Code Section

History


Annotations

The 2006 amendment, effective January 1, 2007, designated the previously existing provisions of subsection (a) as paragraph (a)(1); and added paragra

OPINIONS OF THE ATTORNEY GENERAL


VALIDITY AND CONSTRUCTION OF STATUTES OR ORDINANCES

Validity and construction of statute or ordinance requiring installation of automatic sprinklers, 63 ALR5th 517.

Validity, construction, and application of the Uniform Fire Code, 46 ALR5th 479.

Validity, construction and of agreement excepting operator of amusement facility from liability for personal injury or death of patron, 54 ALR

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Storing powder not nuisance per se. - The act of a powder company in maintaining and storing powder upon one's land is not a nuisance per se. Simpson

Editor's notes. - Some of the cases cited below were decided under former Civil Code 1910, §§ 1655, 2745, 2746.

JUDICIAL DECISIONS

Cross references. - Regulation of fireworks, Ch. 10, T. 25.

Annotations

(36x44]Storing powder not nuisance per se. - The act of a powder company in maintaining and storing powder upon one's land is not a nuisance per se. Simpson

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Annotations

(36x44]Storing powder not nuisance per se. - The act of a powder company in maintaining and storing powder upon one's land is not a nuisance per se. Simpson

Editor's notes. - Some of the cases cited below were decided under former Civil Code 1910, §§ 1655, 2745, 2746.

JUDICIAL DECISIONS

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JUDICIAL DECISIONS

Cross references. - Regulation of fireworks, Ch. 10, T. 25.
RESEARCH REFERENCES
ALR. - Liability for damages by explosives transported along highway, 44 ALR 124.
Validity of regulations as to manner of handling or distributing gasoline, 58 ALR 860.
Validity of regulations as to keeping or storage of gasoline, 128 ALR 364.
Coverage of clause of fire policy insuring against explosion, 28 ALR2d 995.
Liability in connection with fire or explosion of explosives while being stored or transported, 35 ALR3d 1177.
25-2-18. Exemption of public buildings from fees or licenses; waiver for churches and charities.
Statute text
All federal, state, county, or city publicly owned buildings covered by this chapter are exempt from any fee or license which may be specified in this
History
(Ga. L. 1949, p. 1057, § 31.)
25-2-19. Regulation of fire hazards in hotels, apartment houses, department stores, warehouses, and public places.
Statute text
The Commissioner shall promulgate reasonable rules and regulations governing and regulating fire hazards in hotels, apartment houses, department store
History
(Ga. L. 1949, p. 1057, § 17.)
Annotations
Cross references. - Operators of Hotels, Inns, and Roadhouses generally, Ch. 21, T. 43.
OPINIONS OF THE ATTORNEY GENERAL
Safety Fire Commissioner has authority to adopt rules and regulations which pertain to safety and protection of public at race tracks so long as there
RESEARCH REFERENCES
ALR. - Liability of one starting bonfire for burning of child, 36 ALR 297.
Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.
25-2-20. Licensing of traveling carnivals, circuses, and other exhibits.
Statute text
All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention regulatory license from the state fire marshal based upon c
History
(Ga. L. 1949, p. 1057, § 18.)
Annotations
Cross references. - Regulation of activities of carnivals, road shows, tent shows, and other itinerant entertainment, see § 43-1-15.
OPINIONS OF THE ATTORNEY GENERAL
Carnival or circus must obtain fire prevention license, and said license is not required to be procured only where the licensee comprises a number or
RESEARCH REFERENCES
C.J.S. - 30A C.J.S., Entertainment and Amusement; Sports, § 18 et seq.
25-2-21. Investigation on complaint of dangerous building appurtenances; effect of failure to remove or repair after notice.
Statute text
25-2-22. Right of Commissioner and other authorized officials to enter and inspect buildings and premises.
Statute text
(a) The Commissioner and the various officials delegated by him to carry out this chapter shall have the authority at all times of the day and night (b) Upon complaint submitted in writing, the Commissioner and the various officials to whom enforcement authority is delegated under this chapter may
History
(Ga. L. 1949, p. 1057, § 20.)
Annotations
OPINIONS OF THE ATTORNEY GENERAL
Construction of O.C.G.A. § 25-2-22. - In construing the words "a complaint submitted in writing" with Ga. L. 1949, p. 1051, § 20 (see O.C.G.A. § 25-2- Authority of Commissioner to enter building. - Upon written complaint to the Commissioner, that a building is in violation of O.C.G.A. Title 25, Chapt Commissioner has no duty to inspect certain abandoned buildings. - An abandoned building, which is three stories or less in height, which does not oth The authority of the Commissioner to investigate potential fire hazards upon written complaint under O.C.G.A. § 25-2-22(b) is not limited to the build In order for a written complaint to provide a proper basis for an investigation by the Commissioner, the complaint should allege the existence of some
RESEARCH REFERENCES
ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.
Liability of owner or occupant of premises to building or construction inspector coming upon premises in discharge of duty, 28 ALR3d 891.
Municipal liability for negligent fire inspection and subsequent enforcement, 69 ALR4th 739.

25-2-22.1. Inspection warrants.

Statute text
(a) The Commissioner, his delegate, or any other person authorized under this title to conduct inspections of property, in addition to other procedures, may issue inspection warrants.
(b) Inspection warrants may be issued by any judge of the superior, state, municipal, or magistrate court upon proper oath or affirmation showing probable cause that the property to be inspected is to be inspected as a part of a legally authorized inspection.
(c) A warrant shall be issued only upon affidavit of the Commissioner or his designee or any person authorized to conduct inspections pursuant to this Code section.
(d) The warrant shall:
1. State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;
2. Be directed to persons authorized by this title to conduct inspections to execute it;
3. Command the persons to whom it is directed to inspect the area, premise, building, or conveyance identified for the purpose specified and, if appropriate, seize any property.
4. Identify the item or types of property to be seized, if any; and
5. Designate the judicial officer to whom it shall be returned.
(e) A warrant issued pursuant to this Code section must be executed and returned within ten days of its date of issuance unless, upon a showing of good cause, the issuing judge orders otherwise.

History

25-2-23. Issuance of notice to correct unsafe conditions.

Statute text
When any of the officers listed in Code Section 25-2-22 finds any building or other structure which, for want of repair or by reason of age or dilapidation, is unsafe, he shall give to the owner, agent, or occupant, notice to correct the unsafe condition within a reasonable time.

History
(Ga. L. 1949, p. 1057, § 20.)

Annotations
OPINIONS OF THE ATTORNEY GENERAL
Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L. 1949, p. 1057, § 20.

RESEARCH REFERENCES
ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.


Statute text
If any owner, agent, or occupant fails to comply with the notice prescribed in Code Section 25-2-23 within the time specified in the notice, the state or county may file a petition in the superior court for the county in which the property is located, and the court shall have the power to order the property to be vacated or closed and the property to be granted possession of the premises and any property to be seized.

History
(Ga. L. 1949, p. 1057, § 20.)

Annotations
OPINIONS OF THE ATTORNEY GENERAL
Purchase of junior fire marshal badges by state. - State may purchase junior fire marshal badges for Comptroller General (now Commissioner of Insurance) or use of state funds for purchase of fire safety messages. - For examples of messages containing fire safety message but also containing element of gratuity.

RESEARCH REFERENCES
ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.


Statute text
Code Sections 25-2-22 through 25-2-25 shall be construed so that the final authority for ordering the carrying out and enforcement of such Code sections is vested in the Safety Fire Commissioner or the Comptroller General (now Commissioner of Insurance).

History
(Ga. L. 1949, p. 1057, § 20.)

Annotations
OPINIONS OF THE ATTORNEY GENERAL
Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L. 1949, p. 1057, § 20.

RESEARCH REFERENCES
ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.


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History
(Ga. L. 1949, p. 1057, § 20.)

Annotations
OPINIONS OF THE ATTORNEY GENERAL
Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L. 1949, p. 1057, § 20.
The state fire marshal or his deputy, when in his opinion such proceedings are necessary, shall take the testimony on oath of all persons believed to

Statute text

(a) The state fire marshal or the deputy state fire marshal shall have the power to summon and compel the attendance of witnesses before either or both of said officers, or both, as the case may be, and to administer oaths, and shall have the power to issue and cause to be served, in the manner prescribed by law, a subpoena summoning any party, or his agent or attorney, to appear and give evidence before such officer or officers; and the state fire marshal or his agent is authorized to procure an order from the superior court, upon the application of the state fire marshal or his agent, for the arrest and bringing into court for testimony any person who refuses to obey a subpoena issued by such officer or officers, and for the production of books, records, documents, or things in the possession of such person; and any witness who shall refuse to obey the order of the court to appear and give testimony may be held in contempt of court unless such witness shall state on oath, before the judge or clerk of the court, that the refusal is advised and in good faith by law, and the court may order the officer or officers to pay the costs of such contempt as the court deems just.

History

(Ga. L. 1949, p. 1057, § 22.)

Annotations

RESEARCH REFERENCES

ALR. - Expert and opinion evidence as regards fire, 131 ALR 1113.
Statute text

All hearings held by or under the direction of the Commissioner shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." The Commissioner shall have the power to administer oaths, take testimony, receive evidence, and render decisions.

History


Annotations

RESEARCH REFERENCES

ALR. - Expert and opinion evidence as regards fire, 131 ALR 1113.
25-2-30. Duty of state fire marshal as to promotion of fire prevention and life safety generally.
Statute text

It shall be the duty of the state fire marshal to contact individuals, associations, and state agencies, both within and outside this state, which have

History

(Ga. L. 1949, p. 1057, § 28.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

25-2-31. Dissemination of fire prevention information by state fire marshal generally; fire prevention programs in schools; cooperation with state fire
Statute text

(a) The state fire marshal may promote any plan or program which tends to disseminate information on fire prevention and similar projects and may aid (b) It shall be the duty of the state fire marshal to carry on a state-wide program of fire prevention education in the schools of this state and to

History

(Ga. L. 1949, p. 1057, § 26.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Expenditure involving expenses for conducting Junior Fire Marshal Camp is not an illegal expenditure, it being a constitutional and authorized educati
25-2-32. Maintenance of records of fire losses; reports of losses by insurance companies; reports of fires.
Statute text

(a) It shall be the duty of the state fire marshal to keep an up-to-date record of all fire losses, together with statistical data concerning the same (b) Effective January 1, 1993, all incidents of fires, whether accidental or incendiary, shall be reported to the office of the Safety Fire Commissio

History

25-2-32.1. Reports to Safety Fire Division of serious burn injuries.

Statute text
Every case of a burn injury or wound where the victim sustained second-degree or third-degree burns to 5 percent or more of the body or any burns to

History

25-2-32.2. Investigation of burn injuries reported pursuant to Code Section 25-2-32.1

Statute text
Every county or municipal governing authority or any two or more governing authorities or the Safety Fire Division are authorized and empowered to tak

History

25-2-33. Release of fire loss information by insurers on request by state or local official; immunity for furnishing of information; confidentiality o

Statute text
(a) The state fire marshal, any deputy designated by the state fire marshal, the director of the Georgia Bureau of Investigation or the chief of a fi
(1) Any insurance policy relevant to the fire loss under investigation and any application for such a policy;
(2) Policy premium payment records on the policy, to the extent available;
(3) Any history of previous claims made by the insured for fire loss with the reporting carrier; and
(4) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other relevant evidence.
(b) If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the com
(c) In the absence of fraud or malice, no insurance company or person who furnishes information on its behalf shall be liable for damages in a civil
(d) The officials and departmental and agency personnel receiving any information furnished pursuant to this Code section shall hold the information
(e) Any official referred to in subsection (a) of this Code section may be required to testify as to any information in his possession regarding the
(f) No person shall purposely refuse to release any information requested pursuant to subsection (a) of this Code section.
(g) Any person willfully violating this Code section shall be guilty of a misdemeanor.

History

Annotations
The 2005 amendment, effective July 1, 2005, deleted "of investigation" following "director" in subsection (a).

Cross references. - Property insurance generally, Ch. 32, T. 33.
25-2-36. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Injunctive relief.

Statute text
In addition to the civil monetary penalty provided for in Code Section 25-2-37, the Commissioner may bring a civil action to enjoin a violation of any
History
(Ga. L. 1972, p. 894, § 2.)
Annotations

RESEARCH REFERENCES
C.J.S. - 70 C.J.S., Penalties, § 1 et seq.
25-2-37. Locking exit doors; construction of building without approval of plans; civil penalties for violation of chapter or rules.

Statute text
(a) It shall be unlawful for any person to lock an exit door whether or not it is a required exit unless such provisions are allowed by this chapter
(b) It shall be unlawful for any person to begin construction on any proposed building or structure which comes under the classification in paragraph
(c) Any person who violates this chapter or any rule, regulation, or order issued by the Commissioner under this chapter shall be subject to a civil
(d) Any person who violates this chapter or any rule, regulation, or order issued by the Commissioner under this chapter shall be subject to a civil
(e) Any person violating subsection (a), (b), or (c) of this Code section shall be subject to a fine of not more than $1,000.00 for a first offense,
History
Annotations

RESEARCH REFERENCES
C.J.S. - 70 C.J.S., Penalties, § 1 et seq.
ALR. - Recovery of cumulative statutory penalties, 71 ALR2d 986.
25-2-38. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Criminal penalty.

