

# OFFICE OF STATE FIRE MARSHAL

## AGRICULTURAL FIREWORKS STATUTES & ADMINISTRATIVE RULES



**OFFICE OF STATE FIRE MARSHAL  
OREGON STATE POLICE  
LICENSE AND PERMITS SECTION  
4760 Portland Road NE  
Salem OR 97305-1760  
(503) 934-8274  
TDD Line: (503) 390-4661  
Fax: (503) 373-1825**

# OREGON REVISED STATUTES

---

## FIREWORKS STATUTES Effective August 2005

### TABLE OF CONTENTS

480.110	Definitions for Oregon Fireworks Law.....	1
480.120	Sale, possession and use of fireworks prohibited; exceptions; enforcement .....	1
480.122	Use for repelling birds or animals allowed .....	1
480.124	Use for control of predatory animals allowed.....	2
480.127	Sale permit for certain items; when required .....	2
480.130	Permit required for sale or public display of fireworks; fee .....	2
480.140	Fireworks displays to be under supervision of police and fire department chiefs or county court .....	3
480.150	Permits for fireworks sales or displays; rules; security.....	3
480.152	Publication of advertisement for sale of unlawful fireworks prohibited.....	3
480.154	Manufacturer or wholesaler required to maintain record of sale of fireworks; shipments to show permit number; confiscation .....	3
480.156	Sale of fireworks to out-of-state resident without valid license or permit prohibited; seller to ascertain license or permit requirements of other states; seller's records .....	3
480.158	Parents of minors liable for costs incurred in suppressing fires caused by use of fireworks by minor; exception .....	4
480.160	Local regulation and effect thereon of state law; local enforcement authority.....	4
480.165	Civil penalty for fireworks law violations .....	4
480.990	Penalties .....	4

**OREGON REVISED STATUTES**

---

# OREGON REVISED STATUTES

## FIREWORKS

### 480.110 Definitions for Oregon Fireworks Law.

For the purposes of ORS 480.110 to 480.165, which sections may be cited as the Oregon Fireworks Law, and unless otherwise required by the context:

(1) "Fireworks" means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound; but does not include:

(a) Sparklers, toy pistol paper caps, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are used, and when, the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are so constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smoldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.

(b) Snakes or similar smoke-producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no after smoldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.

(c) Model rockets and model rocket motors designed for the purpose of propelling recoverable aero models. The sale and use of such devices shall be permitted at all times.

(d) Those items described in ORS 480.127 (4).

(2) "Fire protection district" means any district created under the laws of Oregon or the United States, including rural fire protection districts and any federal, state or private forest patrol areas.

(3) For purposes of this section "sparklers" means materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials, attached to a wire or other noncombustible central support, with such materials arranged in a cylindrical shape not more than 10 inches in length nor more than one-quarter inch in diameter and which shall not burn more rapidly than one inch in 10 seconds, but not including materials incased within a

container of any character. "Explosive substance" or "explosive mixture" as used in this section shall mean any substance so arranged as to burn in less than one second. "Combustible substance" shall mean any substance so arranged as to burn in more than one second. [Amended by 1967 c.417 §23; 1981 c.635 §1; 1983 c.788 §5]

**480.120 Sale, possession and use of fireworks prohibited; exceptions; enforcement.** (1) No person shall sell, keep or offer for sale, expose for sale, possess, use, explode or have exploded any fireworks within Oregon, except as follows:

(a) Sales by manufacturers and wholesalers to customers residing outside this state in accordance with ORS 480.156;

(b) Sales to persons or organizations having obtained a permit from the State Fire Marshal for supervised public display;

(c) Sales to railroads, boats, motor vehicle or other transportation agencies, to be used for signal, warning or illumination purposes in connection with such business;

(d) Sale or use of blank cartridges for licensed shows or theatres or for signal or ceremonial purposes in athletics or sports;

(e) Experimental purposes by a manufacturer of explosives at such places where such experiments are normally conducted;

(f) Sale of blank cartridges for use by the militia or any organization of war veterans or other organization authorized by law to parade in public a color guard armed with firearms;

(g) Sale of shells, cartridges, gunpowder or explosives for use in legally permitted firearms;

(h) Sales of items described in ORS 480.127 to persons who possess the retail sales permit required by ORS 480.127 by a person who holds a manufacturer or wholesaler license issued pursuant to ORS 480.110 to 480.165; or

(i) Sales of items described in ORS 480.127 to individual members of the general public for personal use by taking direct delivery of those items at the time of sale from the holder of a retail sale permit issued pursuant to ORS 480.127.

