

OFFICE OF STATE FIRE MARSHAL

PUBLIC DISPLAY OF FIREWORKS ADMINISTRATIVE RULES



OFFICE OF STATE FIRE MARSHAL

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PUBLIC DISPLAY OF FIREWORKS
ADMINISTRATIVE RULES
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PUBLIC DISPLAY OF FIREWORKS IN OREGON OREGON ADMINISTRATIVE RULES CHAPTER 837 DIVISION 12 Permanent Filing March 10, 2006

837-012-0700

Purpose and Scope

(1) The purpose of OAR 837-12-700 through 837-12-970 is to adopt rules to implement the standards, policies and procedures for public Fireworks Displays.

(2) These rules establish application, Permit and other requirements for public Fireworks Displays, certification requirements for public Fireworks Display Operators and requirements for public Fireworks Display Assistants.

Stat. Auth.: ORS 476 & ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;

OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0710

Effective Dates

OAR 837-012-0700 through 837-012-0970 are effective upon date of filing.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;

OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0720

Definitions

For the purpose of these rules, the following definitions apply to OAR 837-012-0700 through 837-012-0970:

(1) "Aerial Fireworks" means Fireworks that function in the air.

(2) "Aerial Shell" means a cylindrical or spherical cartridge containing pyrotechnic compositions, a long fuse or Electric Match wires, and a black powder Lift Charge.

(3) "Agricultural Fireworks" Shall mean Fireworks used 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.

(4) "Approved Applicant" means any Individual that meets the requirements of OAR Chapter 837, Division 12.

(5) "Assistant" means an Individual as set forth by OAR 837-012-0780 who works under the direction of an Operator to put on a Fireworks Display.

(6) "Barge" means a floating vessel or a floating platform.

(7) "Barrage" means a rapid-fire sequence of Aerial Fireworks. Mortars are loaded prior to the Display and the Aerial Shells are chain fused to fire in rapid sequence.

(8) "Black Match" means fuse made from string impregnated with black powder and used for igniting Fireworks devices.

(9) "Break" means an individual burst from an Aerial Shell, generally either producing a visual effect (stars) or noise (Salute). Aerial Shells can be either single-Break (having only one burst) or multi-Break (having two or more bursts).

(10) "Burst" means Break.

(11) "Burst Charge" means the composition in an Aerial Shell that, when ignited by the time fuse, ruptures the shell casing, ignites the shell contents and disperses the shell contents into the sky.

(12) "Cake Device" means Multi-shot Device.

(13) "Chain Fusing" means a series of two or more Aerial Shells used to fire in sequence from a single ignition. Finales and Barrages typically are Chain Fused.

(14) "Comet" means a firework consisting of a large pellet of pyrotechnic composition that is ignited and propelled from a Mortar tube by a black powder charge.

(15) "Designated Agent" means the Individual designated by the Permit Holder to pick up the Fireworks authorized by the Permit from an Oregon licensed Wholesaler when the Permit Holder is unable to pick up the Fireworks. The Designated Agent Shall have the Permit authorized by the State Fire Marshal in their possession at the time the Fireworks are picked up from the Wholesaler.

(16) "Discharge Site" means the area immediately surrounding the area where Fireworks are ignited for an outdoor Display.

(17) "Display" means an outdoor General or Limited Fireworks Display or an indoor or outdoor Fireworks Display using Special Effects Fireworks.

(18) "Display Fireworks" Shall mean Fireworks that are authorized under a General, Limited, or Special Effects Display Permit issued pursuant to ORS 480.130, 480.140 and 480.150.

(19) "Display Permit Application" Shall mean the form(s) and accompanying documentation required to be completed and submitted to the Office of State Fire Marshal for approval prior to the issuance of a Limited, General, or Special Effects Display Permit.

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(20) "Display Site" Shall mean the immediate area where a Fireworks Display is conducted and Shall include the Discharge Site, the Fallout Area, and the required separation distance from Fireworks Discharge Site to spectator viewing areas. The Display Site does not include spectator viewing areas or vehicle parking areas.

(21) "Dud" A Firework that leaves the mortar and returns to earth without producing the intended Break or effect.

(22) "Electric Match" means a device consisting of wires terminating at a relatively high resistance element surrounded with a small quantity of heat-sensitive Fireworks composition. When a sufficient electric current is passed through the wire circuit, the heat that is generated ignites the Fireworks composition, producing a small burst of flame.

(23) "Electrical Firing Unit" means the source of electrical current used to ignite Electric Matches. Generally, the firing unit will have switches to control the firing order and Shall have test circuits and warning indicator, etc.

(24) "Electrical Ignition" means a technique used to discharge Fireworks in which an Electric Match and source of electric current are used to ignite fuses or Lift Charges.

(25) "Exempt Fireworks" Shall mean Novelties and Trick Noisemakers.

(26) "Fall-Out Area" means the area over which Aerial Shells are fired. The shells burst over this area, and unsafe debris and malfunctioning Aerial Shells fall into this area. The Fall-Out Area is the location where a typical Aerial Shell dud will fall to the ground considering wind and the angle of Mortar placement. At a minimum, the Fall Out Area Shall be the required separation distance based on table of distances listed OAR 837-012-0840.

(27) "Finale" means a rapid-fire sequence (Barrage) of Aerial Fireworks, typically fired at the end of a Display. The Mortars are loaded prior to the Display, and the Aerial Shells are Chain Fused to fire in rapid sequence.

(28) "Fireworks" Shall have the meaning provided in ORS 480.110(1). The term includes Retail Fireworks, Public Display Fireworks, Special Effects Fireworks, and Agricultural Fireworks. The term does not include Exempt Fireworks.

(29) "Fireworks Detonation" means the entire contents of the Aerial Shell and the life charge are consumed in one simultaneous explosion at or near the bottom of the Mortar.

(30) "Flash Powder" means explosive composition intended for use in firecrackers and Salutes. Flash Powder produces an audible report and a flash of light when ignited. Typical Flash Powder

composition contains potassium chlorate or potassium perchlorate, sulfur or antimony sulfide, and powdered aluminum.

(31) "Flower Pot" means an Aerial Shell that Bursts before it leaves the Mortar, projecting its contents out of the Mortar similar to a mine. The force of the Aerial Shell Bursting usually does not rupture the Mortar.

(32) "Fusee" means a highway distress flare, sometimes used to ignite Fireworks at outdoor Displays.

(33) "General Display Operator" means an Individual who has been issued a General Display Operator Certificate who meets the requirements of OAR 837-012-0700 through 837-012-0970 and is qualified to be an Operator on a General or Limited Display.

(34) "General Display Permit" means a Permit to hold an outdoor Display using 1.3g Fireworks. General Displays may also include 1.4g Fireworks or Special Effects Fireworks.

(35) "General Fireworks Display" means a Display held outdoors, utilizing 1.3g Fireworks and may include 1.4g Fireworks and Special Effects Fireworks and Shall be conducted by a General Display Operator.

(36) "General Operator Certificate" means a document issued by the Office of State Fire Marshal authorizing the holder of the certificate to be an Operator at a General Fireworks Display.

(37) "Ground Display Piece" means a Firework that functions on the ground (as opposed to an Aerial Shell that functions in the air). Typical ground Fireworks Display pieces include fountains, roman candles, wheels, and "set pieces".

(38) "Individual" Shall mean a single human being.

(39) "Individual Member of the General Public" means any Person who has not been issued a Wholesale Permit, a Display Permit, a Retail Permit or an Agricultural Permit by the Office of State Fire Marshal.

(40) "Instructor" Shall mean the Individual¹ who delivers the training required under OAR 837-012-0780.

(41) "Lance" means a thin cardboard tube packed with a color producing pyrotechnic composition and used to construct Ground Display Pieces.

(42) "Law Enforcement Authority" means any law enforcement official having jurisdiction over the public Fireworks Display Site.

(43) "Lead Fuse" means a Fireworks fuse made of Quick Match that transfers fire from an ignition source to the Lift Charge of an Aerial Shell or other Fireworks.

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(44) "Lift Charge" means composition in an Aerial Shell that propels the Aerial Shell into the air when ignited.

(45) "Limited Fireworks Display" means a Display held outdoors limited to 1.4g Fireworks. Fireworks authorized by the Limited Permit are subject to limitation by the Local Fire Authority and/or the Office of State Fire Marshal.

(46) "Limited Display Operator" means an Individual who has been issued a Limited Display Operator Certificate who meets the requirements of OAR 837-012-0700 through 837-012-0970 and is qualified to be an Operator on a Limited Display.

(47) "Limited Display Permit" means a Permit to hold a Display using 1.4g Fireworks.

(48) "Limited Operator Certificate" means a document issued by the Office of State Fire Marshal authorizing the holder of the certificate to be an Operator at a Limited Fireworks Display.

(49) "Local Fire Authority" Shall mean the local fire official having jurisdiction over the Display Site and/or the site where Fireworks may be stored prior to the date and time of the Display.

(50) "Low Break" means an Aerial Shell that functions significantly lower than its prescribed height.