Statute text
Any person, firm, or corporation violating this chapter or failing or refusing to comply with any regulation promulgated under this chapter shall be g
History
(Ga. L. 1949, p. 1057, § 32.)
Annotations

OPINIONS OF THE ATTORNEY GENERAL
Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L.
RESEARCH REFERENCES
C.J.S. - 70 C.J.S., Penalties, § 1 et seq.
25-2-38.1. Sovereign immunity; effect of this chapter on legal duties of property owners and lessees.

Statute text
(a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign immunity of the state, or any officer or employee thereof, in
(b) Nothing in this chapter shall be construed to relieve any property owner or lessee thereof from any legal duty, obligation, or liability incident
History
(Ga. L. 1981, p. 1779, § 9.)
Annotations

Cross references. - Nonliability of counties in absence of statute, § 36-1-4.
Liability of municipal corporations for acts or omissions of officers, Ch. 33, T. 36.
Immunity of state and political subdivisions for emergency management activities, § 38-3-35.
Immunity of officers, members, etc., of county, municipal, etc., fire departments from liability for acts performed while fighting fires or for acts p
RESEARCH REFERENCES
ALR. - Municipal liability for negligent fire inspection and subsequent enforcement, 69 ALR4th 739.

Statute text
It is declared that this chapter is necessary for the public safety, health, peace, and welfare, is remedial in nature, and shall be construed liberal
History
(Ga. L. 1949, p. 1057, § 30.)
Annotations

JUDICIAL DECISIONS
RESEARCH REFERENCES
C.J.S. - 82 C.J.S., Statutes, § 306 et seq.
25-2-40. Smoke detectors required in new dwellings and dwelling units; exceptions.

Statute text
(a)(1) Except as otherwise provided in subsection (f) of this Code section, on and after July 1, 1987, every new dwelling and every new dwelling unit
Any fire department of a county, municipality, or other political subdivision and any chartered fire department shall have the authority to:

(1) Protect life and property against fire, explosions, hazardous materials, or electrical hazards;
(2) Detect and prevent these;
(3) Administer and enforce the laws of this state; the rules and regulations adopted by the departments, boards, bureaus, commissions, and agencies of the county, municipality, or other political subdivision; and
(4) Conduct programs of public education in fire prevention and safety.

Control and regulate the flow of traffic in areas of existing emergencies, including rail, highway, water, and air traffic; and

Perform all such services of a fire department as may be provided by law or which necessarily appertain thereto.

History
(Ga. L. 1980, p. 1395, § 1.)

25-3-2. Powers of fire departments in event of emergencies generally.

In the event of any fire, explosion, bomb threat, or similar emergency, the fire department in any county, municipality, or other political subdivision shall have the authority to:

(1) Enter any property, building, structure, vehicle, watercraft, aircraft, railroad car, or other place for the purpose of fighting the fire, explosi
(2) Cut any wires, electrical or otherwise, or turn off any utility, as deemed necessary to preserve life or property;
(3) Prevent the blocking of any public or private street, road or alley, way or driveway, or emergency lane during any such emergency and remove any v
(4) Confiscate supplies, chemicals, or equipment necessary for such emergency;
(5) Make any necessary tests; and
(6) Evacuate any building or area necessary.

History
25-3-2. Legislative intent.

Statute text
It is the intention of the General Assembly of Georgia to establish minimum requirements for all fire departments operating in this state. The General Assembly desires that the minimum requirements for fire departments be established so as to provide at least the minimum level of fire protection and prevention services to the citizens of this state. The General Assembly further desires that the minimum requirements for fire departments be established so as to provide for the safety and protection of the public and for the public's property.

History
(Code 1981, § 25-3-2, enacted by Ga. L. 1984, p. 1000, § 3.)

Annotations

25-3-3. Provision of assistance during emergencies to federal agencies or officers and state, or political subdivisions.

Statute text
Any fire department may provide assistance to any agency or officer of the United States government, of this state, or of any political subdivision of the state.

History
(Ga. L. 1980, p. 1395, § 4.)

Annotations
Any fire department may provide assistance to any agency or officer of the United States government, of this state, or of any political subdivision of the state. The provisions of this section do not apply to the provision of assistance to the state fire marshal or to the office of the state fire marshal.

25-3-4. Authority of counties, municipalities, or other political subdivisions to enact ordinances, regulations, or codes.

Statute text
The governing body of each county, municipality, or other political subdivision of the state shall have the power to enact such ordinances, regulations, or codes as may be necessary or appropriate for the protection of the public health, safety, and welfare.

History
(Ga. L. 1980, p. 1395, § 3; Ga. L. 1984, p. 1000, § 1.)

Annotations

Opinions of the Attorney General

Fire ordinances for day care centers. - The authority of local governments to enact fire ordinances for day care centers is preempted by O.C.G.A. § 49-7-24.

25-3-5. Operation of other fire departments within municipalities or counties.

Statute text
Nothing within this article shall be construed so as to permit a county or other fire department to operate within the limits of a municipality except as otherwise provided by law.

History
(Ga. L. 1980, p. 1395, § 5; Ga. L. 1984, p. 1000, § 1.)

Annotations

25-3-6. Effect of article on powers and duties of other officials and departments.

Statute text
This article shall not affect the powers, duties, or responsibilities of the Safety Fire Commissioner, the state fire marshal, the sheriff's office, the fire chief, or any other official or department.

History

Annotations

Opinions of the Attorney General

Fire ordinances for day care centers. - The authority of local governments to enact fire ordinances for day care centers is preempted by O.C.G.A. § 49-7-24.

ARTICLE 2
MINIMUM REQUIREMENTS

Annotations

Cross references. - Special license plates for firefighters, § 40-2-78

25-3-20. Legislative intent.

Statute text
It is the intention of the General Assembly of Georgia to establish minimum requirements for all fire departments operating in this state. The General Assembly desires that the minimum requirements for fire departments be established so as to provide at least the minimum level of fire protection and prevention services to the citizens of this state. The General Assembly further desires that the minimum requirements for fire departments be established so as to provide for the safety and protection of the public and for the public's property.

History


Statute text
As used in this article, the term:

(1) "Executive director" means the executive director of the Georgia Firefighter Standards and Training Council.

(a) "Fire department" means any fire department which is authorized to exercise the general and emergency powers enumerated in Code Sections 25-3-1 through 25-3-19.

(b) "Fire department" also means any department, agency, organization, or company operating in this state with the intent and purpose of carrying out the functions of a fire department.

(3) "Firefighter" means any able-bodied person at least 18 years of age who has been duly appointed by a legally constituted fire department and who has satisfactorily completed all required training and certification requirements.

History

Annotations

Opinions of the Attorney General

Volunteer fire department. - A volunteer fire department is a "fire department" within the meaning of O.C.G.A. § 25-3-21 and must therefore comply with the minimum requirements established by this article.

25-3-22. Notification that organization meets requirements; issuance of certificate of compliance.

Statute text
In order for a fire department to be legally organized to operate in the State of Georgia, the chief administrative officer of the fire department shall notify the executive director in writing of the compliance of the fire department with the requirements of this article. The executive director shall issue a certificate of compliance to the fire department if the fire department meets the requirements of this article.

History

Annotations

The 2003 amendment, effective July 1, 2004, in the second sentence, substituted "recommend to the Georgia Firefighter Standards and Training Council that the Georgia Firefighter Standards and Training Council issue a certificate of compliance."
This chapter shall be known and may be cited as the "Georgia Firefighter Standards and Training Act."

Statute text

25-4-1. Short title.
25-4-2. Definitions.
25-4-3. Georgia Firefighter Standards and Training Council - Establishment and organization; advisory committee; expenses and allowances.
25-4-4. Georgia Firefighter Standards and Training Council - Eligibility of members for public office.
25-4-5. Georgia Firefighter Standards and Training Council - Administrative assignment to Department of Public Safety; source of funds; authority to sign contracts.
25-4-6. Georgia Firefighter Standards and Training Council - Meetings; quorum; annual report.
25-4-7. Georgia Firefighter Standards and Training Council - Functions and powers.
25-4-7.1. Appointment and compensation of executive director; assistant.
25-4-8. Qualifications of firefighters generally.
25-4-9. Basic firefighter training course; transfer of certification.
25-4-10. Mandatory annual training.
25-4-11. Adoption of higher training requirements by employing agencies.
25-4-12. Applicability of chapter.

Article 2

Airport Firefighters [Repealed].
25-4-30 and 25-4-31. [Repealed].

ARTICLE 1

GENERAL PROVISIONS

Annotations

Cross references. - Special license plates for firefighters, § 40-2-78.
Liability of officers and agents for acts performed while fighting fires or performing duties at the scene of emergencies, § 51-1-30.

The council shall hold at least two regular meetings each year at the call of the chairperson or upon the written request of six members of the council. The business of the council shall be conducted in the following manner:

Statute text
As used in this chapter, the term:

1. "Airport" means any airport located in this state which has regularly scheduled commercial air carrier service or commuter airline service as required by federal law.
2. "Airport firefighter" means any person assigned to any airport located in this state who performs the duties of aircraft fire fighting or rescue.
3. "Candidate" means a prospective firefighter who has not yet been certified by the council as having met the requirements of this chapter.
4. "Certified firefighter" or "state certified firefighter" means any firefighter who has been certified by the council as having met the requirements of the Georgia Firefighter Standards and Training Council.
5. "County" means the Georgia Firefighter Standards and Training Council.

The Georgia Fire Department shall have the same meaning as provided in Code Section 25-3-21.
6. "Firefighter" means a trained individual who is a full-time employee, part-time employee, or volunteer for a municipal, county, state, or private fire department.
7. "Full-time" means employed for compensation on a basis of at least 40 hours per week by any municipal, county, state, or private incorporated fire department.
8. "Part-time" means employed for compensation on less than a full-time basis by any municipal, county, state, or private incorporated fire department.
9. "Volunteer" means not employed for compensation by but appointed and regularly enrolled to serve as a firefighter for any municipal, county, state, or private incorporated fire department.

History
Annotations
The 2003 amendment, effective July 1, 2004, added paragraph (2), redesignated former paragraphs (2) and (3) as present paragraphs (3) and (4), respectively.

The 2005 amendment, effective July 1, 2005, added present paragraphs (1) and (2) and redesignated former paragraphs (1) through (7) as present paragraphs (8) through (14), respectively.

The 2008 amendment, effective July 1, 2008, added paragraph (5).

Editor's notes. - Ga. L. 1980, p. 1242, § 1 purported to amend this section. However, since it has been determined that the 1980 Act, which deals with the issue of liability, provides: "This Act shall be known and may be cited as the '2008 Georgia Firefighter $254-3. Georgia Firefighter Standards and Training Council - Establishment and organization; advisory committee; expenses and allowances.

Statute text
(a) The Georgia Firefighter Standards and Training Council is established. The council shall be composed of eleven members, one of whom shall be the:

(1) One member shall be a member of the governing authority of a county;
(2) One member shall be a member of the governing authority of a municipality;
(3) One member shall be a city or county manager;
(4) One member shall be the chief of a county or municipal fire department; and
(5) Two members shall be state certified firefighter training officers.

(b) The members of the council appointed by the Governor pursuant to subsection (a) of this Code section shall be appointed at the sole discretion of the Governor.

The Georgia Municipal Association may suggest the names of three persons for each appointment pursuant to paragraph (2) of subsection (a) of this Code section.

The Georgia City and County Management Association may suggest the names of three persons for each appointment pursuant to paragraph (3) of subsection (a) of this Code section.

The Executive Board of the Georgia State Firemen's Association may suggest the names of three persons for each appointment pursuant to paragraph (5) of subsection (a) of this Code section.

(c) (1) The first members of the council appointed by the Governor pursuant to subsection (a) of this Code section shall be appointed to take office on July 1, 2004.

(2) The members appointed by the Lieutenant Governor and the members appointed by the Speaker of the House of Representatives shall each serve for terms of four years.

(3) All members shall serve until their successors are appointed and qualified. In the event of a vacancy in the membership of the council for any reason, the council may, from time to time, designate an advisory committee of not more than three members to assist and advise the council in carrying out its duties, and the council may, in exercising its powers, make rules and regulations for the conduct of its business.

(4) Each member of the council and each member of an advisory committee of the council, in carrying out their official duties, shall be entitled to reimbursement for travel expenses incurred in the performance of their duties.

(5) Two members shall be state certified firefighter training officers.

(6) One member shall be the chief of a county or municipal fire department; and

(7) One member shall be a city or county manager;

(8) One member shall be a member of the governing authority of a county;

(9) One member shall be a member of the governing authority of a municipality;

(10) One member shall be a city or county manager;

(11) One member shall be the chief of a county or municipal fire department; and

(12) Two members shall be state certified firefighter training officers.