(2) Law enforcement officers of the state, county or municipality shall enforce the provisions of ORS 480.110 to 480.160. [Amended by 1983 c.788 §1; 1985 c.789 §1]

### 480.122 Use for repelling birds or animals allowed.

(1) Notwithstanding the provisions of ORS 480.110 to 480.124 and 480.130 to 480.150, an owner or lessee of property located outside of an incorporated city may purchase, maintain, use and explode fireworks on the owned or leased property for the purpose of scaring away or repelling birds or animals which are or may be injurious or destructive to forest or agricultural products or crops.

(2) Any person described in subsection (1) of this section desiring to use and explode fireworks to scare or repel birds or animals shall first secure a permit from the State Fire Marshal for that purpose. The State Fire

# OREGON REVISED STATUTES

Marshal, upon receipt of application for such permit, shall determine if the proposed purchase and use conforms to law and any rules or regulations promulgated by the office of the fire marshal. If the fire marshal finds that the applicant is qualified to use the fireworks and the proposed use is in accordance with the law and rules and regulations, the fire marshal shall issue a permit; otherwise the fire marshal shall refuse to issue it.

(3) Such permit may be revoked by the State Fire Marshal at any time fire marshal verifies there is a violation of the provisions of the permit or the rules and regulations under which it is issued.

(4) The State Fire Marshal is authorized to promulgate rules and regulations relating to the use of fireworks to scare or repel birds or animals which are injurious to or destructive to forest or agricultural crops or products. [1961 c.293 §2; 1987 c.158 §106]

**480.124 Use for control of predatory animals allowed.** Notwithstanding the provisions of ORS 480.110 to 480.165, fireworks may be purchased, maintained, used and exploded by federal or state agencies authorized and required by ORS 610.002 to 610.020 to eradicate and control predatory animals. Such purchase and use shall be in compliance with rules and regulations promulgated by the State Fire Marshal, with the approval of the state agencies authorized and required by ORS 610.002 to 610.020 to eradicate and control predatory animals. [1961 c.293 §3]

**480.127 Sale permit for certain items; when required; fee.** (1) Any person who desires to sell cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers or combination items at retail to individual members of the general public for personal use shall apply in writing to the State Fire Marshal for a permit at least 15 days in advance of the proposed sale. The State Fire Marshal shall issue the permit only if the State Fire Marshal finds that the applicant is qualified to conduct the proposed sale and that the proposed sale will conform to the provisions of ORS 480.110 to 480.165 and any rules promulgated pursuant thereto. A fee may be charged for the permit. Subject to prior approval by the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee, the amount of the fee shall be set by rule and shall be adjusted subsequently by the State Fire Marshal to finance the administrative expenses incurred under this section and shall be within the budget authorized by the Legislative Assembly as that budget may be modified by the Emergency Board.

(2) The permit required by subsection (1) of this section shall not be valid for more than one year from the date of issuance and shall authorize sales only between midnight June 22 and midnight July 6 of any given calendar year.

(3) Notwithstanding any other provision of law, the State Fire Marshal shall not prescribe limitations on the aggregate amount of items described in subsection (4) of this section at a sales facility operated by a person who holds the permit referred to in this section. However, such items shall be stored in accordance with such fire codes as

the State Fire Marshal by rule may prescribe to insure safe storage of such materials. In prescribing such rules the State Fire Marshal may consider, among other matters, requirements of the United States Department of Transportation regarding the storage of hazardous materials.

(4) As used in this section:

(a) "Combination item" means a device that contains combinations of two or more of the effects described in paragraphs (b) to (g) of this subsection.

(b) "Cone fountain" means a cardboard or heavy paper cone containing not more than 50 grams of pyrotechnic composition. The effect upon ignition is the same as that of a cylindrical fountain.

(c) "Cylindrical fountain" means a cylindrical tube not more than three-fourths inch (19mm) inside diameter and containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground, a wood or plastic base for placing on the ground or a wood or cardboard handle if intended to be handheld.

(d) "Flitter sparkler" means a narrow paper tube containing not more than 100 grams of pyrotechnic composition that produces colored sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

(e) "Ground spinner" means a small device similar to a wheel in design and effect and containing not more than 60 grams of pyrotechnic composition. When placed on the ground and ignited, a shower of colored sparks is produced by the rapidly spinning device.

(f) "Illuminating torch" means a cylindrical tube containing not more than 100 grams of pyrotechnic composition. This device may be provided with a spike for insertion into the ground, a wood or plastic base for placing on the ground or a wood or cardboard handle if intended to be handheld.