(51) "Manual Firing" means using a handheld ignition source such as a Fusee or Portfire to ignite Fireworks.

(52) "Mine" means a device designed to project stars and other effects, such as whistles and firecrackers into the air from a Mortar charged by black powder that ignites the contents of the Mine.

(53) "Misfire" means a Firework fails to function after an ignition source is applied to the ignition point.

(54) "Monitor" means an Individual designated by the Sponsors of the Display to keep the audience in the intended viewing area and out of the Display Site, Discharge Site and Fallout Area.

(55) "Mortar" Shall mean a tube from which Aerial Shells are fired into the air.

(56) "Mortar Rack" means a frame containing Mortars and are most often used for Barrages and Finales and in electrically ignited General Fireworks Displays.

(57) "Mortar Trough" means an aboveground structure filled with sand or similar materials in which Mortars are positioned for use in General Fireworks Displays.

(58) "Multi-break Shell" means a cylindrical Aerial Shell with more than one main compartment connected with internal fusing and performs with successive breaks. An Aerial Shell with more than

one distinctive type of effect contained within one main compartment is not a Multi-break Shell.

(59) "Multi-Shot Device" means a Firework consisting of more than one tube each containing a Firework item. It is ignited once with each of its tubes chain fused together to fire in succession until all tubes have been fired.

(60) "Muzzle Break" means an Aerial Shell that Bursts immediately as it leaves the Mortar.

(61) "Operator" means the Individual qualified as set forth in OAR 837-012-0780 to conduct the Display.

(62) "Operator Certificate Application" Shall mean the form(s) and accompanying documentation required to be completed and submitted to the Office of State Fire Marshal for approval prior to the issuance of a Limited Operator Certificate or a General Operator Certificate.

(63) "Peanut Shell" means two or more Aerial Shells in a common wrapper propelled by the same lift charge with separate external time fuses.

(64) "Permit" means the official written document issued by the Office of State Fire Marshal authorizing a Display allowing the Permit Holder to purchase Fireworks for the Display as detailed on the Permit when otherwise in conformance with OAR Chapter 837 Division 12.

(65) "Permit Holder" means the Person as listed on the Display Permit as the Person to whom the Permit is issued.

(66) "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 or Persons and includes the state, state agencies, counties, municipal corporations, school districts and other public corporations.

(67) "Portfire" means a tube containing slow burning pyrotechnic composition sometimes used to ignite Fireworks at a Limited or General Fireworks Display.

(68) "Quick Match" means a Black Match encased in a loose fitting sheath and is used in fuses for Aerial Shells and for simultaneous ignition of Fireworks such as Lances in a Ground Display Piece.

(69) "Ready Box" means a container used for the storage of Fireworks at a Fireworks Discharge Site.

(70) "Retail Fireworks" Shall mean those items described in ORS 480.127(4), specifically Combination Items, Cone Fountains, Cylindrical Fountains, Flitter 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.

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- (71) "Roman Candle" means a cardboard tube containing Firework stars which, when lit, are expelled into the air at timed intervals.
- (72) "Safety Cap" means a paper tube, closed at one end, that is placed over the end of a Fireworks fuse to protect the fuse from damage or accidental ignition.
- (73) "Salute" means a special Firework that is designed to produce a loud report.
- (74) "Set Piece" means a Ground Display Piece usually consisting of land and Quick Match arranged on a frame.
- (75) "Sell" Shall mean to transfer possession of property from one Person to another Person for consideration.
- (76) "Shall" means that the rule establishes a mandatory requirement.
- (77) "Special Effects Display" Shall mean a Display held either indoors or outdoors limited to Special Effects Fireworks authorized by the Special Effects Permit.
- (78) "Special Effects Fireworks" Shall mean any effect created by utilizing flammable, combustible or explosive composition or substance, or any combination of such compositions or substances, or any articles including Fireworks, explosives, or smoke which are prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and/or fire and are primarily designed or discharged in connection with performances, events, gatherings, television, radio, theater, motion picture productions, or similar venues which may or may not be presented before live audiences.
- (79) "Special Effects Permit" Shall mean a Permit to hold a Display using Special Effects Fireworks.
- (80) "Sponsor" means the Person that has applied for and been issued a Display Permit.
- (81) "Sticky Match" means the trademarked name for a type of match that uses a continuous black powder trail inside a wrapper that is prepared with exposed adhesive along its length. The adhesive is used to attach Sticky Match to Fireworks devices.
- (82) "Supervision" means Displays Shall be under the Supervision of the Law Enforcement Authority, Local Fire Authority, and/or the Office of State Fire Marshal.
- (83) "Training Course" Shall mean the course that is required under OAR 837-012-0780.
- (84) "Wholesaler" Shall mean any Person who Sells or provides by any other means, or intends to Sell or provide by any other means, Fireworks, Retail Fireworks, Display Fireworks, or Agricultural Fireworks.
- Stat. Auth.: ORS 480.150
Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03; OSFM 3-2004, f. & cert. ef. 1-14-04

837-012-0730

General

- (1) The location of the Display Site, the Operator or Assistant for a Display, the date or time of the Display, or the quantity of Fireworks to be discharged at the Display, may be changed if:
- (a) For the location of the Display Site only, the proposed new Display Site is located in the same fire jurisdiction as the Display Site listed on the Display Permit;
- (b) For the Operators only, the Individual to replace the Operator listed on the Display Permit possesses a current and valid Operator Certificate.
- (c) The Local Fire Authority having jurisdiction over the Display Site and the Office of State Fire Marshal approve the change prior to the beginning of the Display as listed on the Display Permit; and
- (d) The change is documented in the after-show report pursuant to OAR 837-012-0970.
- (2) All Displays, all participants in a Display, including but not limited to, the Monitors, Sponsor(s), Wholesaler(s), Operator and Assistant(s) Shall comply with the following:
- (a) ORS 480.110 through 480.165.
- (b) All applicable requirements of OAR Chapter 837, Division 12;
- (c) Any other applicable federal, state or local, law, rule or regulation pertaining to Fireworks.
- (3) Display Permit Holders or Operator Certificate Holders desiring to engage in other types of Fireworks activities, including wholesale or retail sales or agricultural use, must meet all applicable requirements in ORS 480.110 to 480.165 and OAR Chapter 837, Division 12, including those requiring Permits to be obtained from local, state, and/or federal authorities.
- (4) Public Display Permit Holders Shall purchase Fireworks only from Wholesalers having the necessary and current Permits required by ORS 480.110 to 480.165 and OAR 837-012-0500 through 837-012-0570.
- (5) Issuance of a public Display Permit does not constitute an endorsement of the Fireworks purchased or sold.
- Stat. Auth.: ORS 480.150
Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-

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2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;
OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0740

Display Permit Applications

- (1) Any Person intending to have, put on, or Sponsor a Display Shall apply for and obtain a Display Permit from the Office of State Fire Marshal.
- (2) A separate Display Permit Shall be applied for and obtained for each Display that may be conducted in Oregon.
- (3) Each Display Permit Shall be for a specific date and time of day. Permits Shall not be continuous throughout the date of Display.
- (4) The Application for Display Permit Shall be made on a form provided by the Office of State Fire Marshal.
- (5) The Display Permit Application may be completed by the Sponsor, Wholesaler, Operator or Assistant for the intended Display as listed on the Application.
- (6) All information provided by the applicant on the Display Permit Application Shall be true and correct to the applicant's knowledge.
- (7) In addition to completion of the Application, applicants Shall submit:
 - (a) A diagram of the Display Site in accordance with subsection (9) of this rule;
 - (8) As part of the Display Permit Application process, applicants Shall apply for and obtain, in writing when available;
 - (a) All required state and/or local licenses, Permits and/or approvals; and
 - (b) Liability insurance, if required pursuant to ORS 480.150(1).
 - (9) The diagram of the Display Site, required pursuant to subsection (7) of this rule, Shall include without limitation, the following:
 - (a) The location and size of the Discharge Site. All the other distances required by the subsection below Shall be measured from the outside perimeter of the Discharge Site;
 - (b) The location of the Fallout Area;
 - (c) The location of all buildings, structures, highways, streets or other means of travel in and within 100 feet of the Discharge Site and Fallout Area;
 - (d) The location of the spectator viewing area(s) and their distance from the Discharge Site and Fallout Area; and
 - (e) The location of all trees, power lines of any type and any other overhead obstructions 25 feet or higher in and within 100 feet of the Discharge Site and Fallout Area.

(10) Applicants Shall submit their completed Display Permit Application to the Local Fire Authority and Law Enforcement Authority for review and signature approving, but not limited to, the proposed Display Site, Discharge Site, spectator viewing areas, parking areas and Fallout Areas, prior to submission of the Display Permit Application to the Office of State Fire Marshal.

(11) The Local Fire Authority and the Law Enforcement Authority Shall not sign a Display Permit Application if, but not limited to, the Display Site, Discharge Site, spectator viewing areas, parking areas or Fallout Areas or the Display Permit Application does not comply with ORS 480.110 through 480.165, OAR 837 Division 12 or any other applicable federal, state or local laws, rules or regulations pertaining to Fireworks.