History
Annotations
The 2003 amendment, effective July 1, 2004, in subsection (a), substituted "eleven members" for "seven members" in the second sentence and added the term "volunteer" to the membership of the council.

The 2004 amendment, effective July 1, 2004, part of an Act to revise, modernize and correct the Code, substituted "members appointed" for "member appointed" and added the term "airport firefighter" to the membership of the council.


Statute text
Membership on the council does not constitute public office, and no member shall be disqualified from holding public office by reason of his membership in the council.

History
Annotations
The 2003 amendment, effective July 1, 2004, in subsection (a), substituted "eleven members" for "seven members" in the second sentence and added the term "airport firefighter" to the membership of the council.

The 2004 amendment, effective July 1, 2004, part of an Act to revise, modernize and correct the Code, substituted "members appointed" for "member appointed" and added the term "airport firefighter" to the membership of the council.

Administrative Rules and Regulations. - Organization of Georgia Firefighters Minimum Standards Council and the minimum standards and qualifications of council members.

Statute text
The council is assigned to the Department of Public Safety for administrative purposes. The funds necessary to carry out this chapter shall come from the general fund of the state and from any other source.

History
Annotations
Cross references. - Assignment for administrative purposes, § 50-4-3.

25-4-4. Georgia Firefighter Standards and Training Council - Establishing the council; membership; term and qualifications.

Statute text
The business of the council shall be conducted in the following manner:

(1) The council shall hold at least two regular meetings each year at the call of the chairperson or upon the written request of six members of the co
(2) The council shall make an annual report of its activities to the Governor and to the General Assembly and shall include in the report its recommend

RESEARCH REFERENCES
25-4-7. Georgia Firefighter Standards and Training Council - Functions and powers.

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1986, a misspelling of "chairman" was corrected in the first sentence of paragraph (1).

Editor's notes. - Ga. L. 2008, p. 243, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the '2008 G

OPINIONS OF THE ATTORNEY GENERAL
Georgia Firefighter Standards and Training Council has authority to establish qualifications and requirements, including curriculum, for firefighters

RESEARCH REFERENCES
25-4-7.1. Appointment and compensation of executive director; assistants.

History

Annotations
The 2008 amendment, effective July 1, 2008, added the second sentence in paragraph (2).

The 2008 amendment, effective July 1, 2008, in paragraph (1), in the first sentence, substituted "chairperson" for "chairman" near the middle and subs

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1986, a misspelling of "chairman" was corrected in the first sentence of paragraph (1).

Editor's notes. - Ga. L. 2008, p. 243, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the '2008 G

GEORGIA FIREFIGHTER STANDARDS AND TRAINING COUNCIL

The council shall be the final authority with respect to authorizing employment and certification of a person who has been convicted of a felony more

RESEARCH REFERENCES
25-4-8. Qualifications of firefighters generally.

History

Annotations
The 2008 amendment, effective July 1, 2008, deleted former subparagraph (a) (2) (B), which read: "Earned and possesses a first class firefighter diploma

Cross references. - Qualifications of peace officers generally, § 35-8-8.

Editor's notes. - Ga. L. 2008, p. 243, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the '2008 G
**OPINIONS OF THE ATTORNEY GENERAL**

O.C.G.A. § 25-4-8(2) to be strictly construed. - As with any statute which imposes a penalty for forfeiture, O.C.G.A. § 25-4-8(2) should be strictly construed. - The word "conviction," strictly construed, means an adjudication of guilt which is final. 1981 Op. Att'y Gen. No. U81-12.

**RESEARCH REFERENCES**


C.J.S. - 67 C.J.S., Officers and Public Employees, § 21 et seq.

25-4-9. Basic firefighter training course; transfer of certification.

Statute text
(a) Full-time, part-time, and volunteer firefighters, including airport firefighters, shall successfully complete a basic training course. The council
(b) A firefighter certified by the council may, upon termination of employment from any fire department and upon agreement with a subsequently employ
(c) Notwithstanding the provisions of subsection (b) of this Code section, any local fire department may refuse to accept the transfer of previously obtained certification.

History

Annotations
The 2002 amendments. The first 2002 amendment, effective July 1, 2002, substituted "firefighters" for "firemen" in the first sentence of subsection (a).
The 2003 amendment, effective July 1, 2004, rewrote subsection (a).
The 2005 amendment, effective July 1, 2005, in subsection (a), inserted ", including airport firefighters," in the first sentence, inserted ", including airport firefighters," in the first sentence, inserted ", including airport firefighters," in the first sentence.

**JUDICIAL DECISIONS**

Cited in Huff v. Dekalb County, 516 F.3d 1273 (11th Cir. 2008).

**OPINIONS OF THE ATTORNEY GENERAL**

Certification and training of federally paid employees considered firefighters. - Federally paid employees of a fire department subject to this article.

**RESEARCH REFERENCES**


25-4-10. Mandatory annual training.

Statute text
As a condition of continued certification, all firefighters shall train, drill, or study at schools, classes, or courses at the local, area, or state level.

History

Annotations
The 2003 amendment, effective July 1, 2004, in the first sentence, substituted "continued certification" for "tenure or continued employment", deleted.

**RESEARCH REFERENCES**


25-4-11. Adoption of higher training requirements by employing agencies.

Statute text
This chapter shall provide only the minimum qualification standards in training requirements for firefighters in this state and does not restrict any training standards adopted by local agencies.

History
(Ga. L. 1971, p. 693, § 9.)

Annotations

**RESEARCH REFERENCES**


C.J.S. - 67 C.J.S., Officers and Public Employees, § 21 et seq.

25-4-12. Applicability of chapter.

Statute text
Except as otherwise provided in Article 2, nothing in this chapter shall apply to firefighters employed on July 1, 1971, and such firefighters are not subject to the provisions of this chapter.

History
(Ga. L. 1971, p. 693, § 10.)

**ARTICLE 2**

**AIRPORT FIREFIGHTERS**

25-4-30 and 25-4-31.

Statute text

Annotations
CHAPTER 5
RESOLUTION OF WAGES, HOURS, WORKING CONDITIONS OF FIREFIGHTERS

Sec. 25-5-1. Short title.
This chapter shall be known and may be cited as the "Firefighter's Mediation Act."

History
(Ga. L. 1971, p. 565, § 1.)

Annotations

RESEARCH REFERENCES

ALR. - First Amendment protection for publicly employed firefighters subjected to discharge, transfer, or discipline because of speech, 106 ALR Fed. 3d 365 (1999).


Statute text
As used in this chapter, the term:

(1) "Corporate authorities" means the proper officials within any municipality whose duty it is to establish the wages, salaries, rates of pay, hours, working conditions, and other terms or conditions of employment of firefighters.

(2) "Firefighter" means the permanent members of any paid fire department of any municipality of this state having a population of 20,000 or more according to the last federal census or any subsequent federal census.

History
(Ga. L. 1971, p. 565, § 3.)

Annotations


Statute text
(a) The protection of the public health, safety, and welfare demands that the permanent members of any paid fire department of a municipality should be able to negotiate and to be represented by a labor organization with respect to wages, salaries, rates of pay, hours, working conditions, and other terms or conditions of employment.

(b) It is declared to be the public policy of this state to accord to the permanent members of any paid fire department of those municipalities which are located in counties which have a population of 20,000 or more according to the last federal census or any subsequent federal census, the right to bargain collectively with their respective corporate authorities and to be represented by a labor organization in such negotiations.

(c) The establishment of a method of mediation referred to in subsection (b) of this Code section shall not, however, in any way whatever, be deemed a recognition of the existence of a collective bargaining relationship between the corporate authorities and any fire departments.

History
(Ga. L. 1971, p. 565, § 2.)

Annotations

JUDICIAL DECISIONS
Cited in Burnley v. Thompson, 524 F.2d 1233 (5th Cir. 1975).

RESEARCH REFERENCES


25-5-4. Right of firefighters to bargain collectively.

Statute text
Firefighters shall have the right to bargain collectively with their respective corporate authorities and to be represented by a labor organization in such negotiations.

History
(Ga. L. 1971, p. 565, § 4.)

Annotations

JUDICIAL DECISIONS
Cited in Burnley v. Thompson, 524 F.2d 1233 (5th Cir. 1975).

RESEARCH REFERENCES


ALR. - Who are supervisors for purposes of bargaining-unit determination in state public employment labor relations, 96 ALR3d 723.

25-5-5. Selection of bargaining agent by firefighters; recognition by corporate authority.

Statute text
The organization selected by vote of the majority of the firefighters in any fire department shall be recognized by the proper corporate authority, provided that the selection of the bargaining agent is in conformity with the provisions of this chapter.

History
(Ga. L. 1971, p. 565, § 5.)

Annotations

RESEARCH REFERENCES

C.J.S. - 51 C.J.S., Labor Relations, §§ 211, 212.
Statute text
It shall be the obligation of the proper corporate authority and the bargaining agent to meet and confer in good faith within 30 days after receipt of
History
(Ga. L. 1971, p. 565, § 6.)

Annotations

RESEARCH REFERENCES

25-5-7. Submission of unresolved issues to mediation.
Statute text
If the bargaining agent and the corporate authorities are unable, within 30 days from and including the date of their first meeting, to reach an agree
History
(Ga. L. 1971, p. 565, § 7.)

Annotations

RESEARCH REFERENCES

25-5-8. Mediation board - Composition and selection; chairman.
Statute text
Within five days from the expiration of the 30 day period referred to in Code Section 25-5-7, the bargaining agent and the corporate authorities shall
History
(Ga. L. 1971, p. 565, § 8.)

Annotations

RESEARCH REFERENCES

25-5-9. Mediation board - Time, notice, and conduct of hearings; transmittal of findings and opinion; effect of decision.
Statute text
(a) The mediation board, acting through its chairman, shall call a hearing to be held within ten days after the date of the appointment of the chair
(b) Hearings conducted by the mediators shall be concluded within 20 days of the time of commencement. Within ten days after the conclusion of the he
History
(Ga. L. 1971, p. 565, § 9.)

Annotations

RESEARCH REFERENCES

25-5-10. Mediation board - Factors to be considered in reaching decision.
Statute text
The mediators shall conduct the hearing and render their decision upon the basis of a prompt, peaceful, and just settlement of wage or hour disputes b
(1) A comparison of wages or hourly conditions of employment of the fire department in question with wage rates or hourly conditions of employment of
(2) The interest and welfare of the public; and
(3) A comparison of the peculiarities of fire-fighting employment in regard to other trades or professions, specifically:
   (A) The hazards of employment;
   (B) The physical qualifications;
   (C) The educational qualifications;
   (D) The mental qualifications; and
   (E) The job training and skills.
History
(Ga. L. 1971, p. 565, § 10.)

Annotations

RESEARCH REFERENCES

Statute text
The expenses incurred by the bargaining agent in connection with the mediation shall be borne by the bargaining agent. The expenses incurred by the co
History
(Ga. L. 1971, p. 565, § 11.)

25-5-12. Agreements constituting collective bargaining contracts; required provisions; engaging in work stoppages, slowdowns, or strikes by firefighte
Statute text
(a) Any agreement actually negotiated between the bargaining agent and the corporate authorities either before or within 30 days after mediation shal
(b) Any collective bargaining agreement negotiated under this chapter shall specifically provide that the firefighters who are subject to its terms s

History

Annotations
The 2003 amendment, effective May 14, 2003, part of an Act to revise, modernize, and correct the Code, designated the existing provisions of this Code

Cross references. - Strikes by state employees, § 45-19-1 et seq.

JUDICIAL DECISIONS
Cited in Burnley v. Thompson, 524 F.2d 1233 (5th Cir. 1975).

RESEARCH REFERENCES

Statute text
Whenever wages, rates of pay, or any other matter requiring appropriation of money by any municipality are included as a matter of collective bargaini

History
(Ga. L. 1971, p. 565, § 13.)

Annotations

RESEARCH REFERENCES
C.J.S. - 51 C.J.S., Labor Relations, § 152.

Statute text
(a) Before a municipality with a population of 20,000 or more and its firefighters may come under this chapter, the governing authority of the munici
(b) In no case may a city with a population of less than 20,000 come under this chapter.

History
(Ga. L. 1971, p. 565, § 14.)

Annotations

CHAPTER 6
MUTUAL AID RESOURCE PACTS
Sec.
25-6-1. "Jurisdiction" defined.

25-6-2. Formation of pacts authorized; status of members of fire departments of member jurisdictions.

25-6-3. Establishment of pacts; organizational meeting; adoption of articles, bylaws, and regulations; board of directors; officers, agents, and perso

25-6-4. Purpose of pacts; powers and duties of pacts generally.

25-6-5. Liability for failure to respond for purposes of extinguishing fires or other immediate response emergencies; privileges and immunities; liab

25-6-6. Appropriation of funds for pacts by member jurisdictions; receipt of gifts by pacts; entry into agreements with state and federal agencies by

25-6-7. Joining of and withdrawal from pacts by jurisdictions not having fire departments.