(g) "Wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain not more than six driver units or tubes not exceeding one-half inch (12.5mm) inside diameter and containing not more than 60 grams of pyrotechnic composition. Upon ignition, the wheel revolves and produces a shower of colored sparks, and sometimes a whistling effect. [1983 c.788 §3; 1991 c.703 §14]

**480.130 Permit required for sale or public display of fireworks; fee.** (1) All persons, municipalities, associations or organizations or groups of individuals desiring to sell, discharge, fire off, explode or display fireworks for a public display, or to sell items described in ORS 480.127 (4) to persons who possess the permit referred to in ORS 480.127, shall apply in writing to the State Fire Marshal for a permit at least 15 days in advance of the proposed sale or date of the display. The State Fire Marshal, upon receipt of such application, shall determine if the proposed sale or display will conform to law and any rules promulgated thereunder. If the State Fire Marshal finds that the applicant is qualified to conduct such sale or

# OREGON REVISED STATUTES

display and that the proposed sale or display is in accordance with the law and all rules, the State Fire Marshal shall issue a permit; otherwise the State Fire Marshal shall refuse to issue it.

(2) The fee for a permit for the public display of fireworks and each permit for sale of fireworks or items described in ORS 480.127 (4) shall be established by rule by the State Fire Marshal, subject to prior approval by the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee, and subsequently shall be adjusted to finance the administrative expenses incurred under this section and shall be within the budget authorized by the Legislative Assembly as that budget may be modified by the Emergency Board. All fees collected shall be deposited to the credit of the State Fire Marshal Fund.

(3) Sales permits for fireworks or items described in ORS 480.127 (4) shall not be valid for more than one year from date of issue. A public display permit shall not be valid for more than 10 days from date of issuance and shall authorize only one fireworks display during that period. [Amended by 1967 c.417 §24; 1983 c.788 §6; 1985 c.789 §2; 1991 c.703 §15]

**480.140 Fireworks displays to be under supervision of police and fire department chiefs or county court.** (1) Every such display held within the boundaries of any municipality shall be under the supervision of the chiefs of police and fire departments of the municipalities in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.

(2) Every such display held outside the boundaries of any municipality or fire protection district shall be under the supervision of the county court of the county in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the county court or of a county official duly authorized by the county court, after proper inspection, shall not be hazardous to property or endanger any person.

**480.150 Permits for fireworks sales or displays; rules; security.** (1) The State Fire Marshal may adopt reasonable rules for granting permits for supervised public displays or sales of fireworks or items described in ORS 480.127 (4) by municipalities, fair associations, amusement parks, and other persons, organizations or groups of individuals. The governing body of any municipality, or of any county, may require liability insurance, or an irrevocable letter of credit issued by a commercial bank as defined in ORS 706.005 or other form of indemnity deemed adequate by the municipality, or the county, from any person, in a sum not less than \$500, conditioned for payment of all damages which may be caused either to a person or property by reason of the authorized display or sale and arising from any acts of any person or agents, employees or subcontractors of the person. At the time a permit is revoked, the State Fire Marshal or approving authority may include in the revocation order a provision prohibiting the holder of the revoked permit from applying

for or obtaining another such permit, for a period not to exceed three years from the revocation date, if the State Fire Marshal or approving authority finds that the circumstances of the permit holder's failure to comply with applicable sale or display statutes and regulations presented a significant fire hazard or other public safety danger.

(2) The State Fire Marshal or the approving authority of any governmental subdivision may revoke permits for display or sale of fireworks or items described in ORS 480.127 when in the opinion of the State Fire Marshal or the approving authority the sale or display of fireworks or items described in ORS 480.127 (4) is not in compliance with applicable statutes and regulations governing such sale or displays.

(3) Permit fees required by ORS 480.130 shall not be refunded in the event such permits are revoked. [Amended by 1967 c.417 §25; 1983 c.788 §4; 1985 c.789 §3; 1991 c.331 §72]

**480.152 Publication of advertisement for sale of unlawful fireworks prohibited.** (1) No person shall publish or cause to be published

(a) Any advertisement for the sale of fireworks the use or possession of which is declared unlawful by ORS 480.110 to 480.165.

(b) Any advertisement for the sale of items described in ORS 480.127 in any county, municipality or fire protection district that by law or ordinance has declared the sale or use of such items is prohibited.

(2) Subsection (1) of this section does not apply to any advertising medium which accepts such advertising in good faith, without knowledge of the violation of law. [1985 c.789 §7]

**480.154 Manufacturer or wholesaler required to maintain records of sale of fireworks; shipments to show permit number; confiscation.** (1) Each manufacturer or wholesaler of fireworks or items described in ORS 480.127 shall keep a record of all sales showing the name and address of the purchaser, the state of destination, license and permit numbers, the state and date of permit issuance and a list of the type and quantity of fireworks or items sold.