(12) Display Permit Applications Shall be postmarked by a United States Postmark or received at the Salem Office of State Fire Marshal a minimum of 15 days prior to the date of the proposed Display.

(13) Display Permit Applications postmarked or received after the deadline set forth under subsection (12) of this rule may be returned unprocessed.

(14) A Permit is not transferable from the Permit Holder to another Permit Holder or Person.

(15) Another Person or Permit Holder cannot perform any acts allowed by the Display Permit unless that Person is listed on the Display Permit and/or is a Designated Agent for the Permit Holder.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0750

Display Permit Application Fees

- (1) Display Permit Application fees shall be paid at, or mailed to, the Office of State Fire Marshal and shall accompany the Display Permit Application.
 - (2) Payment shall be made by personal check, business check, cashier's check or money order made payable to the Office of State Fire Marshal. If the fee is paid by either personal or business check, the Office of State Fire Marshal shall not take any action on the Display Permit Application until the check has cleared the bank.
 - (3) The Display Permit Application fee for a Display Permit is \$50.
 - (4) Display Permit Application fees are non-refundable and non-transferable.
- Stat. Auth.: ORS 480.150
Stats. Implemented: ORS 480.110 - 480.165

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Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 2-2005, f. & cert. ef. 2-15-05

837-012-0760

Issuance of Display Permits

- (1) Within 15 days of receipt of a properly completed and timely submitted Display Permit Application and Display Permit Application fee, the Office of State Fire Marshal Shall either grant or deny the Application.
- (2) The Office of State Fire Marshal Shall not approve a Permit Application, or issue a Display Permit, without the prior approval of the Local Fire Authority and Law Enforcement Authority.
- (3) The Office of State Fire Marshal Shall assign a unique number to each Display Permit issued.
- (4) Only one Display Permit Shall be issued for a Display Site for a particular date and time. Multiple Permits may be issued for the same Display Site and the same day, but not for the same time.
- (5) The Office of State Fire Marshal Shall mail the original Display Permit to the Individual who completed the Display Permit Application at the mailing address the Individual completing the Display Permit Application listed on the Display Permit Application.
- (6) Display Permit Holders may request a duplicate copy of their Permit by certifying to the Office of State Fire Marshal, in writing, that their Permit has been lost, stolen, or destroyed. Written requests Shall be signed and dated by the Display Permit Holder.
- (7) A Display Permit is valid only for the date, time, and Display Site listed on the Permit.
- (8) A Display Permit authorizes the Display Permit Holder to purchase, transport, possess and store Display Fireworks, for the purposes of holding the approved Display, 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) A Display Permit authorizes a Display only:
 - (a) At the Display Site diagrammed on the Display Permit Application and listed on the Display Permit;
 - (b) On the date and time listed on the Display Permit; and
 - (c) Conducted by the Operator and Assistant(s) listed on the Display Permit.
- (10) A Display Permit authorizes the use and discharge of only the type and quantity of Display Fireworks listed on the Display Permit.
- (11) A Display Permit does not authorize the sale, purchase, possession, storage, discharge or provision

by any other means of any Fireworks except as specifically stated on the Display Permit.

(12) The issuance of a Display Permit does not in any way constitute approval by the Office of State Fire Marshal of any Display Fireworks sold, purchased, possessed, stored provided or discharged pursuant to the Display Permit.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02 ; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0770

Operator Certificate Applications

- (1) The application for an Operator Certificate Shall be made on a form provided by the Office of State Fire Marshal.
 - (2) Any Individual who intends to participate as the Operator at a General Display or Limited Display Shall first apply for and obtain an Operator Certificate issued by the Office of State Fire Marshal.
 - (3) All information provided by the applicant on the Operator Certificate Application Shall be true and correct to the applicant's knowledge.
 - (4) In addition to completion of the Application, applicants Shall submit proof of identification. Proof of identification Shall be a copy of a current and recognizable photographic identification.
 - (5) Completed Operator Certificate Applications Shall be postmarked by a United States Postmark, or received by the Office of State Fire Marshal at least 90 days prior to the date of the first Display at which the applicant intends to participate as the Operator.
- Stat. Auth.: ORS 480.150
- Stats. Implemented: ORS 480.110 - ORS 480.165
- Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0780

Operator and Assistant Qualifications

- (1) To be eligible for a General Operator Certificate, an applicant Shall comply with the following:
 - (a) Shall be at least 21 years of age;
 - (b) Shall have participated as an Assistant in three or more General Displays in Oregon within three years of the date of application:
 - (i) Participation Shall mean completing the following duties: firing of the Display, installation of Mortars, installation of set pieces, loading shells, after-Display clean-up and inspection, installation of electrical

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firing system, and tending the magazine, which may include reloading the Mortars.

(ii) At a minimum, an applicant must have installed Mortars, loaded shells, and participated in after-Display clean-up and inspection on all three Displays in Oregon.

(iii) At a minimum, an applicant must have manually fired on at least one of the three Displays required for certification.

(iv) The Office of State Fire Marshal may review after-show reports as proof of an applicant's requisite participation.

(c) Must have passed a written examination, administered by the Office of State Fire Marshal; and

(i) The examination Shall assess the applicant's knowledge of ORS 480.110 through 480.165 and OAR 837-012-0700 through 837-012-0970.

(ii) To pass the examination, the applicant Shall answer 80% or more of the examination questions correctly.

(d) Shall have attended and completed one training course, approved by the Office of State Fire Marshal and administered by an instructor certified by the Office of State Fire Marshal.

(2) To be eligible for a Limited Operator Certificate, an applicant Shall comply with the following:

(a) Must be at least 18 years of age; and

(b) Must certify that the applicant is knowledgeable of the applicable requirements of ORS 480.110 through 480.165 and Oregon Administrative Rules, Chapter 837, Division 12.

(3) Any Individual who desires to participate in a General Display or Limited Display as an Assistant Shall comply with the following:

(a) Must be at least 18 years of age; and

(b) Must work under the direct Supervision and control of a General Operator or Limited Operator.
Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 2-1993(Temp), f. & cert. ef. 6-10-93; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0790

Issuance of Operator Certificate

(1) Upon receipt of a properly completed and timely submitted Operator Certificate Application, the Office of State Fire Marshal Shall either grant or deny the Application.

(2) The Office of State Fire Marshal Shall assign a unique number to each Operator Certificate issued.

(3) The Office of State Fire Marshal Shall mail the original Operator Certificate to the applicant at the

mailing address listed on the Operator Certificate Application.

(4) Holders of an Operator Certificate may request a duplicate copy of the Certificate by certifying to the Office of State Fire Marshal, in writing, that their Operator Certificate has been lost, stolen or destroyed. Written requests Shall be signed and dated by the holder of the Operator Certificate.

(5) An Operator Certificate allows the holder of the Certificate to possess, store, use and discharge Display Fireworks for purposes of a Display 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 applicable federal, state or local laws, rules or regulations pertaining to Fireworks.

(6) A General Operator Certificate authorizes the holder of the Certificate to participate as the Operator at either a General Display or a Limited Display.

(7) A Limited Operator Certificate authorizes the holder of the Certificate to participate as the Operator only at a Limited Display.

(8) Only the holder of the Operator Certificate may engage in the activities authorized by the Certificate.

(9) An Operator Certificate does not authorize:

(a) The sale or provision of Fireworks; or

(b) The purchase, transportation, possession or storage of Fireworks.

(10) An Operator Certificate, and the rights conveyed by the Certificate, is not transferable.

(11) An Operator Certificate is valid for three years from the date of issue unless revoked or suspended.
Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 2-1993(Temp), f. & cert. ef. 6-10-93; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0800

Renewal of Operator Certificate

(1) An Operator Certificate must be renewed every three years.

(2) The holder of a General Operator Certificate is not required to re-take the examination required under OAR 837-012-0780(1)(c) unless the current certificate expires. General Operators whose certificate expires are required to retake the qualifying examination.

(3) Applications for renewal of an Operator Certificate Shall be received by the Office of State Fire Marshal at least 90 days prior to the expiration date of their current Certificate.

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(4) All other requirements for the issuance of a renewal Operator Certificate shall be the same as for the issuance of the original Certificate.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 2-1993(Temp), f. & cert. ef. 6-10-93; FM 6-1993, f. & cert. ef. 12-10-93; FM 1-1995, f. 8-14-95, cert. ef. 8-15-95; FM 1-1996, f. & cert. ef. 1-18-96; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0810

Training Course Instructor

(1) Individuals who intend to provide the training course required under OAR 837-012-0780 shall work under the direction and control of an Oregon permitted wholesaler who supplies 1.3g Fireworks.

(2) At a minimum, Instructors shall meet the following requirements:

- (a) Be currently certified as a General Display Operator under OAR 837-012-0790 and,
- (b) Has been a General Display Operator consecutively for six years prior to the date of training. If the Instructor has not been consecutively certified for six years prior to the date of training, then the Instructor must be approved by the Office of State Fire Marshal prior to providing the General Operator certification training or the training shall not be accepted by the Office of State Fire Marshal for General Operator certification.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 2-1993(Temp), f. & cert. ef. 6-10-93; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0820

Pyrotechnician Training Course Requirements

(1) The training course required by OAR 837-012-0780(1)(d) shall be developed by the Office of State Fire Marshal.