25-6-8. Mutual Aid Resource Pact Districts - Establishment; joining or organization of pacts by nonmember jurisdictions desiring to participate in mu

25-6-9. Mutual Aid Resource Pact Districts - Merger with other districts; communication and cooperation between districts.

25-6-10. Continuation of operation of preexistent pacts.

25-6-11. Penalty for violations of chapter.

Annotations
Cross references. - Definition of "pact," § 25-6-2.

25-6-1. "Jurisdiction" defined.

Statute text
For the purposes of this chapter, the term "jurisdiction" means a federal agency, a state agency, a local governmental subdivision of this state or an

History
(Ga. L. 1976, p. 742, § 2; Ga. L. 1982, p. 955, §§ 2, 4.)

Annotations

RESEARCH REFERENCES
ALR. - Use beyond municipal limits of municipal equipment for extinguishment of fires, 122 ALR 1158.
25-6-2. Formation of pacts authorized; status of members of fire departments of member jurisdictions.

Statute text
Whenever two or more jurisdictions, as defined by Code Section 25-6-1, within or adjacent to this state, by written resolution authorize their respect

History
(Ga. L. 1976, p. 742, § 1; Ga. L. 1982, p. 955, §§ 1, 4.)

Annotations

RESEARCH REFERENCES
ALR. - Use beyond municipal limits of municipal equipment for extinguishment of fires, 122 ALR 1158.

25-6-3. Establishment of pacts; organizational meeting; adoption of articles, bylaws, and regulations; board of directors; officers, agents, and perso

Statute text
(a) When two or more jurisdictions desire to establish a pact, each jurisdiction shall designate its fire chief or person or position in charge of it
(b) At the organizational meeting, the pact members shall adopt articles of association and bylaws and regulations for the future government and oper
(c) At the organizational meeting, the member delegates shall also elect a board of directors consisting of such members as may be determined by the
(d) The directors shall choose from their number the officers of the pact, who shall have such duties and powers as the bylaws allow. Within the limi
History
(Ga. L. 1976, p. 742, § 4; Ga. L. 1982, §§ 1, 5.)

25-6-4. Purpose of pacts; powers and duties of pacts generally.

Statute text
(a) It shall be the primary purpose of a pact to coordinate the emergency fire services of all jurisdictions belonging to it, so as to provide better
(b) Any pact established under authority of this chapter is charged with the responsibility of establishing an overall plan or plans for carrying out

History
(Ga. L. 1976, p. 742, § 3.)

25-6-5. Liability for failure to respond for purposes of extinguishing fires or other immediate response emergencies; privileges and immunities; liab
Statute text
(a) There shall be no liability imposed by law on a pact or any member jurisdiction or its personnel for failure to respond for the purpose of exiting
(b) Any firefighter or other person who is an employee or member of a jurisdiction of a pact while engaged in a duty or activity in connection with t
(c) The loss of men or equipment while in operation under a pact agreement shall be borne as if the loss occurred in the man's or equipment's home ju

History
(Ga. L. 1976, p. 742, § 5.)

25-6-6. Appropriation of funds for pacts by member jurisdictions; receipt of gifts by pacts; entry into agreements with state and federal agencies by
Statute text
Jurisdictions belonging to a pact may raise and appropriate money for the purpose of implementing and operating the pact. The pact may receive, hold,

History
(Ga. L. 1976, p. 742, § 6.)

Annotations
RESEARCH REFERENCES

ALR. - Use beyond municipal limits of municipal equipment for extinguishment of fires, 122 ALR 1158.

25-6-7. Joining of and withdrawal from pacts by jurisdictions not having fire departments.

Statute text
(a) Following the initial establishment of a pact, in accordance with procedures established in the bylaws of the pact, jurisdictions which do not ha
(b) Not less than 90 days after delivering written notice to an officer of the pact, a member jurisdiction may withdraw from a pact after a vote of i

History
(Ga. L. 1976, p. 742, § 7; Ga. L. 1982, p. 955, §§ 3, 6.)

Annotations
RESEARCH REFERENCES


25-6-8. Mutual Aid Resource Pact Districts - Establishment; joining or organization of pacts by nonmember jurisdictions desiring to participate in mut

Statute text
(a) Pact districts shall be established along the boundaries of counties in which member jurisdictions of a pact are located.
(b) If a nonmember jurisdiction is located within the boundaries of an established pact, it must become a part of that pact should it desire to parti
(1) Join with one of the bordering pact counties, provided that jurisdictions in the same county shall not be permitted to become members of different
(2) Organize a pact, provided two or more jurisdictions are involved, as set forth in Code Section 25-6-2.

History
(Ga. L. 1976, p. 742, § 8; Ga. L. 1982, p. 955, §§ 1, 7.)

Annotations
RESEARCH REFERENCES


25-6-9. Mutual Aid Resource Pact Districts - Merger with other districts; communication and cooperation between districts.

Statute text
(a) Should the member jurisdictions of one or more pact districts desire to merge with another district, the merger may be accomplished in keeping wi
(b) Nothing in this chapter shall be construed as prohibiting communication or cooperation among various pact districts. The boards of directors of v

History
(Ga. L. 1976, p. 742, § 9.)

25-6-10. Continuation of operation of preexistent pacts.

Statute text
Pacts in existence on July 4, 1976, are authorized to continue to operate under their articles of incorporation or organizational policy.

History
(Ga. L. 1976, p. 742, § 11.)

25-6-11. Penalty for violations of chapter.

Statute text
Any member of the governing body of a jurisdiction or any other person who violates this chapter shall be guilty of a misdemeanor and may be prosece

History
(Ga. L. 1976, p. 742, § 10.)

Annotations
RESEARCH REFERENCES

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.

CHAPTER 7
GEORGIA FIRE ACADEMY
Sec. 25-7-1. Short title.
25-7-2. Creation; purposes.
25-7-3. "Board" defined.
25-7-4. Powers and duties of Board of Public Safety as to academy generally; selection and compensation of superintendent of academy; creation of advisory council.
25-7-5. Responsibilities of superintendent of academy.
25-7-6. Administrative assignment of academy to Department of Public Safety; acceptance of gifts, grants, and donations by board.
25-7-7. Persons to whom training programs to be made available; establishing fees; eligibility.
25-7-8. Requirement of attendance at academy training programs; effect of academy training programs upon other training programs.

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Membership in Employees' Retirement System of Georgia. - Employees of the Georgia Fire Academy are legally entitled to membership in the Employees' Retirement System of Georgia. - Opinions of the Attorney General 1891(1), 377.

25-7-1. Short title.

Statute text
This chapter shall be known and may be cited as the "Georgia Fire Academy Act."

History
(Ga. L. 1976, p. 1725, § 1.)

25-7-2. Creation; purposes.

Statute text
There is created the Georgia Fire Academy, the purposes of which shall be, through training and research:

(1) To reduce the costs in suffering and property loss resulting from fire;
(2) To provide professional training to paid, volunteer, and other publicly or privately employed firefighters at a minimal cost to them and their employers;
(3) To assist the state and its counties, municipalities, and other political subdivisions and the officers thereof in the investigation and determination of the causes of fires;
(4) To develop new methods of fire prevention and fire fighting;
(5) To provide facilities for testing fire-fighting and prevention equipment; and
(6) To assist the state and its counties, municipalities, and other political subdivisions in the training and operations of fire department-related emergency services.

History

Annotations
The 2002 amendments. The first 2002 amendment, effective July 1, 2002, substituted "firefighters" for "firemen" in paragraph (2). The second 2002 amendment, effective July 1, 2002, substituted "firefighter training" for "firemen training" in paragraph (6). - Annotations

25-7-3. "Board" defined.

Statute text
As used in this chapter, "board" means the Board of Public Safety.

Annotations
Editor's notes. - Effective July 1, 1980, Ga. L. 1980, p. 431, § 1, abolished the Georgia Fire Academy Board. By the same law the General Assembly directed the Board of Public Safety to: "Establish an advisory council to advise and assist the Board of Public Safety in carrying out its duties and responsibilities under this section."

25-7-4. Powers and duties of Board of Public Safety as to academy generally; selection and compensation of superintendent of academy; creation of advisory council.

Statute text
(a) The Board of Public Safety is authorized and empowered to establish, operate, and maintain the Georgia Fire Academy for the purposes enumerated in this section.
(b) The board is authorized and directed to create an advisory council to advise and assist it in carrying out its duties and responsibilities under this chapter.

History

25-7-5. Responsibilities of superintendent of academy.

Statute text
The superintendent of the Georgia Fire Academy shall be responsible for the selection of a staff. He shall also be responsible for the execution of all purposes and duties of the academy.

History
(Ga. L. 1976, p. 1725, § 5.)

25-7-6. Administrative assignment of academy to Department of Public Safety; acceptance of gifts, grants, and donations by board.

Statute text
(a) The Georgia Fire Academy is assigned to the Department of Public Safety for administrative purposes only, as described in Code Section 50-4-3.
(b) The Board of Public Safety is authorized to accept gifts, grants, and donations for the purposes of carrying out this chapter. The board is also authorized to provide firefighting training to employees of firefighting organization.

History
(Ga. L. 1976, p. 1725, § 6.)

25-7-7. Persons to whom training programs to be made available; establishing fees; eligibility.

Statute text
Subject to the rules and regulations prescribed by the Board of Public Safety, the training program of the academy shall be made available to all firemen.

History
(Ga. L. 1976, p. 1725, § 7.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Board of Public Safety is authorized to provide firefighting training to employees of firefighting organization. - The Board of the Georgia Fire Academy is authorized to provide firefighting training to employees of firefighting organization. - Opinions of the Attorney General 1891(1), 377.

25-7-8. Requirement of attendance at academy training programs; effect of academy training programs upon other training programs.

Statute text
It is not the intention of this chapter that it be mandatory that any firefighter be required to attend the academy. The training program established by the academy is to be an opportunity, not a requirement.

History
(Ga. L. 1976, p. 1725, § 8.)

CHAPTER 8
REGULATION OF BLASTING OPERATIONS GENERALLY

Sec. 25-8-1. Short title.
25-8-2. Definitions.
The following table may be used for determining the weight of explosives to be used with a single delay period:

<table>
<thead>
<tr>
<th>Distance in Feet</th>
<th>Weight in Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>1/8</td>
</tr>
<tr>
<td>11-15</td>
<td>1/4</td>
</tr>
<tr>
<td>16-20</td>
<td>1/2</td>
</tr>
<tr>
<td>21-25</td>
<td>3/4</td>
</tr>
<tr>
<td>26-30</td>
<td>1.50</td>
</tr>
<tr>
<td>30-50</td>
<td>2.25</td>
</tr>
<tr>
<td>50</td>
<td>3.50</td>
</tr>
</tbody>
</table>

In all blasting operations, except as otherwise provided in this chapter, the maximum peak particle velocity of any component of ground motion recorded at the immediate location of any dwelling house, public building, school, church, or commercial or institutional structure shall not be conducted without reference to any maximum amount or period provided by this Code section if the person in charge of the blasting operation is not a blaster qualified by reason of training, knowledge, or experience to fire or detonate explosives in blasting operations and who has been issued a license to do so by the Commissioner.
(d) For nontabulated distances of over 300 feet, the following formula shall be used:

\[ \text{Charge Weight} = \frac{\text{Distance}}{2200} \times \text{Velocity Limit} \]

History
(Ga. L. 1978, p. 1624, § 4.)

25-8-5. Use of seismograph measurements.

Statute text
(a) Seismograph measurements may be used to increase the charge weight per delay period, provided that the velocity limit of two inches per second of
(b) Seismograph measurements must be used in each individual blasting operation in which the standard table of distance is not being complied with. N
(c) In estimating the maximum peak particle velocity at a particular position, the following formula shall be used:

\[ \text{Maximum Peak Particle Velocity} = \text{Distance} \times \text{Velocity Limit} \]

History
(Ga. L. 1978, p. 1624, § 5.)

25-8-6. License requirement.

Statute text
Every person engaged in any use of explosives regulated by this chapter shall be licensed in accordance with the provisions of Code Section 25-2-17.

History

Annotations
RESEARCH REFERENCES
C.J.S. - 35 C.J.S., Explosives, § 29 et seq.

25-8-7. Refusal, suspension, or revocation of license.

Statute text
Issuance of a license for the use of explosives may be refused or such a license which has been duly issued may be suspended or revoked or the renewal
(1) Has violated any provision of this chapter or of any other law of this state or any regulation duly promulgated by the Commissioner;
(2) Has intentionally misrepresented or concealed any material fact in the application for the license or any document filed in support thereof;
(3) Has permitted any person in his or her employ, either by direct instruction or by reasonable implication, to violate this chapter;
(4) Has been convicted of a felony by final judgment in any state or federal court;
(5) Has failed to comply with or has violated any proper order, rule, or regulation issued by the Commissioner; or
(6) Has otherwise shown a lack of trustworthiness or lack of competence to act as a blaster.

History

Annotations
RESEARCH REFERENCES
C.J.S. - 53 C.J.S., Licenses, § 78 et seq.

25-8-8. Maintenance of blasting records.