(2) All shipments of fireworks or items described in ORS 480.127 coming into this state must show the appropriate permit number of the addressee on the outside of the package. If the permit number is not so shown, such shipment may be confiscated by a law enforcement officer or fire protection enforcement authority having jurisdiction. [1985 c.789 §8]

**480.156 Sale of fireworks to out-of-state resident without valid license or permit prohibited; seller to ascertain license or permit requirements of other states; seller's records.** (1) It is unlawful for any person to sell fireworks or items described in ORS 480.127, at wholesale to any out-of-state resident who does not possess and present to the seller for inspection at the time of sale a valid license or permit issued in the name of such out-of-state resident, if such license or permit is required to purchase, possess, transport, store, distribute, sell or otherwise deal with or use fireworks or items described in ORS 480.127, by the laws of such other state.

# OREGON REVISED STATUTES

(2) The burden of ascertaining whether the laws of such other state require a license or permit and whether the purchaser possesses such a valid license or permit shall be entirely on the seller. Each seller shall record, in a manner prescribed by the State Fire Marshal, each sale described in this section. The record shall include the identification of type and quantity of fireworks sold, name of purchaser, state of destination, state issuing license or permit and number or other identifying description and date of issue of license or permit. [1985 c.789 §9]

**480.158 Parents of minor liable for costs incurred in suppressing fires caused by use of fireworks by minor; exception.** (1) In addition to any other remedy provided by law, the parent or parents of an unemancipated minor child shall be liable for costs incurred by a public fire agency in suppressing fires caused by use of fireworks by such minor child. However, a parent who is not entitled to legal custody of the minor child at the time of the fire shall not be liable for such damages.

(2) The legal obligation of the parent or parents of an unemancipated minor child to pay damages under this section shall be limited to not more than \$5,000 payable to the same claimant, for one or more acts.

(3) When an action is brought under this section on parental responsibility for acts of their children, the parents shall be named as defendants therein and, in addition, the minor child shall be named as a defendant. The filing of an answer by the parents shall remove any requirement that a guardian ad litem be required.

(4) Nothing in subsections (1) to (3) of this section applies to foster parents. [1985 c.789 §6]

**480.160 Local regulation and effect thereon of state law; local enforcement authority.** (1) Nothing in ORS 480.110 to 480.165, nor in any permit issued thereunder, shall authorize the manufacture, sale, use or discharge of fireworks or items described in ORS 480.127 in any city, county or fire protection district in which such manufacture, sale, use or discharge is otherwise prohibited by law or municipal ordinance; nor shall any city, county or fire protection district authorize the sale or use of any fireworks prohibited by the provisions of ORS 480.110 to 480.165.

(2) For the purposes of enforcing ORS 480.110 to 480.165 in an area exempt under ORS 476.030 (3) within a rural fire protection district, the fire marshal, if there is one, or the fire chief of that rural fire protection district has the same enforcement authority as the State Fire Marshal.

(3) No person shall deliver or cause to be delivered into any county, municipality or rural fire protection district for the purpose of sale to individual members of the general public for personal use any items described in ORS 480.127 if the county, municipality or rural fire protection district by law or ordinance has declared that the sale or use of such items is prohibited.

(4) The manufacture, sale, use or discharge of fireworks or items described in ORS 480.127 may be regulated by the governing body of a rural fire protection district, subject to the following conditions:

(a) The regulation must be by ordinance adopted by the governing body of the district, after public notice and hearing, not later than January 1 of any calendar year in which regulation is to be operative.

(b) The regulation shall not be operative within the boundaries of any city that regulates such matters by city ordinance.

(c) The regulation shall not prohibit the manufacture, sale, use or discharge of fireworks or items referred to in ORS 480.127, the manufacture, sale, use or discharge of which is authorized by ORS 480.110 to 480.165.

(d) The regulation may not limit sales to less than five days per calendar year, and must include the five consecutive day period beginning June 30. [Amended by 1983 c.788 §7; 1985 c.789 §4; 1993 c.185 §32]

**480.165 Civil penalty for fireworks law violations.** (1) In addition to any other penalty provided by law, any person who violates any provision of ORS 480.110 to 480.165, or any rule adopted by the State Fire Marshal pursuant thereto, is subject to a civil penalty imposed by the State Fire Marshal in an amount not to exceed \$500 per violation. However, an individual member of the general public who possesses fireworks of a retail value less than \$50 is not subject to a civil penalty. Each day a violation continues shall be considered a separate offense.

(2) All moneys recovered pursuant to this section shall be paid into the State Fire Marshal Fund.