(2) All individuals providing Operator Certification training required under OAR 837-012-0780 shall provide at a minimum the training course developed by the Office of State Fire Marshal.

(3) Any training course not developed by the Office of State Fire Marshal shall not comply with OAR 837-012-0780(1)(d).

(4) The Office of State Fire Marshal may update the training course annually to assure it is consistent and current with federal and state laws, rules and regulations pertaining to Fireworks Displays.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 2-1993(Temp), f. & cert. ef. 6-10-93; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0830

Denial, Suspension and/or Revocation of Display Permit or General or Limited Operator Certificate

(1) The State Fire Marshal may deny, revoke or suspend a Display Permit or General or Limited Operator Certificate when a Person listed on the Display Permit or Operator Certificate fails to comply with ORS 480.110 through 480.165, OAR Chapter 837, Division 12 or any other applicable federal, state or local law, rule or regulation pertaining to Fireworks.

(2) Any such denial, revocation, or suspension shall be in conformance with ORS 183.310 to 183.550.

(a) A Person named on the Permit Application fails to comply with applicable federal, state, or local laws, rules, ordinances or regulations pertaining to the manufacture, sale, use, discharge, transportation, storage or possession of Fireworks; or

(b) The Office of State Fire Marshal is presented with evidence and a recommendation to deny, suspend and/or revoke an Application, or Permit by fire or law enforcement authority. The evidence shall support the conclusion that the Sponsor, Permit Holder, or applicant has violated applicable rules and/or statutes; or

(c) The Permit Holder knowingly hires, employs, utilizes, etc., someone who has had a Wholesale, Retail or Display Permit has been revoked, denied or suspended within the last three years; or

(d) There has been a failure to obtain and maintain necessary local or state on-site inspections, approvals, proof of liability insurance and other required permits; or

(e) Sells, donates or otherwise provides Fireworks to any Person; or

(f) A Permit, or permit number that has expired, or that does not exist, or which has not been issued, is used to support the purchase, use, discharge, transportation, storage, possession or sale of Fireworks; or

(g) The applicant submitted a fraudulent Permit Application; or

(h) Any other violation of the Fireworks statutes or rules.

(3) The period of denial, revocation and/or suspension shall not exceed three years. In

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determining the appropriate sanction, the Office of State Fire Marshal Shall consider the following criteria:

- (a) The severity of the violations(s) and/or its impact on public safety, particularly whether the circumstances of the violations(s) 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, event or occurrence;
 - (c) Whether the violation(s) was willful or intentional;
 - (d) The prior history of sanctions imposed by the Office of State Fire Marshal against the holder of, or applicant for, a Display Permit or Operator Certificate; and
 - (e) Other circumstances determined by the Office of State Fire Marshal to be applicable to the particular violation(s).
- (4) Suspension or revocation of a Display Permit or Operator Certificate may include suspension or revocation of the current Permit or Certificate and the right to apply for a subsequent Permit or Certificate. Stat. Auth.: ORS 480.150
Stats. Implemented: ORS 480.110-ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03; OSFM 3-2004, f. & cert. ef. 1-14-04

837-012-0835

Purchase, Transportation and Storage of Display Fireworks

- (1) General and Limited Display Permit Holders Shall purchase or otherwise obtain Display Fireworks only from Wholesalers who possess a current and valid wholesale Permit issued by the Office of State Fire Marshal.
- (2) General and Limited Display Permit Holders Shall purchase or otherwise obtain Display Fireworks only from the Wholesaler listed on the Display Permit.
- (3) If the Wholesaler who supplies the Display Fireworks is different from the Wholesaler listed on the Display Permit, the Display Permit Holder Shall notify, in writing, the Office of State Fire Marshal and the Local Fire Authority of the change at least 24 hours prior to purchasing the Display Fireworks from the Wholesaler.
- (4) The Designated Agent may pick up Fireworks from the Wholesaler and deliver only to the storage site listed on the Display Permit or directly to the Display Site as listed on the Permit.

(5) The Permit Holder, or their Designated Agent, Shall possess the Display Permit at the time the Display Fireworks are picked up from or delivered by the Wholesaler.

(6) The Permit Holder, or their Designated Agent, Shall transport the Display Fireworks only to the:
(a) Storage site approved by the Local Fire Authority and the Office of State Fire Marshal and listed on the Display Permit; or

(b) The Display Site listed on the Display Permit.

(7) The Permit Holder or their Designated Agent, Shall comply with all applicable federal, state and local laws, rules and regulations pertaining to the transportation of Fireworks.

(8) Prior to acceptance of Display Fireworks from a Wholesaler, the Permit Holder, or their Designated Agent, Shall confirm that the outside of all Cartons, Containers or Cases or Display Fireworks, and any accompanying documentation, are affixed with the full Permit Holder name and Display Permit number of the Display Permit corresponding to the Permit Holder authorizing the Display Fireworks being received and the Wholesaler Name and their Oregon Wholesale Permit number of the Oregon Wholesaler who supplied the Display Fireworks.

(9) Display Permit Holders, or their Designated Agent, Shall not accept any Cartons, Containers or Cases of Display Fireworks or accompanying documentation that do not show the required information pursuant to subsections (8) of this rule. If the required Permit Holder name and Display Permit number is not on the outside of all Cartons, Containers or Cases of Display Fireworks, and any accompanying documentation, the Permit Holder Shall refuse to accept the Display Fireworks.

(10) Permit Holder name and Display Permit number and the Wholesaler name and Permit number Shall be maintained on any Carton, Container or Case containing Display Fireworks authorized by a Display Permit.

(11) The storage of Display Fireworks Shall comply with the following:

- (a) OAR Chapter 837, Division 12;
- (b) Oregon Uniform Fire Code, 1998 Edition;
- (c) Oregon Specialty Code, 1998 Editions;
- (d) NFPA 1124, Code for the Manufacture, Transportation and Storage of Fireworks 1998 Edition; and

(e) United States Department of Transportation laws and regulations. See also CFR Title 17, Part 18, Subparts J and JJ.

(12) The transportation of Display Fireworks Shall comply with the following:

- (a) ORS 480.110 through 480.165;
- (b) OAR Chapter 837, Division 12;

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(c) NFPA 1124, Code for the Manufacture, Transportation and Storage of Fireworks 1998 Edition; and

(d) United States Department of Transportation laws and regulations. See also CFR Title 17, Part 18, Subparts J and JJ.

(13) Fireworks may be delivered to the Display Site up to a maximum of 72 hours prior to the date and time of the permitted Display. Security at the Display Site will be continuous until the date and time of the Display. Fireworks may be delivered to the Display Site up to 72 hours prior only after a security plan has been submitted to and approved by the Local Fire Authority.

(14) Special consideration may be given for increasing the 72 hours maximum as allowed in 837-012-0835 (13) for exceptionally large displays. Approval Shall be granted prior to arriving at the Display Site and Shall be approved by both the Office of State Fire Marshal and the Local Fire Authority.

(15) All Fireworks at the Display Site Shall meet the requirements of NFPA 1124, Code for the Manufacture, Transportation and Storage of Fireworks 1998 Edition.

Stat. Auth.: ORS 476.030 & ORS 480-150
 Stats. Implemented: ORS 480.110 - ORS 480.165
 Hist.: OSFM 4-2002(Temp), f. & cert. ef. 2-25-02
 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02;
 OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0840

Selection of Display Site and Set Up

(1) Prior to the Display, the areas selected for the Discharge Site, Fallout Area, spectator viewing and parking Shall be inspected and approved by the Local Fire Authority and Law Enforcement Authority.

(2) The purpose of this rule is to provide guidance for clearances upon which the Local Fire Authority and Law Enforcement Authority Shall base their approval of the Display Site.

(3) The required minimum separation distance between the Discharge Site and any spectators, vehicles or readily combustible materials is set forth in Table 1. This distance is determined by the largest size Aerial Shell to be discharged at the intended Display. At a minimum, the Fallout Area for a Display Shall be the required minimum separation distance set forth in Table 1.

(a) Where added safety precautions have been taken, or particularly favorable conditions exist, the Local Fire Authority may decrease the required separation distance pursuant to Table 1. In no case may the required separation distance be less than 70' per inch of Aerial Shell diameter. Final approval of the

decrease in distance Shall be the responsibility of the Office of State Fire Marshal.

(b) When unusual or safety threatening conditions exist, the Local Fire Authority Shall increase the required separation distance pursuant to Table 1 as necessary to provide adequate safety for the Display Site, spectators, and surrounding property.

(4) The required minimum distance from the Discharge Site to any health care, detention or correctional facility Shall be at least twice the distance set forth in Table 1.

(5) The required minimum distance from the Discharge Site to any bulk storage area of materials that pose a flammability, explosive or toxic hazard Shall be at least twice the distance set forth in Table 1. Note: To determine whether materials pose these hazards, see NFPA's Fire Protection Guide to Hazardous Materials.