Statute text
(a) A record of each blast shall be kept. All records, including seismograph reports, shall be retained at least three years and shall be available f
(b) All records kept pursuant to subsection (a) of this Code section shall contain the following minimum data:
(1) The name of the company or contractor;
(2) The location, date, and time of the blast;
(3) The name, signature, and license number of the blaster in charge;
(4) The type of material blasted;
(5) The number of holes, burden, and spacing;
(6) The diameter and depth of holes;
(7) The types of explosives used (trade name);
(8) The total weight of explosives used;
(9) The maximum weight of explosives and maximum number of holes per delay interval of eight milliseconds or greater;
(10) The method of firing;
(11) The direction and distance in feet to the nearest dwelling house, public building, school, church, or commercial or institutional building normal;
(12) The weather conditions;
(13) The type and height or length of stemming;
(14) The type of delay blasting caps used and the delay periods used (trade name); and
(15) Whether or not mats or other forms of protection were used.

(c) The person taking the seismograph reading shall accurately indicate:
(1) The location of each seismograph used and its distance from the blast;
(2) The name of the person and firm, if any, analyzing the seismograph record;
(3) The name of the person operating the seismograph; and
(4) The exact location of blast relative to grid, station number, or permanent location.

(d) It shall be unlawful for any person to make a false entry in any record required to be kept pursuant to this Code section.

History
(Ga. L. 1978, p. 1624, § 8.)

25-8-9. Promulgation of rules and regulations by Commissioner; forms.

Statute text
The Commissioner may promulgate such rules and regulations, neither inconsistent nor contradictory with this chapter, as he deems necessary to effectu

History
(Ga. L. 1978, p. 1624, § 9.)

Annotations

RESEARCH REFERENCES

25-8-10. Approval by Commissioner of variations from requirements of chapter.

Statute text
The Commissioner may approve variations from the requirements of this chapter when he finds that an emergency exists and that the proposed variations

History
(Ga. L. 1978, p. 1624, § 10.)

Annotations

RESEARCH REFERENCES

25-8-11. Powers of Commissioner for enforcement of chapter, rules, and regulations generally; privileged nature of evidence submitted to Commissioner.

Statute text
(a) Whenever it appears to the Commissioner, either upon investigation or otherwise, that any person has engaged in, is engaging in, or is about to e
(b) Other powers granted to the Commissioner for the enforcement of this chapter include, but are not limited to, the following:
(1) The Commissioner may institute actions or other legal proceedings in any superior court of proper venue. Thereupon, the superior court, among othe
(2) In addition to any other penalties provided in this chapter, the Commissioner shall have authority to place a licensee on probation for a period o
(3) The Commissioner or his designee shall have investigatorial powers and shall be empowered to subpoena witnesses and to examine them under oath.
(c) All testimony, documents, and other evidence required to be submitted to the Commissioner pursuant to this chapter shall be privileged.

History
(Ga. L. 1978, p. 1624, § 11.)

Annotations

RESEARCH REFERENCES
C.J.S. - 67 C.J.S., Officers and Public Employees, § 224 et seq.
ALR. - Liability for property damage by concussion from blasting, 20 ALR2d 1372.
Absolute liability for blasting operations as extending to injury or damage not directly caused by debris or concussion from explosion, 56 ALR3d 1017.

25-8-12. Penalties for violations of chapter, rules, regulations, or orders.

Statute text
Any person who violates this chapter or any rule, regulation, or order promulgated by the Commissioner pursuant to this chapter shall be guilty of a m

History
(Ga. L. 1978, p. 1624, § 12.)

Annotations

RESEARCH REFERENCES
C.J.S. - 70 C.J.S., Penalties, § 1 et seq.
ALR. - Liability for property damage by concussion from blasting, 20 ALR2d 1372.

CHAPTER 9
BLASTING OR EXCAVATING NEAR UTILITY FACILITIES

Sec.

25-9-5. Cooperation with UPC; permanent markers for water and sewer facilities; point of contact list.

25-9-6. Prerequisites to blasting or excavating; marking of sites.

25-9-7. Determining whether utility facilities are present; information to UPC; noncompliance; future utility facilities; abandoned utility facility.

25-9-8. Treatment of gas pipes and other underground utility facilities by blasters and excavators.

25-9-8. Treatment of gas pipes and other underground utility facilities by blasters and excavators.

25-9-9. Effect of chapter upon rights, titles, powers, etc., of state, counties, or municipalities concerning facilities located on public road or street.

25-9-10. Effect of chapter upon rights, titles, powers, etc., of state, counties, or municipalities concerning facilities located on public road or street.

25-9-11. Effect of chapter upon rights, titles, powers, etc., of state, counties, or municipalities concerning facilities located on public road or street.

25-9-12. Effect of chapter upon rights, titles, powers, etc., of state, counties, or municipalities concerning facilities located on public road or street.

25-9-13. Penalties for violations of chapter; bonds; enforcement; advisory committee; dispose of settlement recommendations.

Annotations

Cross references. - Distribution, storage, and sale of gas generally, Ch. 4, T. 46.

Administrative Rules and Regulations. - Enforcement Procedures under the Georgia Utility Facility Protection Act, Official Compilation of the Rules an

RESEARCH REFERENCES

A.L.R. - Liability of one excavating on private property for injury to public utility cables, conduits, or the like, 28 A.L.R. 603.


Statute text

This chapter shall be known and may be cited as the "Georgia Utility Facility Protection Act."

History


Annotations


Law reviews. - For annual survey of administrative law, see 56 Mercer L. Rev. 31 (2004).

JUDICIAL DECISIONS


Statute text

The purpose of this chapter is to protect the public from physical harm, prevent injury to persons and property, and prevent interruptions of utility services in this state.

History


Annotations

The 2005 amendment, effective July 1, 2005, inserted "and sewer laterals" in three places.


OPINIONS OF THE ATTORNEY GENERAL

The provisions of Ga. L. 1969, p. 50 (see O.C.G.A. Title 25, Chapter 9) do not apply to the State Highway Department (now Department of Transportation).

RESEARCH REFERENCES


Statute text

As used in this chapter, the term:

1. "Abandoned utility facility" means a utility facility taken out of service by a facility owner or operator on or after January 1, 2001.

2. "Blasting" means any operation by which the level or grade of land is changed or by which earth, rock, buildings, structures, or other masses or materials are moved or separated from their original positions.


4. "Business hours" means the time from 7:00 a.m. to 4:30 p.m. local time on business days.

5. "Corporation" means any corporation, municipal corporation, county, authority, joint-stock company, partnership, association, business trust, or other entity that is organized under the laws of the United States.

6. "Corporation" means any corporation, municipal corporation, county, authority, joint-stock company, partnership, association, business trust, or other entity that is organized under the laws of the United States.

7. "Design locate request" means a communication to the utilities protection center in which a request for locating existing utility facilities for b...
Annotations
The 2005 amendment, effective July 1, 2005, rewrote this Code section.

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2005, paragraphs (33) and (34) were redesignated as paragraphs (34) and (35), respectively. Pursuant to Code Section 28-9-5, in 2000, "do not exceed" was substituted for "does not exceed" in paragraph (11) and a comma was inserted following " the location of all utility facilities and sewer laterals in the area " in paragraph (3).

Editor's notes. - Former Code Section 25-9-3, concerning the requirement that utilities with gas pipes or underground facilities file information with the office of the public service commission, was repealed and replaced by Code Section 25-9-4, as amended, effective July 1, 2000, as set out above.

JUDICIAL DECISIONS
Violations. - When an asphalt company admitted that it had been "scraping" a site where a telephone cable was severed, and telephone company employees

OPINIONS OF THE ATTORNEY GENERAL
The provisions of Ga. L. 1969, p. 50 (see O.C.G.A. Title 25, Chapter 9) do not apply to the State Highway Department (now Department of Transportation).


Statute text
(a) Any person may submit a design locate request to the UPC. Such design locate request shall:
(1) Describe the tract or parcel of land for which the design locate request has been submitted with sufficient particularity, as defined by policies of the UPC; and
(2) State the name, address, and telephone number of the person or entity who submitted the design locate request, as well as the name, address, and telephone number of the person or entity, if any, on whose behalf the request is submitted.

(b) Within ten working days after a design locate request has been submitted to the UPC for a proposed project, the facility owner or operator shall:
(1) Designate or cause to be designated by a locator in accordance with Code Section 25-9-9 the location of all utility facilities and sewer laterals in the area of the proposed project;
(2) Provide to the person submitting the design locate request the best available description of all utility facilities and sewer laterals in the area of the proposed project as required by policies of the UPC; and
(3) Allow the person submitting the design locate request or any other authorized person to inspect or copy the drawings or other records for all utility facilities and sewer laterals in the area of the proposed project.

(c) Upon responding using any of the methods provided in subsection (b) of this Code section, the facility owner or operator shall provide the response described in subsection (b) of this Code section.

History

Annotations
The 2005 amendment, effective July 1, 2005, substituted "UPC" for "utilities protection center" in three places in subsections (a) and (b); in paragraph (c) the last sentence was rewritten.


Statute text
(a) Except as otherwise provided by subsection (b) of this Code section, all facility owners or operators operating or maintaining utility facilities shall:
(1) Maintain a current and permanent list of the name, address, and telephone number of the person or entity, if any, whose facilities are affected by a local governing authority or an owner or operator of a facility or the facility owner or operator who arranged for the installation of the facility or who owns the facility;
(2) If the facility owner or operator determines that such a list is not maintained by the person or entity whose facilities have been affected, provide the person or entity with such a list;
(3) If a person submits a request for information pursuant to this Code section, provide the person with the list maintained under paragraph (1) or (2) of this subsection; and
(4) Return the list to the person who submitted the request.

History

Annotations
The 2005 amendment, effective July 1, 2005, in subsection (a), in the first sentence, substituted "Except as otherwise provided by subsection (b) of this Code section" for "Except as otherwise provided by subsection (b) of this Code section; and".


JUDICIAL DECISIONS
Violations. - When an asphalt company admitted that it had been "scraping" a site where a telephone cable was severed, and telephone company employees

RESEARCH REFERENCES
C.J.S. - 35 C.J.S., Explosives, §§ 29 et seq.
ALR. - Liability for property damage by concussion from blasting, 20 ALR2d 1372.
Liability of contractor for injury or damage resulting from explosion or fire caused by his damaging of gas mains and pipes, 53 ALR2d 1083.
Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.
Liability of one excavating in highway for injury to public utility cables, conduits, or the like, 73 ALR3d 987.
25-9-7. Determining whether utility facilities are present; information to UPC; noncompliance; future utility facilities; abandoned utility facilities

Statute text
(a) (1) Within 48 hours beginning the next business day after the business day following receipt by the UPC of the locate request filed in accordance with (2) Designation of the location of utility facilities through staking, flagging, permanent markers, or other marking shall be in accordance with the (3) A facility owner or operator is not required to mark its own facilities within 48 hours if the facility owner or operator or its agents are the only (b) (1) Within 48 hours beginning the next business day following receipt by the UPC of the locate request filed in accordance with (2) To assist in designating sewers laterals, the sewer system owner or operator shall provide its best available information regarding the location of (A) Marking the location of sewer laterals in accordance with subsection (a) of this section, provided that: (i) Any sewer lateral designated using the best available information shall constitute a good faith attempt and shall be deemed to be in compliance wi (ii) If a sewer lateral is unlocatable, a triangular green mark shall be placed at the sewer main pointing at the address in question to indicate the (B) Providing electronic copies of or delivering the records through facsimile or by other means to an agreed upon location within 48 hours beginning (C) Arranging to meet the excavator on site to provide the best available information about the location of the sewer laterals; (D) Providing the records through other processes and to other locations approved by the excavation facilities owner or operator (E) Any other reasonable means of conveyance approved by the commission after receiving recommendations from the advisory committee, provided that such (f) Each facility owner or operator, either upon determining that no utility facility or sewer lateral is present on the tract or parcel of land or (g) In the event the facility owner or operator is unable to designate the location of the utility facilities or sewer lateral due to extraordinary (h) If, at the end of the time period specified in subsections (a) and (b) of this Code section, any facility owner or operator has not complied with (i) If visible and obvious evidence of the presence of an unmarked utility facility or sewer lateral does exist and the facility owner or operator ei (j) All utility facilities installed by facility owners or operators on or after January 1, 2001, shall be installed in a manner which will make them (k) Facility owners or operators shall either maintain recorded information concerning the location and other characteristics of abandoned utility fa (l) Notwithstanding any other provision of law to the contrary, a facility owner or operator may use a locat or designate any or all utility facil (m) By January 1, 2006, the advisory committee shall propose to the Public Service Commission rules and processes specific to the locating of large p

(1) (i) Within 48 hours beginning the next business day after the business day following receipt by the UPC of the locate request filed in accordance (2) This subsection shall not apply to sewer laterals.

History

Annotations
The 2005 amendment, effective July 1, 2005, rewrote this Code section.

