

A person who violates any provision of Oregon Revised Statutes (ORS) or any Oregon Administrative Rule (OAR) adopted by the State Fire Marshal (SFM) under these statutes, is subject to a civil penalty imposed by the SFM in an amount not to exceed \$500 per violation. Civil penalties may be issued by fire authorities as defined in ORS 476.060. In addition to issuing citations and penalties, the SFM and fire authorities acting in accordance with ORS 476.060 and 480.154(2) and OAR 837-012-560(1)(a) and 837-012-675(1)(a):

- *May confiscate any amount of illegal fireworks; and*
- *May confiscate other fireworks possessed by persons violating ORS 480.110 through 480.165 and OAR Chapter 837, Division 12. Civil Penalty citation books may be obtained from the SFM.*

APPLICABLE STATUTES AND ADMINISTRATIVE RULES

Oregon Revised Statutes 480.110 to 480.165
Oregon Revised Statutes 183.413 to 183.470
Oregon Administrative Rules Chapter 837, Division 12

FEE MATRIX FOR PENALTIES

VIOLATION TYPE	VIOLATION INSTANCE		
	1	2	3
I. Least	Warning	\$25	\$75
II. Minimal		\$25	\$75
III. Moderate		\$75	\$150
IV. Severe		\$125	\$250

Violation Instance means the number of times a person has committed a violation.

Violation Type means the classification of a violation identified as Type I, II, III or IV.

- **Type I** violation is one which poses very little hazard or threat
- **Type II** violation is one which poses a minor hazard or threat
- **Type III** violation is one which poses a significant hazard or threat
- **Type IV** violation is one which poses a substantial hazard or threat.

VIOLATION EXAMPLES

Type I Violations include but are not limited to:

- Failure to post "No Smoking" signs at the retail fireworks sales stand;
- Failure to provide required fire extinguishing equipment at the retail fireworks sales stand;
- Failure to maintain a clean, orderly area within 20 feet of the retail sales area;
- Failure to keep a copy of the retail sales permit at the retail sales stand while the stand is open;
- Possession of illegal fireworks worth less than \$50.

Type II Violations include but are not limited to:

- Failure to have a person 18 years of age or over inside the retail sales stand during business hours;
- Omission of the required wholesale permit number, address and name of the wholesaler on any fireworks shipped within or into the State of Oregon;
- Omission of the name of the retail sales permit holder and retail sales permit number on fireworks cartons, containers, cases, and associated paperwork purchased by the permit holder and shipped within or into the State of Oregon;
- Possession of more than \$50 but less than \$100 worth of illegal fireworks;
- Discharge of less than \$50 worth of illegal fireworks;
- Smoking or the ignition of fireworks within 100 feet of any fireworks stand.

Type III Violations include but are not limited to:

- Possession of \$100 or more of illegal 1.4g (class C) fireworks;
- Sale of any amount of 1.4g (class C) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- Sales of allowed fireworks to a person who is under 16 years of age;
- The purchase of fireworks by an Oregon retail permit holder from an unlicensed wholesaler;
- Purchase of any amount of 1.4g (class C) fireworks without the necessary permits issued by the Office of State Fire Marshal or, where required, the local authority having jurisdiction;
- Manufacturing or altering any fireworks;
- Storage of any amount of 1.3g (class B) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- Use of fireworks in a manner that presents a danger to life or property.

Type IV Violations include but are not limited to:

- Possession of \$50 or more of 1.3g (class B) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- Conducting a public fireworks display without the necessary permits and/or pyrotechnician certification issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction

- Purchase of any amount of 1.3g (class B) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- Conducting the sale of any amount of 1.3g (class B) fireworks without the necessary permits issued by the Office of State Fire Marshal and/or, where required, the local authority having jurisdiction;
- Conducting a public display using illegal or unauthorized fireworks;
- Intentional or indiscriminate use of fireworks which injure someone or cause more than \$250 in property damage;
- Wholesale sales of fireworks without an Oregon wholesale permit;
- Storage of fireworks by a wholesaler in an unapproved location.

CITATION PROCESS

Fire authority issues the SFM civil penalty notice of violation.

The notice is forwarded to the SFM within 10 days of being issued. Whenever possible, the notice should be accompanied by a copy of the fire authority's written report, inspection sheet, evidence receipt or any other forms completed during the process of issuing the notice.

The SFM will issue a notice of civil penalty based on the information received from the issuing authority.

The person being cited has the right to request a hearing regarding the civil penalty. If a hearing is requested, it is conducted in accordance with the provisions of the Administration Procedures Act under ORS 183.413 to 183.470.

CIVIL PENALTIES FOR VIOLATION OF OREGON'S FIREWORKS LAWS AND RULES

OFFICE OF STATE FIRE MARSHAL

OREGON STATE POLICE



LICENSE AND PERMITS BRANCH

**4760 Portland Road NE
Salem Oregon 97305-1760
(503) 934-8274
Fax: (503) 934-8288
www.oregon.gov/OSP/SFM/**

For more information or additional copies of this brochure, contact the Office of State Fire Marshal at (503) 934-8274.