Table 1

Minimum Radius of Display Site for Outdoor Display of Fireworks

Shell Size	Distance in Feet
2"	200
3"	300
4"	400
5"	500
6"	600
7"	700
8"	800
9"	900
10"	1000
11"	1100
12"	1200
More Than	12" Approval of Local Fire Authority

This Table requires a minimum separation distance of 100 feet per inch of Aerial Shell plus additional footage as may be necessitated by the Display Site.

(6) Figure 1 demonstrates some of the location requirements for a suitable Display Site where Mortars are placed vertically, such as may be the case for an electrically ignited Display:

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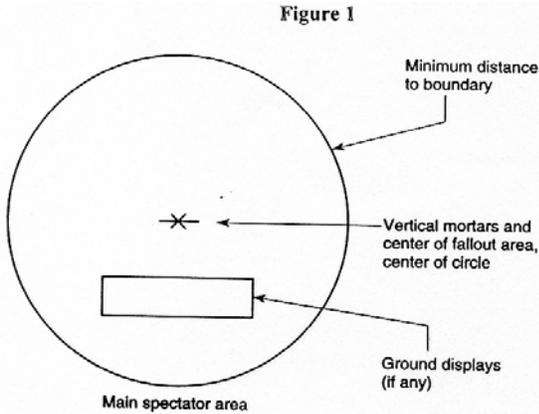


Figure A-3-2.3 Typical layout for a display site with vertically positioned mortars.

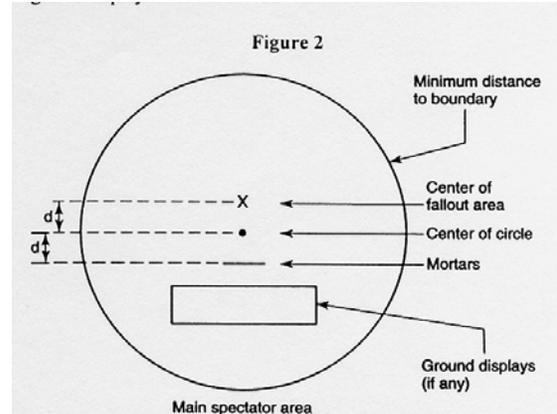


Figure A-3-2.3.1 Typical layout for a display site using angled mortars. The distance "d" shall be at least $\frac{1}{6}$ but not more than $\frac{1}{3}$ the radius of the circle indicating the minimum distance to the secured boundary.

(7) The Discharge Site Shall be located so that the trajectory of the Aerial Shells Shall not come within 25 feet of any overhead object.

(8) Ground Display Pieces Shall be located at a minimum distance of 75 feet from spectator viewing and parking areas.

Exception: For Ground Display Pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large Salutes), and roman candles and multishot devices, the minimum separation distance Shall be increased to 140 feet minimum or 100 feet per inch of shell diameter.

Example: 1.75" artillery type mortar shells Shall have a minimum separation distance of 175'.

Exception: Limited Display Permits that authorize only Retail Fireworks Shall not be subject to the 140 foot separation requirement. Separation requirements for Limited Display Permits authorizing only the use of Retail Fireworks Shall be at the discretion of the Local Fire Authority.

(9) Where Aerial Shells are to be stored at the Discharge Site for subsequent loading into Mortars during the Display, the Mortars Shall be placed at least $\frac{1}{6}$, but not more than $\frac{1}{3}$, the distance from the center of the Display Site toward the main spectator area. The Mortars Shall be angled such that any dud shells will fall at a point approximately equal to the offset of the Mortars from the center of the Display Site but in the opposite direction.

(10) Figure 2 demonstrates some of the location requirements for a suitable Display Site when Aerial Shells are to be stored at the Discharge Site for subsequent loading into Mortars during the Display, such as may be the case with a manually ignited Display:

(11) Fireworks Shall not be discharged within 100 feet of any tent or canvas shelter. Unauthorized tents Shall not be located within the Display Site.

(12) Fallout Areas:

(a) The Fallout Area Shall be a large, open area;

(b) Spectators, vehicles, and/or readily combustible materials Shall not be located within the Fall Out Area during the Display.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0850

Construction of Fireworks Aerial Shells

(1) Shells Shall be classified and described only in terms of the inside diameter of the Mortar in which they can be safely used (e.g., three inch shells are only for use in three inch Mortars);

(2) Aerial Shells Shall be constructed so that they fit easily into the appropriate size Mortar and so that the Lift Charge and internal delay fuse are appropriate to propel the shell to a safe altitude before functioning.

(3) Shells Shall be labeled with the type of shell, the shell size and the name of the manufacturer or distributor.

(4) The label or wrapper of any type of Aerial Shell Shall be conspicuously marked with a number to indicate the shell size (the diameter of the Mortar to be used).

(5) The label or wrapper of any type of aerial Salute Shall be conspicuously marked with the word "Salute";

(6) For Aerial Shells using Quick Match fuse to ignite the Lift Charge, that fuse Shall be long enough to allow not less than six inches of fuse to protrude

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from the Mortar after the shell has been properly inserted.

EXCEPTION: This requirement does not apply when shells are to be fired electrically.

(7) In order to allow the Individual igniting the Aerial Shells to safely retreat, the time delay between igniting the tip of the shell's fuse and the firing of the shell Shall not be less than three seconds or more than six seconds.

EXCEPTION: For electrically ignited Displays, there is no requirement for a delay period.

(8) A Safety Cap Shall be installed over the exposed end of the fuse. The Safety Cap Shall be of a different color than that of the fuse. The Safety Cap Shall be installed in such a manner that the fuse is not damaged;

EXCEPTION: For electrically fired Displays, there is no requirement for Safety Caps except that there shall be no exposed pyrotechnic composition.

(9) Single Break Salute shells Shall not exceed three inch in diameter or three inch in length (exclusive of the propellant charge). The maximum quantity of Salute powder in such Salutes Shall not exceed 3 ounces;

(10) Storage of Aerial Shells not in Mortars:

(a) All Fireworks Shall be stored and transported according to the requirements of prior to reaching the Display Site. (See also CFR Title 27, Part 18, Subparts J and JJ.);

(b) As soon as the Fireworks have been delivered to the Display Site, they Shall not be left unattended nor Shall they be allowed to become wet;

(c) All shells Shall be inspected upon delivery to the Display Site by the Operator. Any shells having tears, leaks, broken fuses, or showing signs of having been wet Shall be set aside and Shall not be fired. After the Display, any such shells Shall either be returned to the Wholesaler or destroyed according to the Wholesaler's instructions;

EXCEPTION: Minor repairs to fuses Shall be allowed. Also, for electrically ignited Displays, attachment of Electric Matches and other similar tasks Shall be permitted.

(d) Upon delivery to the Display Site, all shells Shall be separated according to size and as to whether they are Salutes. Until they are loaded into Mortars, shells Shall be stored in covered containers such as Ready Boxes or corrugated cartons meeting U.S.

Department of Transportation requirements for the transportation of Fireworks;

(e) During performance of an outdoor Display, Ready Boxes Shall be located at a distance of not less than 25 feet upwind from the Mortar placements. If the wind should shift during a Display, the Ready Boxes

Shall be located so as to be upwind from the Discharge Site.

EXCEPTIONS:

-1- When acceptable to the Local Fire Authority, alternate measures Shall be taken.

-2- When there are no shells needing storage during a Display, such as for an electrically ignited Display, there is no need for Ready Boxes.

(11) Installation of Mortars:

(a) Prior to placement Mortars Shall be carefully inspected for defects, such as dents, bent ends, damaged interiors, and damaged plugs. Mortars found to be defective Shall not be used;

(b) Mortars Shall be positioned so that shells are propelled away from spectators and over a Fallout Area. Under no circumstances Shall Mortars be angled toward the spectator viewing areas;

(c) Mortars Shall be buried to a depth of at least 2/3 to 3/4 of their length, either in the ground or in aboveground troughs or drums;

EXCEPTION: Securely positioned Mortar Racks may be used for the firing of single Break shells not exceeding six inches in diameter.

(d) Under conditions when paper Mortars may be damaged by placement in damp ground, paper Mortars Shall be placed inside a moisture-resistant bag prior to placement in damp ground;

(e) Whenever there is the likelihood of ground water leaking into the Mortar, the Mortar Shall be placed inside a water-resistant bag prior to placement in the ground;

(f) Weather-resistant coverings Shall be placed over the mouth of Mortars whenever there is imminent danger of water collecting in the Mortars;

(g) In soft ground, when there is significant danger of the Mortars being driven further into the ground when they are fired, sufficient added support Shall be placed beneath the Mortars;

EXCEPTION: When a Mortar is only to be used once, such as for an electrically fired Display, added support Shall be optional.

(h) Mortars that are buried in the ground, in troughs, or in drums Shall be separated from adjacent Mortars by a distance at least equal to the diameter of the Mortar. Mortars in troughs or drums Shall be positioned to afford the maximum protection to the shooter;

EXCEPTION: The requirements Shall not apply when electrical firing is used.