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2000, a comma was deleted following "abandoned facility" in the third sentence in subsec

Editor's notes. - This Code section formerly provided for treatment to be given gas pipes and facilities by persons undertaking blasting or excavating

JUDICIAL DECISIONS

RESEARCH REFERENCES
ALR. - Liability of gas company for injury or damage due to defects in service lines on consumer's premises, 26 ALR2d 136.

Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.


Statute text
(a) Persons engaged in blasting or in excavating with mechanized excavating equipment shall not strike, damage, injure, or loosen any utility faculti

(b) When excavating or blasting is to take place within the tolerance zone, the excavator shall exercise such reasonable care as may be necessary for

(c) When conducting trenchless excavation the excavator must exercise reasonable care, as described in subsection (b) of this Code section, and shall

(d) Any person engaged in blasting or in excavating with mechanized excavating equipment who strikes, damages, injures, or loosens any utility facilit

History

Annotations
The 2005 amendment, effective July 1, 2005, inserted "or sewer lateral" following "utility facility" and inserted ", flagged," following "flagged," foll

Editor's notes. - This Code section formerly provided for the degree of accuracy required of gas companies in providing pipe location and for the ap


RESEARCH REFERENCES
ALR. - Liability of gas company for injury or damage due to defects in service lines on consumer's premises, 26 ALR2d 136.

Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.

25-9-9. Degree of accuracy required in utility facility location information; effect of inaccurate information on liability of blaster or excavator.

Statute text
(a) For the purposes of this chapter, the location of utility facilities which is provided by a facility owner or operator in accordance with subsection (b) Upon documented evidence that the person seeking information as to the location of utility facilities has incurred losses or expenses due to inaccurate

History

Annotations
The 2005 amendment, effective July 1, 2005, in subsection (a), in the first sentence, deleted "information concerning" following "this chapter," and i

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2000, "its" was substituted for "their" in the second sentence in subsection (a).


RESEARCH REFERENCES
ALR. - Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.

25-9-10. Effect of chapter upon rights, titles, powers, or interests of facility owners or operators.

Statute text
This chapter does not affect and is not intended to affect any right, title, power, or interest which any facility owner or operator may have with rel

History

Annotations

Statute text
The notice requirements provided by Code Section 25-9-6 shall not be required of persons performing emergency excavations or excavation in extraordinary circumstances.

History

Annotations
This Code section formerly provided for notice requirements prior to excavation or excavation in extraordinary circumstances.

RESEARCH REFERENCES

25-9-13. Penalties for violations of chapter; bonds; enforcement; advisory committee; dispose of settlement recommendations.

Statute text
(a) Any person who violates the requirements of Code Section 25-9-6 and whose subsequent excavating or blasting damages utility facilities or sewer laterals, or who violates the requirements of subsection (c) of this Code section, shall be guilty of a misdemeanor and shall be fined not less than $10,000 nor more than $25,000 for each violation.

(b) Any respondent who agrees with the advisory committee recommendation shall be fined $5,000.

(c) Any respondent who disagrees with the recommendation of the advisory committee and whose subsequent excavating or blasting damages utility facilities or sewer laterals, or who violates the requirements of subsection (c) of this Code section, shall be fined $10,000.

(d) Any respondent who is not represented by counsel shall be fined $10,000.

(f) The commission shall enforce the provisions of this chapter. The commission may promulgate any rules and regulations necessary to implement the provisions of this chapter.

(h) The commission may, by judgment entered after a hearing on notice duly served on any person not less than 30 days before the date of the hearing,

(i) Any penalty assessed under this Code section shall be in addition to any other penalties provided by law.

History

Annotations
This Code section formerly provided for penalties for violations of this Code section. Ga. L. 1986, p. 1069, § 1 in effect repealed former Code Section 25-9-11 as this Code section.

RESEARCH REFERENCES

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.
CHAPTER 10
REGULATION OF FIREWORKS

Sec. 25-10-1. Definitions.
25-10-2. Prohibited fireworks activities.
25-10-3. Permitted sales and uses of fireworks.
25-10-3.1. Storage of fireworks by licensed nonmanufacturers.
25-10-3.2. License required for pyrotechnics exhibits; requirements; penalty for violations.
25-10-4. Requirement of permit for conduct of fireworks displays; application; imposition of conditions as to granting of permit; duration and transf
25-10-4.1. Employment of persons under age 18 in connection with fireworks storage or public displays.
25-10-5. License and fee for manufacture, storage, and transportation of fireworks or pyrotechnic displays; promulgation of safety regulations; condu
25-10-6. Fireworks manufactured, sold, or stored in violation of chapter declared contraband; seizure and disposition thereof.
25-10-9. Penalty for illegal sale of sparklers or other devices.

Statute text
(a) As used in this chapter, the term:
(1) "Fireworks" means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of pr
(2) "Proximate audience" means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, Co
(3) "Pyrotechnics" means fireworks.
(b) As used in this chapter, the term "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 wh
(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 o

History

Annotations
The 2005 amendment, effective May 2, 2005, redesignated the existing provisions of this Code section as subsection (a); in paragraph (a)(1), deleted t

The 2007 amendment, effective May 11, 2007, part of an Act to revise, modernize, and correct the Code, revised punctuation in paragraph (b)(1).

JUDICIAL DECISIONS
It is negligence per se to sell fireworks to a minor child, under the circumstances not permitted by Ga. L. 1955, p. 550 (see O.C.G.A. § 25-10-2). All


OPINIONS OF THE ATTORNEY GENERAL
Activities constituting violation of O.C.G.A. § 25-10-2. - Where fireworks are shipped to a buyer in the port area, stored in private warehouses, and

RESEARCH REFERENCES
C.J.S. - 35 C.J.S., Explosives, § 2 et seq.
25-10-3. Permitted sales and uses of fireworks.

Statute text
Nothing in this chapter shall be construed to prohibit the following:
(1) The wholesale or retail sale of fireworks for use in a public exhibition or public display and the transportation of fireworks for such use, provi
(2) Use by railroads or other transportation agencies of fireworks specifically designed and intended for signal purposes or illumination;
(3) 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
(4) The manufacture of any fireworks not prohibited by Congress or any federal agency; the possession, transportation, and storage of any such firewor

History
25-10-3. License required for pyrotechnics exhibits; requirements; penalty for violations.

Statute text
(a) No person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks before a proximate audience shall cause the combustion, explosion, deflagration, or detonation of pyrotechnics for the purpose of public entertainment unless:
(1) The display be conducted by a competent operator approved by the judge;
(2) The display be of such character as in the opinion of the judge will not be hazardous to persons or property;
(3) The local fire official responsible for the area in question certifies in writing that the site for the display meets his or her approval and that the application be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(b) Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks before a proximate audience shall:
(1) Conduct the display by a competent operator approved by the judge;
(2) Conduct the display in a manner and location which will not be hazardous to persons or property;
(3) Cause an insurance policy in the sum of $10,000.00 payable to the county in which the display is being held and conditioned as follows:
(c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be granted unless:
(1) The application be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(2) The application be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(3) The local fire official responsible for the area in question certifies in writing that the site for the display meets his or her approval and that the application be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(4) The state fire marshal or the designee thereof has determined upon inspection that the constructed magazine meets or exceeds the requirements for a magazine license.

History

Annotations
Effective date. - This Code section became effective May 28, 2003.

25-10-3.2. License required for pyrotechnics exhibits; requirements; penalty for violations.

Statute text
(a) No person, firm, corporation, association, or partnership shall cause the combustion, explosion, deflagration, or detonation of pyrotechnics for the purpose of public entertainment unless:
(1) The applicant holds a valid license to conduct pyrotechnics displays; and
(2) The applicant shall comply with all rules and regulations promulgated by the Safety Fire Commissioner pursuant to this chapter.

History

Annotations


RESEARCH REFERENCES
ALR. - Bond conditioned for payment of damages for injury to person or damage to property, given as condition of permission by public for fireworks display, 53 A.L.R. 337 (1938).

JUDICIAL DECISIONS

Statute text
No person under the age of 18 shall be employed to work at any magazine, or at any facility containing a magazine, wherein fireworks are stored or to be stored.

History

Annotations

25-10-4. Requirement of permit for conduct of fireworks display; application; imposition of conditions as to granting of permit; duration and transfer of permit.

Statute text
(a) Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks before a proximate audience shall:
(1) Cause the combustion, explosion, deflagration, or detonation of pyrotechnics for the purpose of public entertainment unless:
(2) The display be conducted by a competent operator approved by the judge;
(3) The display be of such character as in the opinion of the judge will not be hazardous to persons or property;
(4) The display be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(b) Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks before a proximate audience shall:
(1) Conduct the display by a competent operator approved by the judge;
(2) Conduct the display in a manner and location which will not be hazardous to persons or property;
(3) Cause an insurance policy in the sum of $10,000.00 payable to the county in which the display is being held and conditioned as follows:
(c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be granted unless:
(1) The application be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(2) The application be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(3) The local fire official responsible for the area in question certifies in writing that the site for the display meets his or her approval and that the application be accompanied by a bond in the principal sum of $10,000.00, payable to the county in which the display is being held and conditioned as follows:
(4) The state fire marshal or the designee thereof has determined upon inspection that the constructed magazine meets or exceeds the requirements for a magazine license.

History
All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this chapter are declared to be contraband and may be seized.

History:

Annotations:

OPINIONS OF THE ATTORNEY GENERAL

Enforcement of fireworks regulations by Georgia State Patrol. - The Georgia State Patrol may seize fireworks which they find, declare them contraband,

RESEARCH REFERENCES

ALR. - Lawfulness of seizure of property used in violation of law as prerequisite to forfeiture action or proceeding, 8 ALR3d 473.


Statute text
This chapter shall not apply to the high explosives covered by Code Section 25-2-17 over which the Safety Fire Commissioner has regulatory control.

History:


Statute text
(a) Any person, firm, corporation, association, or partnership that violates Code Section 25-10-3.2 shall be guilty of a felony and shall be punished
(b) Any person, firm, corporation, association, or partnership that violates any other provision of this chapter shall be guilty of a misdemeanor.

History:

Annotations:
The 2003 amendment, effective May 28, 2003, added subsection (a); designated the existing provisions as subsection (b); and substituted "that violates law reviews." - For note on the 2003 amendment to this section, see 25 Ga. St. U.L. Rev. 165 (2003).

25-10-9. Penalty for illegal sale of sparklers or other devices.

Statute text
Notwithstanding any provision of this chapter to the contrary, any person, firm, corporation, association, or partnership who or which knowingly viola

History:

Annotations:
Effective date. - This Code section became effective May 2, 2005.

CHAPTER 11
FIRE PROTECTION SPRINKLER CONTRACTORS

Sec. 25-11-1. Short title.
25-11-4. Application to become certificate holder; certificate fee; demonstration of applicant's competence and knowledge; limitations on issuance of
25-11-5. Licensing of each location; application; fee; prerequisites.
25-11-8. Requirement that installation, repair, or other work be performed or supervised by certificate holder.
25-11-11. Individuals authorized to inspect and maintain systems.
25-11-12. Rules and regulations; forms.
25-11-13. Valid license required for installation or repair of water-based fire protection sprinkler systems; proof of contractor's competency requir
25-11-14. Applicability to work performed for state or political subdivision; contract and bid requirements for such work.
25-11-15. Deposit of fees collected under chapter; authority to accept grants for administration of chapter.
25-11-16. Cause and order against violators; penalty for violations; order requiring compliance; revocation of certificate for failure to comp
25-11-17. Additional grounds for revocation or suspension of licenses.
25-11-18. Failure to renew certificate or license.

Annotations:

RESEARCH REFERENCES

Negligent Failure to Install or Maintain Smoke Alarm or Sprinkler System, 5 ALR3d 383.

ALR. - Liability of person furnishing, installing, or servicing burglary or fire alarm system for burglary or fire loss, 37 ALR4th 47.


Statute text
This chapter shall be known and may be cited as the "Georgia Fire Sprinkler Act."

History:


Statute text
As used in this chapter, the term:
(1) "Certificate" or "certificate of competency" means the document issued by the Commissioner to a certificate holder who has demonstrated adequate t
(2) "Certificate holder" means an individual who has been issued a certificate of competency by the Commissioner.
(3) "Commissioner" means the Georgia Safety Fire Commissioner.
(4) "Fire protection sprinkler contractor" means an individual, partnership, corporation, association, or joint venture that supervises, performs, or
(5) "Fire protection sprinkler contractor license" means the document issued by the Commissioner to the fire protection sprinkler contractor which aut
(6) "Fire protection sprinkler system" means an integrated system of overhead and underground piping designed in accordance with fire protection engin
(7) "Fire protection system designer" means a person who develops documents pertaining to water-based fire protection systems.
(8) "Fire protection system designer license" means a document issued by the Commissioner which authorizes the fire protection system designer to enga
(9) "Fire protection system inspector" means an individual who performs inspections only on water-based fire protection systems in accordance with app
(10) "Fire protection sprinkler system inspector's license" means a document issued by the Commissioner which authorizes the fire protection system inspector to
(11) "Fire pump" means a pump supplying water at the flow and pressure required by water-based fire protection systems.
(12) "Foam-water spray system" means a special system pipe connected to a source of foam concentrate and to a water supply and equipped with foam-wate
Installations shall conform to codes as adopted by the Commissioner unless otherwise permitted by this chapter or the rules and regulations promu

Individuals employed by the building owner or a representative of the building owner may repair leaks, replace broken fittings, or perform other

Only fire protection sprinkler contractors or certificate of competency holders shall alter or renovate water-based fire protection systems except

No fire protection sprinkler contractor shall permit any person under his or her employment or control to install, repair, alter, maintain, or in

A person shall act as a fire protection sprinkler contractor unless a certificate holder is employed full time, in office or on site or combinat

Any individual desiring to become a fire protection sprinkler system inspector shall submit to the Commissioner a completed application on the pr

A fire protection sprinkler contractor license shall expire annually as determined by the rules and regulations. A license holder desiring to ren


The Commissioner is entitled to the following powers and duties:

(a) To enforce this chapter.
(b) To make rules and regulations necessary for the administration of this chapter.
(c) To enter into agreements with other agencies or organizations for the purpose of enforcing this chapter.
(d) To issue certificates of competency to individuals who meet the requirements established by the Commissioner.