(3) Civil penalties under this section shall be imposed as provided in ORS 183.090. [1991 c.856 §2,3]

**480.170** [Repealed by 1987 c.158 §107]

## PENALTIES

**480.990 Penalties.** (1) Violation of any provision of ORS 480.010 to 480.040 is a Class B violation.

(2) Violation of any provision of ORS 480.050, 480.060 or 480.290 is a Class C misdemeanor.

(3) Violation of ORS 480.070 is a Class A misdemeanor.

(4) Violation of ORS 480.085 is a Class B violation.

(5) Violation of any provision of ORS 480.110 to 480.165 is a Class B misdemeanor. Violations thereof may be prosecuted in state or municipal courts when violations occur within the municipality served thereby. Justice courts shall have concurrent jurisdiction with circuit courts in all proceedings arising within ORS 480.110 to 480.165.

(6) Subject to ORS 153.022, violation of any provision of ORS 480.210, 480.215, 480.235 and 480.265 or of any rule or regulation adopted under ORS 480.280 (1) is a Class B misdemeanor.

(7) Violation of any provision of ORS 480.420 to 480.460 is a Class B violation.

## OREGON REVISED STATUTES

---

(8) Subject to ORS 153.022, violation of any provision of ORS 480.510 to 480.670, or any rule promulgated pursuant thereto, is a Class A misdemeanor. Whenever the Board of Boiler Rules has reason to believe that any person is liable to punishment under this subsection, it may certify the facts to the Attorney General, who may cause an appropriate proceeding to be brought. [Subsection (4) of 1963 Replacement Part enacted as 1961 c.722 §3; subsection (10) enacted as 1961 c.485 §24; subsection (4) enacted as 1963 c.384 §3; 1965 c.602 §24; subsection (3) enacted as 1967 c.417 §22; subsection (7) enacted as 1971 c.518 §25; 1983 c.676 §22; 1985 c.165 §3; 1987 c.158 §111; 1991 c.863 §59; 1999 c.1051 §193]

# OREGON ADMINISTRATIVE RULES

---

## AGRICULTURAL FIREWORKS ADMINISTRATIVE RULES Effective January 1, 2007

### TABLE OF CONTENTS

<b>AGRICULTURAL FIREWORKS</b>		<b>Page</b>
837-012-0305	Purpose and Scope	1
837-012-0310	Agricultural Permit Applications	1
837-012-0315	Definitions	1
837-012-0320	Storage of Agricultural Fireworks	2
837-012-0325	Permits-Denial, Suspension and/or Revocation	2
837-012-0330	General	3
837-012-0340	Permit Fees	3
837-012-0350	Issuance of Agricultural Permits	4
837-012-0360	Purchase of Agricultural Fireworks	4
837-012-0370	Prohibited Acts and Limitations	4



# OREGON ADMINISTRATIVE RULES

---

## Agricultural Fireworks

### 837-012-0305

#### Purpose and Scope

- (1) These rules establish agricultural permit, permit application and other requirements for those persons permitted under ORS 480.122 and 480.124 to obtain agricultural permits to control birds and predatory animals that are injurious to crops.
- (2) An agricultural permit allows the permit holder to engage only in those activities including the purchase, transportation, possession, storage and use of agricultural fireworks (1.4E) when those activities are otherwise in conformance with the requirements of ORS 480.122 and 480.124, these rules, and any other applicable state, federal, or local requirements.
- (3) An individual member of the general public may not buy or use agricultural fireworks unless they have applied for and obtained an agricultural fireworks permit from the Office of State Fire Marshal pursuant to these rules. Violation of these rules may result in confiscation of the fireworks, and the assessment of penalties in accordance with ORS 480.990 and OAR 837-012-0560.

Stat. Auth.: ORS 480.122 & ORS 480.124

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 42, f. 4-15-70, ef. 5-11-70; Renumbered from 837-031-0005; OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02

### 837-012-0310

#### Agricultural Permit Applications

- (1) Any person engaged in, or intending to engage in, the use of agricultural fireworks must apply for and obtain an agricultural permit issued by the Office of State Fire Marshal.
- (2) Upon receipt of a properly completed and approved application, the Office of State Fire Marshal will issue a nontransferable permit to the applicant or persons designated to discharge the fireworks. The State Fire Marshal may deny any application for a permit to discharge agricultural fireworks upon determining the proposed purchase or use is not in accordance with these rules or applicable statutes. A separate agricultural permit must be applied for and obtained for each person who desires to use agricultural fireworks.
- (3) The permit application for an agricultural fireworks permit must be made on a form provided by the Office of State Fire Marshal.
- (4) All information provided by the applicant on the permit application must be true and correct to the agricultural permit applicant's knowledge.