(i) If troughs and drums are used, they Shall be filled with sand or soft dirt; in no case Shall stones or other possible dangerous debris be present;

(j) Whenever more than three shells are to be Chain Fused, such as for sequential firing, additional measures are required to prevent adjacent Mortars

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from being repositioned in the event that a shell detonates in a Mortar, causing it to burst. For buried Mortars, this Shall be accomplished by placing the Mortars with a minimum separation of four times their diameter. For Mortars in racks, this Shall be accomplished by using Mortar Racks that have sufficient strength to successfully withstand such a failure;

EXCEPTIONS:

-1- When there is doubt concerning the strength of racks holding Chain Fused Mortars, the separation distances for those racks Shall be twice those listed in Table 1.

-2- When the separation distance is two times that required in Table 1, buried Mortars Shall be separated by a minimum of one times the internal diameter of the largest Mortar in the sequence.

(k) When Mortars are to be reloaded during a Display, Mortars of various sizes Shall not be intermixed. Mortars of the same size Shall be placed in groups, and the groups must be separated from one another;

(l) When Operators or Assistants are to be in the immediate area of the Mortars during a Display, sand bags or other suitable protection Shall be placed around the Mortars up to the approximate level of the mouth of the Mortar in each direction where Operators or Assistants could be located;

(m) Mortars Shall be inspected before the first shells are loaded to be certain that no water or debris has been accumulated in the bottom of the Mortar;

(n) Mortars Shall be of sufficient strength and durability to safely fire the Aerial Shells to be used;

(o) Cast iron Mortars Shall not be used;

(p) Metal Mortars Shall be either seamed or seamless; however, seamed Mortars must be placed such that the seam is facing either right or left as one faces the line of Mortars;

(q) Mortars Shall be of sufficient length to cause Aerial Shells to be propelled to safe heights;

(r) A cleaning tool Shall be provided for the cleaning of debris from Mortars as necessary;

EXCEPTION: When Mortars are not to be reloaded during a Display, there is no requirement for a cleaning tool.

(s) Numerals indicating the inside diameter of the Mortar may be conspicuously painted or otherwise marked on the top of all Mortars.

(12) When more than one Operator or Assistant will be igniting the Aerial Shells for a Display, it is preferred that the line of Mortars be separated in some manner and that only one Operator or Assistant light shells in each designated area.

(13) Electrical Firing Unit:

(a) The purpose of this section is to provide guidance for the design of Electrical Firing Units to be used when it is decided to electrically fire Displays;

(b) At no point Shall electrical contact be allowed to occur between any wiring associated with the Electrical Firing Unit and any metal object in contact with the ground;

(c) If the Electrical Firing Unit is powered from AC power lines, some form of line isolation Shall be employed (i.e., a line isolation transformer);

(d) The Electrical Firing Unit Shall include a key-operated switch or other similar device that greatly reduces the possibility that unauthorized or unintentional firings can occur;

EXCEPTION: When the Electrical Firing Unit is very small in size and attached to the wire running to Electric Matches for the brief duration of the actual firing, there is no requirement for a key-operated switch.

(e) Manually activated Electrical Firing Units Shall be designed such that at least two positive actions must be taken to apply electric current to an Electric Match. For example, this may be accomplished with two switches in series, both of which must be operated in order to pass current;

(f) Computer-activated automatic sequencing type Electrical Firing Units Shall have some form of "dead-man-switch," such that firings will cease the moment the switch is released;

(g) If the Electrical Firing Unit has a built-in-test circuit, the unit Shall be designed to limit the test current (into a short circuit) to 0.05 ampere or to 20 percent of the no-fire current of the Electric Match, whichever is less;

(h) Multi-testers such as Volt-Ohm Meters, Shall not be used for testing unless their maximum current delivering potential has been measured and found to meet the requirements of subsection (g) of this section;

(i) When any testing of firing circuits is performed, no Person Shall be allowed to be present in the immediate area of Fireworks that have been attached to the Electrical Firing Unit.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110-ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2004, f. & cert. ef. 1-14-04

837-012-0855

Barge Requirements

(1) Barges Shall be permitted to be manned or unmanned as long as the Operator and Assistants remain in control of the Barge, Barge Display Site and firing of the Display.

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(2) The movement and location of a Barge(s) Shall be controlled at all times, whether self propelled, controlled by another vessel, or secured by anchoring or mooring.

(3) The means of controlling the movement and location of a Barge pursuant to subsection (2) of this rule Shall be done so by means that have been approved by the Local Fire Authority prior to the Display.

(4) Barges Shall be used as a Discharge Site only if the Barge is sufficiently stable and seaworthy so that the type of Fireworks and the placement of the Fireworks, Mortars, and accompany equipment on the Barge Shall not compromise the stability or seaworthiness of the Barge when the Fireworks are discharged.

(5) When the Operator and/or Assistant(s) Shall be located on the Barge during the Display, the Barge(s) that are manned during firing Shall have a safety shelter. The safety shelter Shall:

- (a) Be of sufficient size to accommodate all Individuals present during the actual firing of Display;
 - (b) Have a minimum of three sides and a roof; and
 - (c) Have walls and a roof constructed of at least 3/4 in. (19 mm) plywood or equivalent material.
- (6) Separation between Mortars and safety shelter Shall be 2ft / in. (0.6 m / 25 mm) of diameter of any Mortars up to 6 in. (152 mm) in diameter. For shells larger than 6 in. (152 mm) in diameter, the minimum separation distance Shall be 4 ft / in. (1.22 m / 25 mm) of shell diameter.

EXCEPTION: If the safety shelter is constructed of stronger material, then the separation distance between Mortars and the shelter Shall be permitted to be reduced at the discretion of the Local Fire Authority and/or the Office of State Fire Marshal.

(7) The required minimum size for a Barge (in square feet) for a particular Display Shall be determined by the following calculations;

(a) Minimum Discharge Site (in square ft) = sum of (total number of each size Mortar times its inside diameter) divided by two (2).

EXCEPTIONS: Multi-shot devices up to 3 in. in diameter Shall be calculated at twice the actual footprint of each such device (length X width). Ground Display Pieces Shall be excluded from the calculations for minimum Display set-up area.

(b) Total # of 3 in. Mortar x 3 + total number of 4 in. Mortars x 4 + total number of 5 in. Mortars x 5 + etc.)/2

EXAMPLE: A Display containing 100 - 3 in. shells, 50 - 4 in. shells, 20 - 5 in. shells, 10- 6 in. shells, and 5- 8 in. shells would require the following minimum Display set-up area.

$$\frac{100 \times 3 + 50 \times 4 + 20 \times 5 + 10 \times 6 + 5 \times 8}{2}$$

$$\frac{300 + 200 + 100 + 60 + 40}{2}$$

$$700 / 2 = 350 \text{ sq ft}$$

(8) Barges Shall be configured, and the Display so arranged, that Operators, Assistants and any other Individuals on the Barge can readily exit the Barge in case of an emergency.

Stat. Auth.: ORS 476.030 & ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0860

Operation of the Public Fireworks Display

(1) The Sponsor of the Display Shall provide adequate fire protection for the Display.

(2) The Sponsor and/or Operator Shall consult with the fire authority to determine the level of fire protection required.

(3) Monitors whose sole duty Shall be the enforcement of crowd control Shall be located around the Display area by the Sponsor. The fire authority Shall approve the provisions for crowd control.

(4) Monitors Shall be located around the Display Site to prevent spectators or any other unauthorized Individuals from entering the Display Site. The Display Site Shall be so restricted throughout the Display and until the Display Site has been inspected after the Display. Where practical, fences and rope barriers Shall be used to aid in crowd control.

(5) During the period before the Display, when Fireworks materials are present, public access to the Display Site Shall not be allowed.

(6) The Operator has the primary responsibility for safety. While the Operator is allowed to actively participate in the firing of the Display, safety Shall be the primary concern.

(7) The Operator is responsible for ensuring that a sufficient number of Assistants are on hand for the safe conduct of the Display. Only the Operator and necessary Assistants Shall be permitted in the discharge area while the Display is in progress.

NOTE: In some situations, it is believed that it is appropriate to have one Individual tending each Ready Box or shell storage area in use at a given time. Similarly, it is believed that there should be two Individuals reloading shells into Mortars for each Individual igniting the Aerial Shells. Unless racks of Chain Fused shells are being fired, it generally is

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believed that a single Individual can safely ignite no more than about ten shells per minute. If a greater rate of firing is desired, it is appropriate to have more than one Individual lighting them.

(8) The Display Operator is responsible for meeting the administrative rules, statutory requirements and any other applicable requirements for the Display including ensuring that all Assistants are fully trained in the proper performance of their assigned tasks and that they are knowledgeable of safety hazards.

(9) If at any time before or during the Display, the Operator, Local Fire Authority, or the Law Enforcement Authority knows or should know that an adverse condition exists that significantly affects safety, Display Shall be postponed until the condition is corrected.

(10) If at any time before or during the Display, the Operator, Local Fire Authority, or the Law Enforcement Authority knows or should know that the lack of crowd control poses a danger, the Display Shall immediately be discontinued until such time as the situation is corrected.