(a) Any individual desiring to become a fire protection sprinkler system inspector shall submit to the Commissioner a completed application on t


(a) Any individual desiring to become a fire protection system designer shall submit to the Commissioner a completed application on forms pr

25-11-8. Requirement that installation, repair, or other work be performed or supervised by certificate holder.

(a) No person shall act as a fire protection sprinkler contractor unless a certificate holder is employed full time, in office or on site or combinat

(b) If the only certificate holder employed by a fire protection sprinkler contractor leaves the employment of the fire protection contractor, the c

(c) No fire protection sprinkler contractor shall permit any person under his or her employment or control to install, repair, alter, maintain, or in

(d) Only fire protection sprinkler contractors or certificate of competency holders shall alter or renovate water-based fire protection systems except

(e) Individuals employed by the building owner or a representative of the building owner may repair leaks, replace broken fittings, or perform other

(f) Installations shall conform to codes as adopted by the Commissioner unless otherwise permitted by this chapter or the rules and regulations promu
It shall be unlawful for any person to begin installation of a fire sprinkler system on any proposed or existing building or structure which come

History

Annotations


Statute text
(a) Water-based fire protection shop drawings shall be reviewed for code compliance with the state minimum standards by a certificate of competency h
(b) The reviewing certificate holder's signature, printed name, and certificate number indicating such compliance shall be indicated on submitted pla
(c) Noncode compliance dictated by bid documents shall be reported by means prescribed by the rules and regulations promulgated pursuant to this chap

History

Annotations


Statute text
(a) Only licensed fire protection system designers or other designers under their direct supervision shall prepare water-based fire protection system
(b) All documents shall be representative of code complying water-based fire protection systems unless otherwise permitted by the rules and regulatio
(c) The licensed fire protection system designer's signature, printed name, and license number shall be indicated on the shop drawings.

History

Annotations

25-11-11. Individuals authorized to inspect and maintain systems.

Statute text
(a) Inspections, maintenance, and testing required by this chapter shall only be performed by licensed fire protection system inspectors, certificate
(b) Only authorized manufacturers' representatives while acting in their official capacities are exempt from this chapter.
(c) Inspections and maintenance of water-based fire protection systems owned by a firm, business, or corporation and installed on property under cont

History

Annotations

25-11-12. Rules and regulations; forms.

Statute text
The Commissioner may promulgate such rules and regulations as he or she deems necessary to carry out the provisions of this chapter. The Commissioner

History

25-11-13. Valid license required for installation or repair of water-based fire protection sprinkler systems; proof of contractor's competency require

Statute text
(a) The installation or repair of any underground facilities or piping which connects to and furnishes water for the water-based fire protection syst
(b) Evidence of inspection shall be given to the owner or his or her representative in the form of a letter indicating the inspector or certificate o
(c) Before any local building official shall issue any license or building permit which authorizes the construction of any building or structure cont
(d) Nothing in this chapter limits the power of a municipality, county, or the state to require the submission and approval of plans and specificatio

History

25-11-14. Applicability to work performed for state or political subdivision; contract and bid requirements for such work.

Statute text
This chapter shall also apply to any fire protection sprinkler contractor performing work for the state or any municipality, county, or other politica

History

25-11-15. Deposit of fees collected under chapter; authority to accept grants for administration of chapter.

Statute text
(a) All fees collected pursuant to the provisions of this chapter shall be deposited with the Fiscal Division of the Department of Administrative Ser
(b) The Commissioner shall be authorized to receive grants for the administration of this chapter from parties interested in upgrading and improving

History

25-11-16. Cease and desist order against violators; penalty for violations; order requiring compliance; revocation of certificate for failure to compl

Statute text
(a) Whenever the Commissioner shall have reason to believe that any individual is or has been violating any provisions of this chapter, the Commissio
(b) Violation of any provision of this chapter or failure to comply with a cease and desist order is cause for revocation of any or all certificates
(c) Any person who violates this chapter or any rule, regulation, or order issued by the Commissioner under this chapter shall be subject to a civil
(d) Any order shall contain or be accompanied by a notice of opportunity for hearing which may provide that a hearing will be held if and only if a p

History

Annotations
Editor's notes. - Ga. L. 2000, p. 1589, § 16, not codified by the General Assembly, provides that the amendment to subsection (d) is applicable with

OPINIONS OF THE ATTORNEY GENERAL
Fingerprinting of offenders. - The offense covered by O.C.G.A. § 25-11-16(d) is not currently designated as an offense requiring fingerprinting. 1997

25-11-17. Additional grounds for revocation or suspension of licenses.

Statute text
In addition to the grounds set forth in Code Section 25-11-16, it is cause for revocation or suspension of certificates or licenses by the Commissione 

(1) Rendered inoperative a water-based fire protection system covered by this chapter, except during a reasonable time during which the system is being 

(2) Falsified any record required to be maintained by this chapter or rules or regulations adopted pursuant to this chapter or current fire codes enfo 

(3) Improperly installed, repaired, serviced, modified, altered, inspected, or tested a water-based fire protection system; 

(4) While holding a certificate or license, allowed another person to use the certificate or license number other than his or her own valid cert 

(5) While holding a certificate or license, used a certificate or license number other than his or her own valid cert 

(6) Used credentials, methods, means, or practices to impersonate a representative of the Commissioner or the state fire marshal or any local fire chi 

(7) Failed to maintain the minimum insurance coverage as set forth in this chapter; or 

(8) Failed to maintain the requirements to obtain a certificate of competency or other licenses. 

History 
25-11-18. Failure to renew certificate or license. 

Statute text 
The failure to renew a certificate or license by the expiration date as set forth in this chapter will cause the certificate or license to become inop 

History 

Statute text 
The provisions of this chapter shall not apply to water-based automatic sprinkler systems for use in single-family dwellings or limited water-based sy 

History 

CHAPTER 12 
REGULATION OF FIRE EXTINGUISHERS AND SUPPRESSION SYSTEMS 

Sec. 
25-12-1. Compliance with chapter; license requirement. 
25-12-2. Definitions. 
25-12-3. Installation, inspection, servicing, or testing of fire suppression systems. 
25-12-4. Installation, inspection, servicing, or testing of portable fire extinguishers. 
25-12-5. Visual inspection of preengineered fire suppression systems or portable fire extinguishers by fire chiefs, fire marshals, or fire inspectors 
25-12-6. Visual inspection of self-owned fire suppression systems or portable fire extinguishers; fees not applicable to employees of local government 
25-12-7. License and fee required for firm installing, inspecting, servicing, or testing fire suppression systems or portable fire extinguishers. 
25-12-8. Permit and fee required for individual installing, inspecting, servicing, or testing; exemption. 
25-12-9. Period of licenses and permits; failure to renew. 
25-12-10. Forms of licenses, permits, and applications; information required. 
25-12-11. Requirement for issuance of license. 
25-12-12. Requirement for issuance of permit. 
25-12-13. Amended licenses or permits. 
25-12-14. Production of license or permit on demand. 
25-12-15. Rules and regulations for standards of fire suppression systems and fire extinguishers. 
25-12-16. Specifications for service tags to be attached to fire extinguishers and fire suppression systems. 
25-12-17. Violation of chapter by licensee or permittee. 
25-12-18. Cease and desist orders; period of revocation; civil penalty; opportunity for hearing. 
25-12-19. Penalty for violation of chapter. 
25-12-20. Delegation of authority by the Commissioner. 
25-12-21. Fees collected; grants and gifts. 
25-12-22. Power of municipality, county, or state to regulate not limited. 
25-12-23. Compliance with chapter; license requirement. 

Statute text 
It is unlawful for any firm to engage in the business of installing, inspecting, recharging, repairing, servicing, or testing of portable fire extinguishers, 

History 

Annotations 

OPINIONS OF THE ATTORNEY GENERAL 
For an update of crimes and offenses for which the Georgia Crime Information Center is authorized to collect and file identifying data, see 1991 Op. A 

RESEARCH REFERENCES 
25-12-2. Definitions. 

Statute text 
As used in this chapter, the term: 
(1) "Commissioner" means the Safety Fire Commissioner. 
(2) "Engineered fire suppression system" means any fire suppression system having pipe lengths, number of fittings, number and types of nozzles, suppr 
(3) "Fire suppression system" means any fire-fighting system employing a suppression agent with the purpose of controlling, suppressing, or extinguish 
(4) "Fire extinguisher" means any business, person, partnership, organization, association, corporation, contractor, subcontractor, or individual. 
(5) "License" means the document issued by the Commissioner which authorizes a firm to engage in the business of installation, repair, alteration, rec 
(6) "Permit" means the document issued by the Commissioner which authorizes an individual to install, inspect, repair, recharge, service, or test fire 
(7) "Portable fire extinguisher" means a portable device containing an extinguishing agent that can be expelled under pressure for the purpose of supp 
(8) "Preengineered fire suppression system" means any system having predetermined flow rates, nozzle pressures, and quantities of an extinguishing age 

History 
25-12-3. Installation, inspection, servicing, or testing of fire suppression systems. 

Statute text 
All fire suppression systems required by the Commissioner's rules and regulations or by other state or local fire safety rules or regulations must be 

History 
25-12-4. Installation, inspection, servicing, or testing of portable fire extinguishers. 

Statute text 
All portable fire extinguishers required by the Commissioner's rules and regulations or by other state or local fire safety rules or regulations must 

By the Commissioner.
25-12-5. Visual inspection of preengineered fire suppression systems or portable fire extinguishers by fire chiefs, fire marshals, or fire inspectors.

Statute text
The provisions of this chapter do not apply to fire chiefs, fire marshals, fire inspectors, or insurance company inspectors with regard to the routine inspection of fire suppression systems or portable fire extinguishers.

25-12-6. Visual inspection of self-owned fire suppression systems or portable fire extinguishers; fees not applicable to employees of local government.

Statute text
(a) The provisions of this chapter do not apply to any firm that engages only in the routine visual inspection of fire suppression systems or portable fire extinguishers.
(b) The fees required by this chapter shall not apply to employees of federal, state, or local governments or to members of legally organized fire departments.

25-12-7. License and fee required for firm installing, inspecting, servicing, or testing fire suppression systems or portable fire extinguishers.

Statute text
Each firm in the business of installing, altering, inspecting, repairing, recharging, servicing, maintaining, or testing fire suppression systems or portable fire extinguishers shall be licensed by the Commissioner and shall pay a fee therefor.

25-12-8. Permit and fee required for individual installing, inspecting, servicing, or testing; exemption.

Statute text
Each individual actually performing the installing, inspecting, repairing, recharging, servicing, or testing activities must possess a valid and subsisting license or permit.

25-12-9. Period of licenses and permits; failure to renew.

Statute text
The licenses and permits required by this chapter shall be issued by the Commissioner for each license year beginning January 1 and expiring the following December 31.

25-12-10. Forms of licenses, permits, and applications; information required.

Statute text
The forms of such licenses and permits and applications and fees therefor shall be prescribed by the Commissioner by rule or regulation, subject to the following:
(1) Each such application shall be sworn to by the applicant or, if a corporation, by an officer thereof;
(2) Each application shall clearly state, in detail as set forth by the Commissioner, the type of activity or activities for which the applicant desires a license or permit;
(3) An application for a permit shall include the name of the licensee employing such permittee, and the permit issued in pursuance of such application;
(4) The license or permit issued by the Commissioner shall clearly state the activity or activities for which the firm or individual has been issued the license or permit.

25-12-11. Requirement for issuance of license.

Statute text
A license may not be issued by the Commissioner until:
(1) The applicant has submitted to the Commissioner evidence of registration as a Georgia corporation;
(2) The Commissioner or a person designated by him has by inspection determined that the applicant possesses the equipment required for the activities for which the applicant desires a license;
(3) The applicant has submitted to the Commissioner proof of a valid comprehensive liability insurance policy purchased from an insurer authorized to do business in Georgia;
(4) The applicant, when filing an application for an examination, pays a nonrefundable filing fee fixed by rule or regulation of the Commissioner.