(5) As part of the permit application process, the applicant must obtain the signature of either the state game management or federal game management authority on the permit application.

(6) The applicant must obtain the signature of the game management authority prior to submitting the permit application to the Office of State Fire Marshal.

(7) Permit applications that do not contain the signature required in OAR 837-012-0360(5) will not be approved, and will be returned to the applicant.

(8) The Office of State Fire Marshal will either grant or deny permit applications within 10 days following receipt of a properly completed and submitted permit application.

Stat. Auth.: ORS 480.122 & 480.124

Stats. Implemented: ORS 480.110 - 480.165

Hist.: FM 42, f. 4-15-70, ef. 5-11-70; Renumbered from 837-031-0010; OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02; OSFM 7-2005, f. 5-24-05, cert. ef. 6-7-05

### 837-012-0315

#### Definitions

(1) "Agent" means an individual designated by the permit holder to pick up the agricultural fireworks authorized by the agricultural permit from an Oregon licensed wholesaler when the permit holder is unable to pick up the agricultural fireworks. The agent must have the agricultural permit (or a copy) issued by the State Fire Marshal in their possession at the time the agricultural fireworks are picked up from the wholesaler.

(2) "Agricultural Fireworks" (also referred to as explosive pest control devices) means fireworks designed and intended solely for the use in controlling wildlife pests and that has a container that is a cardboard/pasteboard-type tube not exceeding 4" in length and 3/4 inch in diameter or a shotgun shell type container. Such devices may only contain pyrotechnic compositions, e.g., black powder, flash powder, or smokeless powder. The component that produces the audible report may not contain more than 40 grains (2.592 grams) of explosive composition. Agricultural fireworks/explosive pest control devices must be tested, classified and approved by the United States Department of Transportation. Agricultural fireworks may be used only for the purpose of scaring away or repelling birds or animals pursuant to ORS 480.122 or controlling Predatory Animals pursuant to ORS 480.124. Agricultural fireworks do not include retail fireworks, public display fireworks, or exempt fireworks.

# OREGON ADMINISTRATIVE RULES

---

(3) "Agricultural Permit" means the official written document issued by the Office of State Fire Marshal pursuant to ORS 480.122 and 480.124 and OAR 837-012-0305 through 837-012-0370 granting permission to a person to use agricultural fireworks.

(4) "Exempt Fireworks" means novelties and trick noisemakers.

(5) "Fire Protection District" means any district created under the laws of Oregon or the United States, including rural Fire Protection Districts and any federal, state or private forest patrol areas. Reference ORS 480.110(2).

(6) "Fireworks" has the meaning provided in ORS 480.110(1). The term includes retail fireworks, public display fireworks and agricultural fireworks. The term does not include exempt fireworks.

(7) "Illegal Fireworks" means any fireworks other than those described in ORS 480.127(4) including but not limited to, any firework that flies into the air, or explodes or behaves in an uncontrolled and unpredictable manner.

(8) "Individual" means a single human being.

(9) "Individual Member of the General Public" means any person who has not been issued a wholesale permit, a general, limited or special effects public display permit, a retail permit or an agricultural permit by the Office of State Fire Marshal.

(10) "Local Fire Authority" means the local fire authority having jurisdiction over the agricultural fireworks use and storage sites.

(11) "May" means a regulation of conduct and implies probability or permission.

(12) "May not" means a prohibition of conduct.

(13) "Must" means a mandatory requirement.

(14) "Novelties and Trick Noisemakers" means those items described in ORS 480.110(1)(a) through 480.110(1)(b) and NFPA 1124, Section 1.4, 2003 Edition. It also means exempt fireworks.

(15) "Permit Application" means the form and accompanying documentation required to be completed and submitted to the Office of State Fire Marshal for approval prior to the issuance of an agricultural permit.

(16) "Permit Holder" means the person referred to in ORS 480.122 who:

(a) Desires to purchase, maintain, use, and explode agricultural fireworks for the purpose of scaring away or repelling birds or animals which are or may be injurious or destructive to forest or agricultural products or crops,

(b) Has applied to the State Fire Marshal for an agricultural permit;

(c) The State Fire Marshal has issued an agricultural permit referred to in ORS 480.122;

(d) Is responsible for any activities conducted under the agricultural permit.

(17) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts and other public corporations.

(18) "Public Display Fireworks" means fireworks that are authorized under a general, limited, or special effects public display permits issued pursuant to ORS 480.130, 480.140 and 480.150.