(11) If at any time before or during the Display, the Operator, Local Fire Authority, or the Law Enforcement Authority knows or should know that high winds, precipitation, or other adverse weather conditions prevail, such that a significant safety danger exists; the Display Shall be postponed until weather conditions improve to an acceptable level. NOTE: Changes that occur as a result of sections (9), (10) and (11) of this rule Shall meet the requirements of OAR 837-012-0740.

(12) Operators and Assistants Shall use only flashlights or electric lighting for artificial illumination.

(13) No smoking Shall be allowed within 50 feet of any area where Fireworks or other pyrotechnic materials are present.

(14) Measures Shall be taken to protect all Fireworks and materials to be used in the Display from adverse weather conditions. Moisture-damaged materials Shall not be used.

(15) No Individual Shall be allowed in the Discharge area while under the influence of alcohol, narcotics, or drugs.

(16) Communication when required by the fire official means the Displays Shall be provided with a method. Such method may consist of a cellular or digital telephone, marine radio, walkie talkie systems or other approved means. Method of communication between the Operator, the Local Fire Authority and others as deemed necessary by the Local Fire Authority, example: ship-to-shore communication for Barge Displays. The method of communication Shall be determined by the Local Fire Authority.

(17) Operators Shall be continuously responsible for the Display from the beginning of the Display through completion of the Display including the after Display cleanup and inspection.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;

OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0865

Operations for Barge Displays

(1) Manual Firing of Displays Shall be allowed only under the following conditions:

(a) Shells Shall be loaded into Mortars and put into place prior to the Display. There Shall be no reloading of any kind during the Display;

(b) Shells Shall be single-Break only and Shall not exceed 6" in diameter;

(c) The Barge Shall meet double the size requirements established by OAR 837-012-0855;

(d) All Individuals, other than Operators and Assistants, Shall be behind protective barriers during the Display. Protective barrier(s) must meet the strength requirements of ¾ inch (19mm) plywood or equivalent.

(e) Electrical Firing and Manual Firing on the same Barge is allowed when the Mortars to be used for Manual Firing Shall be separated from Mortars to be used for Electrical Firing by a minimum of 25 feet.

(f) All Aerial Shells greater than 6" in diameter Shall be fired using Electrical Ignition or other means of remote ignition that place the shooter and Assistants at least 75 feet away from the Mortar or behind a sturdy barricade at the time of ignition of the Lift Charge.

(2) A U.S. Coast Guard approved personal flotation device (PFD) Shall be provided and available for each Individual working on the Barge. Those PFD's Shall be properly worn anytime the Barge is not moored at the dock. PFD's Shall have or include a visual location device.

(3) A watercraft Shall be ready and capable of providing a rapid emergency response during the Display.

(4) During the Display only necessary Individuals Shall be present on the Barge. No spectators Shall be present on the Barge.

(5) Necessary Individuals include:

(a) Operator and Assistants;

(b) Local Fire Authority department personnel;

(c) Barge Operators, and

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- (d) Local Fire Authority, Coast Guard, law enforcement, or other regulatory authority acting within the scope of their official capacity..
- (6) Barge Shall be free of all nonessential combustible materials.
- (7) Fuel tanks are deemed essential material to perform the Display for vessels controlling, marshaling, or adjoining the Barge from which Fireworks are being discharged.
- (8) Barges constructed of wood or other combustible material Shall be permitted to be used as a Fireworks Display Site when the requirements of these rules and any other applicable state, local, and federal requirements pertaining to Fireworks are met.
- (9) Barges constructed of wood or other combustible material can be used provided the surface of the Barge has been protected from fire by means acceptable to the Local Fire Authority. The Barge should also be of sufficient construction and configuration to safely allow the firing of the Display. Consideration should be given to the conditions that could affect the separation distance. Greater distance might be required to allow for the effects of sea conditions, wind, and drift of the Barge.
- (10) Whenever, in the opinion of the Local Fire Authority, the Operator, or the Barge captain, conditions such as high seas or rapid current pose a potential safety hazard to the Operator and Assistants, spectators, surrounding area, or any other Individuals, the Display Shall be postponed until conditions improve.

Stat. Auth.: ORS 476.030 & ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0870

Loading and Firing of Shells

- (1) Shells Shall be carried from the storage area to the Discharge Site only by their bodies, never by their fuses.
EXCEPTION: It generally is believed that it is not safe to be loading Mortars within ten feet of Mortars that are being fired. When loading a shell into a recently fired Mortar, the Person should crouch along side the Mortar with his back toward the area where shells are being fired.
- (2) Shells Shall be checked for proper fit in their Mortars prior to the Display.
- (3) When being loaded into the Mortars, shells Shall be held by their fuses or lowering cord if provided and carefully lowered into the Mortar. At no time Shall the Person loading the shells place any part of their body over the mouth of the Mortar.

- (4) The Person loading shells Shall be reasonably certain that the shell is properly seated in the bottom of the Mortar.
- (5) Shells Shall not, under any circumstances, be forced into a Mortar too small to accept them. Shells that do not fit properly into the Mortars Shall not be fired.
- (6) The Safety Cap protecting the fuse Shall not be removed by the Person responsible for igniting the fuse until immediately before the shell is to be fired.
EXCEPTION: Where Electrical Ignition is used. The Electric Matches are attached prior to the Display, generally with wires connected to an Electrical Firing Unit during the Display. The Operator or an Assistant ignites the Fireworks from the Electrical Firing Unit during the Public Fireworks Display.
- (7) Shells Shall be ignited by lighting the tip of the fuse with a Fusee, torch, Portfire, or similar device. The Operator Shall never place any part of their body over the Mortar at any time. As soon as the fuse is ignited, the Operator Shall retreat from the Mortar area.
EXCEPTION: Alternatively, Electrical Ignition may be used.
- (8) The first shell fired Shall be observed carefully by the Operator to determine that its trajectory is such that the shell functions over the Fall-Out Area and that any dangerous debris or unexploded shells will land in the Fall-Out Area. The Operator Shall determine whether or not to begin the Display and Shall Monitor the Display continuously to determine if the Display continues to meet all requirements for the continuance of the Display.
- (9) The Display Shall be interrupted and the Mortars Shall be reangled or repositioned as necessary for safety any time during a Display. In the case of a Barge, the Display Shall be interrupted and the Barge Shall be repositioned as necessary for safety any time during Display.
- (10) In the event of a shell failing to ignite in the Mortar, the Mortar Shall be marked in some manner to indicate the presence of an unfired shell, and the Mortar shall not be reloaded or reused so long as the misfired shell remains. Immediately following the Display but no sooner than 15 minutes after the attempted firing, if the shell still has not fired, the Mortar Shall be cautiously flooded with water and let stand for a minimum of five minutes before it is cautiously emptied of the shell. The Operator Shall be knowledgeable in the proper disposal methods.
EXCEPTION: When Electrical Ignition is used and the firing failure is electrical in nature or the Aerial Shell was intentionally not fired, the shell may be salvaged by the Operator.

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(11) It is the responsibility of the Person igniting the Aerial Shells to detect when a shell does not fire from a Mortar. That Person Shall warn others in the area and Immediately Shall cause the Mortar to be marked to indicate the presence of an unfired Aerial Shell.

EXCEPTION: When electrically firing, it is not necessary to mark the Mortar. However, Individuals entering the area after the Fireworks Display Shall conduct themselves as though unfired shells remain until advised to the contrary by the Operator.

(12) Manual reignition of Chain Fused Aerial Shells Shall only be attempted at properly installed ignition points.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0875

Mortar Racks for Barge Displays

(1) Mortar Racks Shall be constructed in a thorough manner to be capable of holding multiple Mortars in position during normal functioning.

(2) Mortar Racks that are not inherently stable Shall be secured or braced to stabilize them. Stabilization Shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means. Inherently stable Shall mean that if the base of the rack, before being loaded with Fireworks, were tipped 50 degrees from the horizontal in any direction, it would then return to the horizontal position.

(3) Mortar Racks Shall be oriented, angled, or oriented and angled in such a way that maximizes the spectator's safety.

Stat. Auth.: ORS 476.030 & ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0880

Ground Display Fireworks

(1) To the extent that it is practical, all ground pieces Shall be positioned outside of the Discharge area of aerial Displays.

EXCEPTIONS:

-1- When Ground Display Pieces are to be fired electrically, they can be located in the Fall-Out Area.

-2- When Aerial Shells have been preloaded, Ground Display Pieces can be located in that Discharge area.

(2) Dry grass Shall be wet down or removed before the Display.

(3) Combustible materials Shall be removed if deemed a fire hazard by the fire authority.

(4) Poles for ground Display pieces Shall be securely placed and firmly braced so that they will not fall over during functioning of the firework device.