25-12-12. Requirement for issuance of permit.

Statute text
No permit may be issued to a person for the first time by the Commissioner until the applicant has submitted a nonrefundable filing fee fixed by rule or regulation of the Commissioner.

25-12-13. Amended licenses or permits.

Statute text
(a) Any firm or individual holding a valid license or permit desiring to perform an activity not covered by the current permit may submit an application therefor.
(b) The provisions of this chapter relating to the requirements for obtaining a license or permit shall apply to applications for an amended license or permit.
(c) The fees for an amended license or permit shall not apply if the new activity or activities are included in an application for a renewal of the applicant's existing license or permit.

25-12-14. Production of license or permit on demand.

Statute text
Every permittee must have a valid and subsisting permit upon his person at all times while engaging in the installing, inspection, recharging, repairing, servicing, or testing of fire suppression systems or portable fire extinguishers.

25-12-15. Rules and regulations for standards of fire suppression systems and fire extinguishers.

Statute text
The Commissioner may adopt rules and regulations setting forth the proper installation, inspection, recharging, repairing, servicing, or testing of fire suppression systems and portable fire extinguishers.
25-12-16. Specifications for service tags to be attached to fire extinguishers and fire suppression systems.

Statute text
The Commissioner shall make and promulgate specifications as to the number, type, size, shape, color, and information and data contained thereon of service tags as required by this chapter.

History

25-12-17. Violation of chapter by licensee or permittee.

Statute text
(a) Any person, firm, or corporation which violates any provision of this chapter or any order, rule, or regulation of the Commissioner shall be guilty of a misdemeanor willfully or intentionally to:

(1) Obstruct the serial number on a fire suppression system or portable fire extinguisher for the purposes of falsifying service records;

(2) Improperly install a fire suppression system or improperly recharge, repair, service, or test any such suppression system or any such portable fire extinguisher;

(3) While holding a permit or license, allow another person to use the permit or license or permit number or license number or to use a license or permit issued by the Commissioner under this chapter;

(4) Use or permit the use of any license by an individual or organization other than the one to whom the license is issued;

(5) Falsify any record required to be maintained by this chapter or rules or regulations adopted pursuant to this chapter or current fire codes and standards;

(6) Improperly refill, charged, hydrotested, repaired, serviced, modified, altered, inspected, or tested a portable fire extinguisher or fire suppression system;

(7) Failed to provide proof of or failed to maintain the minimum comprehensive liability insurance coverage as set forth in paragraph (3) of Code Section 25-12-18;

(b) The Commissioner is authorized to seize, retain, or maintain one or more of the qualifications for a license or permit required by this chapter;

(c) Any or all of the qualifications for a license or permit may be revoked if the Commissioner finds that the circumstances or circumstances for which the license or permit was issued no longer exist or are not met.

History

Annotations
The 2002 amendment, effective July 1, 2002, designated the existing provisions as subsection (a); in subsection (a), in the first sentence, inserted "Any authority, power, or duty vested in the Commissioner by any provision of this chapter may be exercised, discharged, or performed by a deputy, agent, or employee of the Commissioner who has been authorized by the Commissioner to perform such duties and responsibilities."

25-12-19. Penalty for violation of chapter.

Statute text
(a) Any person, firm, or corporation which violates any provision of this chapter or any order, rule, or regulation of the Commissioner shall be guilty of a misdemeanor willfully or intentionally to:

(1) Obstruct the serial number on a fire suppression system or portable fire extinguisher for the purposes of falsifying service records;

(2) Improperly install a fire suppression system or improperly recharge, repair, service, or test any such suppression system or any such portable fire extinguisher;

(3) While holding a permit or license, allow another person to use the permit or license or permit number or license number or to use a license or permit issued by the Commissioner under this chapter;

(4) Use or permit the use of any license by an individual or organization other than the one to whom the license is issued;

(5) To use any credential, method, means, or practice to impersonate a representative of the Commissioner or the state fire marshal or any local fire chief;

(6) To engage in the business of installing, inspecting, recharging, repairing, servicing, or testing portable fire extinguishers or fire suppression systems;

(7) To falsify any record required to be maintained by this chapter or rules or regulations adopted pursuant to this chapter or current fire codes and standards;

(8) Improperly refill, charged, hydrotested, repaired, serviced, modified, altered, inspected, maintained, added to, or used a portable fire extinguisher or fire suppression system;

(9) To use any credential, method, means, or practice to impersonate a representative of the Commissioner or the state fire marshal or any local fire chief;

(10) Failed to notify the Commissioner, in writing, within 30 days after a change of residence, principal business address, or name.

(b) In addition, the Commissioner shall not issue a new license or permit if the Commissioner finds that the circumstances or circumstances for which the license or permit was issued no longer exist or are not met.

History

Annotations
The 2002 amendment, effective May 14, 2003, part of an Act to revise, modernize, and correct the Code, revised language in subsections (b) and (d).

25-12-20. Delegation of authority by the Commissioner.

Statute text
Any authority, power, or duty vested in the Commissioner by any provision of this chapter may be exercised, discharged, or performed by a deputy, agent, or employee of the Commissioner who has been authorized by the Commissioner to perform such duties and responsibilities.

History

25-12-21. Fees collected; grants and gifts.

Statute text
(a) All fees collected by the Commissioner for licenses, permits, and related examinations pursuant to the provisions of this chapter shall be deposited in the state treasury.

(b) The Commissioner is authorized to receive grants or gifts for the administration of this chapter from parties interested in upgrading and improving the administration of this chapter.

History

25-12-22. Power of municipality, county, or state to regulate.

Statute text
(a) Nothing in this chapter limits the power of a municipality, a county, or the state to require the submission and approval of plans and specifications for fire suppression systems and fire extinguishers.

(b) No municipality or county shall impose any other requirements on persons licensed or permitted by the Commissioner as set forth in this chapter.

History
25-13-4. Prohibition against use of nomenclature pertaining to particular fire department in connection with solicitation, advertisement, publication, or promotion.
25-13-5. Prohibition against use of symbols pertaining to particular fire department in connection with solicitation, advertisement, publication, or promotion.
25-13-6. Procedure for obtaining permission to use nomenclature or symbols; discretion of local governing body.

Statute text
This chapter shall be known and may be cited as the "Municipal, County, and Volunteer Fire Departments Nomenclature Act of 1996."

History


Statute text
It is declared to be contrary to the health, safety, and public welfare of the people of this state for any individual or organization to act in a manner that infringes upon the nomenclature or symbols of a municipal, county, or volunteer fire department.

History


Statute text
As used in this chapter, the terms:
1. "Badge" means any official badge used in the past or present by members of municipal, county, or volunteer fire departments.
2. "Department" means any municipal, county, or volunteer fire department.
3. "Director of public safety" means the director of public safety for any municipal, county, or volunteer fire department.
4. "Emblem" means any official patch or other emblem worn currently or formerly or used by the department to identify the department or its employees.
5. "Fire chief" means the fire chief for any municipal, county, or volunteer fire department.
6. "Fire department" means any fire department which is authorized to exercise the general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.
7. "Local governing body" means, for a county, a county governing authority as defined in Code Section 1-3-3; for a municipal corporation, the governing body of the municipality.
8. "Person" means any person, corporation, organization, or political subdivision of this state.
9. "Volunteer fire department" means a fire department which has been issued a certificate of compliance pursuant to Article 2 of Chapter 3 of this title.
10. "Willful violator" means any person who knowingly violates the provisions of this chapter.

History

25-13-4. Prohibition against use of nomenclature pertaining to particular fire department in connection with solicitation, advertisement, publication, or promotion.

Statute text
Any person who uses words pertaining to a particular municipal, county, or volunteer fire department in connection with the planning, conduct, or execution of any activity shall be subject to a fine.

History

25-13-5. Prohibition against use of symbols pertaining to particular fire department in connection with solicitation, advertisement, publication, or promotion.

Statute text
Any person who uses or displays any current or historical symbol, including any emblem, seal, or badge, used by the department in connection with the planning, conduct, or execution of any activity shall be subject to a fine.

History

25-13-6. Procedure for obtaining permission to use nomenclature or symbols; discretion of local governing body.

Statute text
Any person wishing permission to use the nomenclature or a symbol of a department may submit a written request for such permission to the fire chief or director of public safety.

History

Annotations
Code Commission notes. - Pursuant to Code Section 28-9-5, in 1996, "of" was substituted for "or" near the middle of the third sentence.


Statute text
Whenever there shall be an actual or threatened violation of Code Section 25-13-4 or 25-13-5, the local governing body shall have the right to apply to a court of law for an injunction against such violation.

History


Statute text
In addition to any other relief or sanction for a violation of Code Section 25-13-4 or 25-13-5 and where the violation is willful, the local governing body may impose a fine.

History


Statute text
Any person who is injured as a result of a violation of this chapter may bring an action for civil damages.

History


Statute text
Any person who violates the provisions of this chapter shall be guilty of a felony and upon conviction thereof shall be subject to a fine.

History
Sec. 25-14-1. (Effective January 1, 2010) Short title.


25-14-3. (Effective January 1, 2010) Standards for testing cigarettes; reports; exceptions.


25-14-8. (Effective January 1, 2010) Enforcement of this chapter; cooperation during inspections.


Annotations

Effective date. - This chapter becomes effective January 1, 2010.

Editor's notes. - Ga. L. 2008, p. 104, § 2, not codified by the General Assembly, provides: "This Act shall preempt and supersede and shall prohibit any law, rule or regulation of the state or of any local government which conflicts with the provisions of this Act.


Statute text

This chapter shall be known and may be cited as the "Georgia Fire Safety Standard and Firefighter Protection Act."

History


Statute text

As used in this chapter, the term:

(1) "Agent" means any person authorized by the state revenue commissioner to purchase and affix stamps on packages of cigarettes.

(2) "Cigarette" means a roll for smoking wrapped in a tobacco sheet.

(a) Any roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco; or

(b) Any roll for smoking wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its price, is intended to be sold as a cigarette.

(3) "Commissioner" means the Safety Fire Commissioner.

(4) "Manufacturer" means:

(A) Any entity which manufactures, makes, produces, or causes to be produced cigarettes sold in this state or cigarettes sold in any jurisdiction that intends to sell such cigarettes in this state regardless of whether the original manufacturer is located in this state.

(B) Any roll for smoking manufactured anywhere that intends to sell such cigarettes in this state for resale.

(C) Any entity which becomes a successor of an entity described in subparagraph (A) or (B) of this paragraph.


(5) "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic errors are minimized.

(6) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

(7) "Retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.

(8) "Sale" means any sale, transfer, exchange, theft, barter, gift, or offer for sale and distribution in any manner or by any means whatever.

(9) "Sell" means to sell or to offer or agree to do the same.

(10) "Wholesale dealer" means any person that is not a manufacturer who sells cigarettes or tobacco products to retail dealers or other persons for resale.

History


Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2008, in paragraph (1), "state revenue commissioner" was substituted for "commissioner of revenue."

(a) Cigarettes that are certified by a manufacturer in accordance with Code Section 25-14-4 shall be marked to indicate compliance with the requirements of Code Section 25-14-2.

(1) The letters "FSC," which signifies Fire Standards Compliant, appearing in eight-point type or larger and permanently printed, stamped, engraved, or embossed on the cigarette packaging or cellophane wrap that indicates that the cigarettes meet Georgia standards.

(2) Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, or embossed upon the cigarette packaging or cellophane wrap that indicates that the cigarettes meet certain standards.

(3) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the commissioner for approval. Upon receipt of the proposed markings, if the commissioner fails to act within ten business days of receiving a request for approval, or if the commissioner approves the markings, the manufacturer shall be deemed to have received approval.

(4) No manufacturer shall modify its approved marking unless the modification has been approved by the commissioner in accordance with this Code section.

(5) Manufacturers certifying cigarettes in accordance with Code Section 25-14-4 shall provide a copy of the certifications to all wholesale dealers and retailers.

History

Annotations

Statute text
(a) Cigarettes that are certified by a manufacturer in accordance with Code Section 25-14-4 shall be marked to indicate compliance with the requirements of Code Section 25-14-2.

(1) The letters "FSC," which signifies Fire Standards Compliant, appearing in eight-point type or larger and permanently printed, stamped, engraved, or embossed on the cigarette packaging or cellophane wrap that indicates that the cigarettes meet Georgia standards.

(2) Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, or embossed upon the cigarette packaging or cellophane wrap that indicates that the cigarettes meet certain standards.

(3) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the commissioner for approval. Upon receipt of the proposed markings, if the commissioner fails to act within ten business days of receiving a request for approval, or if the commissioner approves the markings, the manufacturer shall be deemed to have received approval.

(4) No manufacturer shall modify its approved marking unless the modification has been approved by the commissioner in accordance with this Code section.

(5) Manufacturers certifying cigarettes in accordance with Code Section 25-14-4 shall provide a copy of the certifications to all wholesale dealers and retailers.

History

Annotations