(19) "Retail Fireworks" means those items described in ORS 480.127(4), specifically combination items, cone fountains, cylindrical fountains, flutter sparklers, ground spinners, illuminating torches, and wheels. The term does include a firework designed with the means to roll or move while remaining on the ground, that travels 12' or less horizontally on smooth surfaces.

(20) "Sell" means to transfer possession of property from one person to another person for consideration.

(21) "Wholesaler" means any person who sells or provides by any other means, or intends to sell or provide by any other means fireworks, retail fireworks, public display fireworks, or agricultural fireworks.

Stat. Auth.: ORS 480.122 & 480.124

Stats. Implemented: ORS 480.110 - 480.165

Hist.: FM 42, f. 4-15-70, ef. 5-11-70; Renumbered from 837-031-0015; OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02; OSFM 7-2005, f. 5-24-05, cert. ef. 6-7-05

## **837-012-0320**

### **Storage of Agriculture Fireworks**

Agricultural fireworks must be stored in accordance with the requirements of these rules, the Oregon Fire Code and the Oregon Structural Specialty Code.

Stat. Auth.: ORS 480.122 & 480.124

Stats. Implemented: ORS 480.110 - 480.165

## **837-012-0325**

### **Permits-Denials, Suspensions, Revocations**

(1) The State Fire Marshal may deny, suspend or revoke an agricultural permit for violation of ORS 480.110 through 480.165 and OAR Chapter 837, Division 12. Any such revocation, suspension or denial will be in conformance with ORS 183.310 to 183.550.

(2) The period of denial, suspension or revocation may not exceed three years.

# OREGON ADMINISTRATIVE RULES

- (3) The following criteria are used by the Office of State Fire Marshal to determine the appropriate sanction:
- (a) The severity of the violation or violations and the impact on public safety, particularly if the circumstances of a violation presented a significant fire hazard or other public safety danger;
  - (b) The number of similar or related violations; alleged to have been committed in the current transaction or occurrence;
  - (c) Whether the violation or violations were willful or intentional;
  - (d) The prior history of sanctions imposed by the Office of State Fire Marshal against the agricultural permit holder or applicant; and
  - (e) Other circumstances determined by the Office of State Fire Marshal to be applicable to the particular violation or violations.
- (4) Suspension or revocation of an agricultural permit may include suspension or revocation of the current permit and the right to apply for a subsequent permit. Stat. Auth.: ORS 480.122 & ORS 480.124  
Stats. Implemented: ORS 480.110 - ORS 480.165  
Hist.: FM 42, f. 4-15-70, ef. 5-11-70; Renumbered from 837-031-0025; OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02

## 837-012-0330

### General

- (1) Agricultural permit holders desiring to engage in other types of fireworks activities, including wholesale sales, public displays or retail sales, must meet all applicable requirements in ORS 480.110 through 480.165 and OAR Chapter 837, Division 12.
- (2) Agricultural permit holders must notify the Office of State Fire Marshal, in writing, within 24 hours of the date of change, of:
- (a) The agricultural permit holder's mailing address, telephone number,
  - (b) The storage address of the agricultural fireworks.
- (3) Change of the storage location of the agricultural fireworks is subject to prior written approval by the local fire authority and the Office of State Fire Marshal.
- (4) Agricultural permit holders must comply with all applicable federal, state and local laws, rules and regulations including, without limitation:
- (a) ORS 480.110 through 480.165;
  - (b) OAR Chapter 837, Division 12;
  - (c) Oregon Fire Code, 2004 Edition; and
  - (d) Oregon Structural Specialty Code, 2004 Edition.
- (5) Agricultural permit holders must purchase agricultural fireworks only from wholesalers having the necessary and current permits required by ORS

480.110 to 480.160 and OAR 837-012-0500 through 837-012-0570.