(5) Specific instructions from the supplier Shall accompany all Ground Display Pieces. A list of required accessories also Shall be supplied.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0890

Site Clean-Up

(1) Following the Display, the Operator, and Assistants Shall conduct an inspection of the Fall-Out Area for the purpose of locating any unexploded Aerial Shells. This inspection Shall be conducted before any public access to the site is allowed. Any shells found during the search Shall not be handled until at least fifteen minutes have elapsed from the time the shells were fired. The Fireworks Shall then be doused with water and allowed to remain for at least five more minutes before being cautiously placed in a plastic bucket or fiberboard box. The Wholesaler who supplied the Fireworks Shall be contacted as soon as possible for disposal instructions.

(2) Mortar inspection and removal Shall be conducted upon the elapse of not less than 10 minutes from the completion of ground Display to allow for Mortar cooldown or misfires.

(3) When Fireworks are displayed at night and it is not possible to thoroughly inspect the site, the Operator Shall ensure that the entire site is reinspected very early the following morning.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0900

Transportation and Storage

(1) Storage of Fireworks in residential locations, mini-storage units or other structures is prohibited unless such storage is in accordance with the Oregon Fire Code 2004 Edition, Oregon Structural Specialty Code 2004 Edition, and NFPA 1124 Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles 2003 Edition, these rules or requirements of the Local Fire Authority.

(2) Applicants Shall also provide a complete and detailed description of how and where they will store

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Fireworks in their possession before, during and after the Display. The description Shall include:

- (a) The address of the storage site and the location of the storage area(s) at the storage site;
 - (b) The dates the Fireworks will be at each storage site, and
 - (c) The type of magazine in which the Fireworks Shall be stored.
- (3) Fireworks may be stored up to a maximum of 30 days prior to the Display.
- (4) Unused Fireworks Shall be returned to the Wholesaler who provided them within 7 days after the Display date.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0910

Prohibited Acts and Limitations

- (1) No Individuals Shall be allowed in the discharge area while under the influence of alcohol, narcotics, or drugs.
- (2) No smoking Shall be allowed within 50 feet of any area where Fireworks or other pyrotechnic materials are present.
- (3) Only authorized Individuals will be allowed within the Discharge Site.
- (4) No Individual Shall maintain or allow the existence of a fire hazard at any location under their control where Fireworks are stored, transported, sold, or used.
- (5) No Permit Holder Shall use:
 - (a) Any Fireworks that have been altered;
 - (b) Any Fireworks other than those supplied and/or distributed by a Person with a current Oregon wholesale Fireworks Permit.
- (6) No Person who has been cited or arrested for Fireworks violations or who has had a Wholesale, or Retail Fireworks Permit or operator certificate suspended, or revoked Shall participate in any manner in the public Fireworks Display, including storage, distribution, or transportation of pyrotechnics for a period not to exceed three years.
- (7) The Permit does not authorize the manufacture, sale, use, discharge or possession of Fireworks in any city or county in which such devices are prohibited by law or ordinance.
- (8) Permit Holders Shall not use, explode or have exploded any Fireworks device that has not been approved, certified or listed for transport by the U.S. Department of Transportation or has a U.S. Bureau of Explosive Temporary Transfer Permit.

(9) Displays Shall not be conducted in the event the Office of State Fire Marshal or fire authority has invoked a burning ban. If the Display Site is a large body of water or close proximity indoor event, and in the opinion of the Local Fire Authority and the State Fire Marshal the Display presents no more fire hazard than at other time, the Permit Shall be issued.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0920

Records Keeping

- (1) Permit Holders Shall keep a record of each shipment of Fireworks received. The record Shall include the Wholesaler's name, address, Display Permit number and a list of the Fireworks received including the name and quantity of each Fireworks.
- (2) Upon request, the records for each shipment received Shall be readily available for review and inspection by the Local Fire Authority and/or representatives of the Office of State Fire Marshal.
- (3) All records Shall be clear, legible, accurate and maintained for three years from the date of receipt of the Fireworks. The records Shall be submitted to the Local Fire Authority and/or the Office of State Fire Marshal upon request.

NOTE: The Wholesaler from whom the Fireworks were purchased may maintain the records.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0930

Advertisements

- (1) No Person Shall publish or cause to be published:
 - (a) Any advertisement for distribution to the general public concerning the sale of Fireworks which have been declared unlawful by ORS 480.110 to 480.160, or these rules, for residents to purchase, use, store transport, Sell, discharge, or possess;
 - (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, use, or possession of such items to be prohibited.

NOTE: The rules in this section concerning advertisements do not apply to any advertising medium which accepts such advertising in good faith, without knowledge of the violation of law or these rules.

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(2) Section (1) of this rule, does not apply to advertisements placed in media when the primary distribution of that media is into areas which allow the Fireworks even through some secondary distributions of that media may occur into areas which prohibit these items.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;

OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0940

Civil and Criminal Enforcement Actions

(1) In addition to denying, revoking and/or suspending Permits and Certification pursuant to administrative hearing and appeals procedures as specified in law, the Office of State Fire Marshal, Fire or Law Enforcement Authority may:

(a) Confiscate, remove or have removed at the violator(s) expense all Fireworks offered for sale, used transported, stored, or possessed in violation of these rules; and

(b) Destroy seized Fireworks when it has been determined that destruction is necessary for the preservation of public safety or health, that the sale, transport, storage or possession of the seized Fireworks was in violation of the laws and rules of the State of Oregon or the ordinances of local municipalities.

NOTE: Upon the confiscation and/or prior to the destruction of any seized pyrotechnics, the Person responsible for the confiscation and/or destruction, Shall contact the Oregon licensed Wholesaler listed on the Permit Application.

(2) All civil disputes arising as a result of the administration and enforcement of these rules and regulations, Shall be referred to the State Fire Marshal who Shall be the final administrative authority in all cases.

(3) Violation of any provision of ORS 480.110 through 480.160 is a Class B misdemeanor. Violations thereof may be prosecuted in state or municipal courts when violations occur within the municipality served thereby. Justice and district courts Shall have concurrent jurisdiction with circuit courts in all proceedings arising within ORS 480.110 to 480.160:

(a) The sentence for a Class B misdemeanor Shall be in accordance with ORS 161.615;

(b) The sentence to pay a fine for a Class B misdemeanor Shall be in accordance with ORS 161.635 and 161.655.

(4) If a Person has gained money or property through commission of a misdemeanor or violation, then

upon conviction thereof, the court, instead of imposing the fine authorized by these rules, may sentence the defendant to pay an amount fixed by the court, not exceeding double the amount of the defendant's gain from the commission of the offense in accordance with ORS 161.635 and 161.655.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;

OSFM 7-2002, f. & cert. f. 6-20-02; OSFM 3-2003, f. & cert. ef. 2-10-03

837-012-0950

Insurance Requirements

The governing body of any municipality or of any county, may require liability insurance 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 public Fireworks Display and arising from any acts of any Person or agents, employees or subcontractors of the Person.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;

OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0960

Fire Protection

Fire extinguishers Shall be provided in numbers and locations throughout the Display Site as required by the Local Fire Authority.

NOTE: At a minimum, at least two 2A rated water type extinguishers, or equivalent water type extinguishing system, or an alternative determined by the Local Fire Authority Shall be provided.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02;

OSFM 7-2002, f. & cert. f. 6-20-02

837-012-0970

Reports for General Displays

(1) Within 10 days of each General Display, the Operator in charge of the Display Shall complete a report on forms provided by the Office of State Fire Marshal, submit to the State Fire Marshal, and certify the information contained in the report is accurate. Certification and/or future Permits may be denied, suspended, and/or revoked for false reporting or failure to complete the report.

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- (2) The Operator Shall provide the information on the report form provided by the Office of State Fire Marshal. At a minimum, each report Shall contain the following:
- (a) The printed name, signature, mailing address, certification number and telephone number of the Operator in charge of the Display and who is completing the report;
 - (b) Name of Permit Holder to whom the Permit was issued;
 - (c) The number assigned to the Permit by the Office of State Fire Marshal;
 - (d) The date and time of day the Display was actually held;
 - (e) The location of the Display. Include address and/or description sufficient to locate;
 - (f) A list of all Fireworks discharged including the size and number of shells and set pieces;
 - (g) A list of all Operators that assisted in assembling, discharging, and/or supervising the Display. The list Shall include the name, certification number, and description of duties performed for each Operator;
 - (h) A list of all Assistants that assisted Operators with the Display. The list Shall include the name, mailing address, social security number, telephone number, and a description of duties performed for each Assistant;
 - (i) A list of all Fireworks that were duds, malfunctioned, or defective. For each Firework listed, the report Shall include, type of Firework, and size of Firework if applicable (example six inch shell);
 - (j) A description of any injuries caused by Fireworks authorized by the Permit. Each injury Shall be listed separately, and Shall include the name of the Firework that injured the Person, cause of the injury, and name, address, age and telephone number of the injured Person;
 - (k) A description of any fires caused by Fireworks authorized by the Permit. Each fire Shall be listed separately and Shall include the name of the Firework that started the fire, cause of the fire, and brief description of the damage that occurred.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - ORS 480.165
Hist.: FM 2-1992, f. & cert. ef. 3-10-92; FM 6-1993, f. & cert. ef. 12-10-93; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. f. 6-20-02