- (6) Agricultural permit holders may request a duplicate copy of their agricultural permit by certifying to the Office of State Fire Marshal, in writing, their agricultural permit has been lost, stolen, or destroyed. Written requests must be signed and dated by the agricultural permit holder.
- (7) The issuance of an agricultural permit does not in any way constitute approval by the Office of State Fire Marshal of any agricultural fireworks purchased, sold, or provided pursuant to the agricultural permit.
- (8) An agricultural permit allows the permit holder to engage in the purchase, transportation, possession, storage and use of agricultural fireworks when those activities are otherwise in conformance with the applicable requirements of ORS 480.110 through 480.165, OAR Chapter 837, Division 12 and any other federal, state or local laws, rules or regulations pertaining to fireworks.
- (9) An agricultural permit does not authorize the:
- (a) Purchase, possession or sale of illegal fireworks by or to any person; or
  - (b) The sale, re-sale, or provision of agricultural fireworks by or to any person other than the agricultural permit holder.
- (10) Any agricultural permit holder, other than an individual, is required by the State Fire Marshal to list the name, age, address, and phone number of one individual in a management position within their company or organization, on the permit application.
- (11) Individuals firing agricultural fireworks shall be a minimum of 18 years of age.
- (12) Only the agricultural permit holder, and any employees of the agricultural permit holder, may engage in activities authorized by the agricultural permit.
- (13) Agricultural permits, and the rights conveyed by the agricultural permit, are not transferable. Stat. Auth.: ORS 480.122 & 480.124  
Stats. Implemented: ORS 480.110 - 480.165  
Hist.: FM 42, f. 4-15-70, ef. 5-11-70; Renumbered from 837-031-0030; OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02; OSFM 7-2005, f. 5-24-05, cert. ef. 6-7-05
- ## 837-012-0340
- ### Permit Fees
- There are no fees for this application. Stat. Auth.: ORS 480.122  
Stats. Implemented: ORS 480.122 & ORS 480.124  
Hist.: OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02

# OREGON ADMINISTRATIVE RULES

---

## 837-012-0350

### Issuance of Agricultural Permits

- (1) Each agricultural permit contains a unique number assigned by the Office of State Fire Marshal.
  - (2) Only one agricultural permit is required for each agricultural location. A permit application may contain multiple use locations provided each location is owned, leased, or used by the permit holder.
  - (3) The agricultural permit is valid only for the location of use listed on the agricultural permit.
  - (4) The agricultural permit will be mailed to the permit holder at the mailing addressed listed on the permit application.
  - (5) An initial agricultural permit issued by the Office of State Fire Marshal is valid from the date of issue up to three years as determined by the OSFM.
  - (6) Upon renewal, agricultural permits are valid for a period not to exceed three years.
- Stat. Auth.: ORS 480.122  
Stats. Implemented: ORS 480.122 & ORS 480.124  
Hist.: OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02124

## 837-012-0360

### Purchase of Agricultural Fireworks

- (1) Permit holders must be 18 years of age or older.
- (2) Agricultural permit holders may purchase or otherwise obtain agricultural fireworks only from wholesalers who possess a valid and current wholesale permit issued by the Office of State Fire Marshal. Exception: In the case of state game management or federal game management authorities who provide agency approved game management assistance to permit holders; once a permit has been issued – state game management or federal game management authorities may supply agricultural fireworks to the permit holder under the following criteria:
  - (a) Agricultural permit holders may only obtain agricultural fireworks listed on their agricultural fireworks permit.
  - (b) The state game management or federal game management authority who supplies agricultural fireworks must maintain a record of all agricultural fireworks supplied and make such records available to the Office of State Fire Marshal upon request.
  - (c) Any decision by a state game management or federal game management authority to supply agricultural fireworks must be in conformance with their specific agency policies and procedures for the distribution of agricultural fireworks.
- (3) Once an agricultural fireworks permit has been issued and the wholesaler selected; if an agricultural permit holder desires to obtain agricultural fireworks from another wholesaler, the agricultural permit

holder must notify the Office of State Fire Marshal at least 24 hours prior to purchasing the agricultural fireworks from another licensed agricultural fireworks wholesaler.

Stat. Auth.: ORS 480.122

Stats. Implemented: 480.122 & ORS 480.124

Hist.: OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02

## 837-012-0370

### Prohibited Acts and Limitations

- (1) An agricultural permit does not allow the permit holder to purchase, possess, or sell any other types of fireworks.
  - (2) Agricultural fireworks may not be utilized for any purpose other than the use as stated on the permit application.
  - (3) Agricultural fireworks utilized for any other use than the permitted use may result in the immediate suspension of the agricultural permit and confiscation of the unused agricultural fireworks.
  - (4) A permit holder may not sell or provide by any other means agricultural fireworks or any other fireworks to any other person including other permit holders.
  - (5) The agricultural permit does not authorize the manufacture, sale, use, discharge or possession of agricultural fireworks in any city or county where agricultural fireworks are prohibited by law or ordinance.
  - (6) No permit holder may maintain or allow the existence of a fire hazard at any location under their control where agricultural fireworks are stored, transported, or used.
  - (7) Permit holders may not provide agricultural fireworks to anyone other than an authorized employee or owner of the permit holder's business for the purpose specified on the permit applications.
- Stat. Auth.: ORS 480.122  
Stats. Implemented: 480.122 & ORS 480.124  
Hist.: OSFM 10-2001(Temp), f. & cert. ef. 12-12-01 thru 6-9-02; OSFM 3-2002, f. & cert. ef. 2-25-02