



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 837

DEPARTMENT OF THE STATE FIRE MARSHAL

FILED

05/27/2025 9:04 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendments for grammatical corrections, updates to edition references and definitions, and payment methods.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/02/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Sara Zavala
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/18/2025

TIME: 8:00 AM - 9:00 AM

OFFICER: Sara Zavala

IN-PERSON HEARING DETAILS

ADDRESS: Oregon State Fire Marshal Building, 3991 Fairview Industrial Dr. SE, Salem, OR 97302

REMOTE HEARING DETAILS

MEETING URL: Click here to join the meeting

PHONE NUMBER: 1-503-446-4951

CONFERENCE ID: 828464911

NEED FOR THE RULE(S)

The rule changes are required for grammatical correction and to clarify referenced editions of materials. There has also been the addition of an online payment method.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Fire Code <https://codes.iccsafe.org/content/ORFC2022P1>

NFPA <https://www.nfpa.org/For-Professionals/Codes-and-Standards>

American Pyrotechnic Association Standard <https://www.americanpyro.com/apa-standard-87-1>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of the State Fire Marshal has not identified any racial equity impacts of these rule amendments. The changes are fixes to grammar, edition reference changes, and online payment method which broadens access.

FISCAL AND ECONOMIC IMPACT:

There is no expected fiscal or economic impact with these rule changes.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The OSFM does not anticipate any economic effects from these rule amendments. There are about 500 retail permits issued annually and 15 wholesalers that may be affected by the rule amendments. Small businesses will need to comply with the requirements but there are no expected additional costs.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Stakeholders representing various business groups participated in the revision of the current rules through a rules advisory committee meeting.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

837-012-0315, 837-012-0320, 837-012-0330, 837-012-0510, 837-012-0520, 837-012-0525, 837-012-0530, 837-012-0540, 837-012-0610, 837-012-0615, 837-012-0620, 837-012-0625, 837-012-0630, 837-012-0645, 837-012-0650, 837-012-0655, 837-012-0720, 837-012-0790, 837-012-0835, 837-012-0840, 837-012-0850, 837-012-0870, 837-012-0920

AMEND: 837-012-0315

RULE SUMMARY: 837-012-0315 (17) Added Definition: "Oregon Fire Code (OFC)"

837-012-0315 (18) Added Definition: "Oregon Structural Specialty Code (OSSC)"

837-012-0315 (17) Spelling Correction: remove "n" from "an" should be "a"

837-012-0315 (19) to (28) Corrected numbering: definitions (17) to (26)

CHANGES TO RULE:

837-012-0315

Definitions ¶¶

(1) "Agent" means an individual designated by the permit holder to pick up the pest control fireworks authorized by the pest control fireworks permit from an Oregon licensed wholesaler when the permit holder is unable to pick up the pest control fireworks.¶¶

(2) "Airport" means any area of land or water that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.¶¶

(3) "Commercially valuable" means a product that, based on public demand, would generate profit if sold.¶¶

(4) "Estuary" means:¶¶

(a) For waters other than the Columbia River, the body of water from the ocean to the head of tidewater that is partially enclosed by land and within which salt water is usually diluted by fresh water from the land, including all associated estuarine waters, tidelands, tidal marshes and submerged lands; and¶¶

(b) For the Columbia River, all waters from the mouth of the river up to the western edge of Puget Island, including all associated estuarine waters, tidelands, tidal marshes, and submerged lands.¶¶

(5) "Farm" means:¶¶

(a) Any tract of land whether consisting of one or more parcels devoted to agricultural purposes generally under the management of a tenant or the owner, or¶¶

- (b) A plot of land devoted to the raising of domestic or other animals, or¶¶
- (c) A tract of water reserved for the artificial cultivation of some aquatic life-form.¶¶
- (6) "Fire Protection District" means any district created under the laws of Oregon or the United States, including rural fire protection districts and any federal, state or private forest patrol areas.¶¶
- (7) "Fireworks" has the meaning provided in ORS 480.111(7).¶¶
- (8) "Forest" or "forestland" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed.¶¶
- (9) "Golf course" means an area of land laid out for the game of golf with a series of holes each including tee, fairway, and green and often one or more natural or artificial hazards. "Golf course" does not mean a privately-owned golf practice facility constructed for personal use.¶¶
- (10) "Illegal fireworks" has the meaning provided in OAR 837-012-0610.¶¶
- (11) "Individual" means a real, actual person¶¶
- (12) "Individual member of the general public" means any person who has not been issued a wholesale permit, a general, limited or special effects display permit, a retail permit or an pest control fireworks permit by the Department of the State Fire Marshal.¶¶
- (13) "Local fire authority" means the local fire authority having jurisdiction over the pest control fireworks use and storage sites.¶¶
- (14) "May" means a regulation of conduct and implies probability or permission.¶¶
- (15) "May not" means a prohibition of conduct.¶¶
- (16) "Must" means a mandatory requirement.¶¶
- (17) "Oregon Fire Code (OFC)" Means the 2022 Edition of the Oregon Fire Code as adopted by the Oregon State Fire Marshal. ¶¶
- (18) "Oregon Structural Specialty Code (OSSC)" Means the 2022 Edition of the Oregon Structural Specialty Code (OSSC) as adopted by the Oregon Building Codes Division.¶¶
- (19) "Permit application" means the form and accompanying documentation required to be completed and submitted to the Department of the State Fire Marshal for approval prior to the issuance of an pest control fireworks permit.¶¶
- ~~(18)~~ (20) "Permit holder" means the person referred to in HB 2432 (2015 OL Ch. 57) who:¶¶
 - (a) Desires to purchase, maintain, use, and explode pest control fireworks for the purpose of scaring away or repelling birds or animals from a property as described in OAR 837-012-0305.¶¶
 - (b) Has applied to the State Fire Marshal for a pest control fireworks permit;¶¶
 - (c) The State Fire Marshal has issued a pest control fireworks referred to in HB 2432 (2015 OL Ch. 57);¶¶
 - (d) Is responsible for any activities conducted under the pest control fireworks permit.¶¶
- ~~(21)~~ (19) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts and other public corporations.¶¶
- ~~(20)~~ (20) "Pest control fireworks" means:¶¶
 - (a) Fireworks with a cardboard/pasteboard-type tube up to 4" in length and 3/4 inch in diameter or a shotgun shell type container,¶¶
 - (b) Fireworks containing only pyrotechnic compositions, e g., black powder, flash powder, or smokeless powder, with an audible report containing up to 40 grains, or 2.592 grams, of explosive composition,¶¶
 - (c) Fireworks tested, classified and approved by the United States Department of Transportation,¶¶
 - (d) Fireworks designed and intended solely for use in:¶¶
 - (A) Controlling predatory animals allowed by ORS 480.124 or,¶¶
 - (B) Controlling birds or animals as allowed by HB 2432 (2015 OL Ch. 57).¶¶
 - (e) Fireworks referred to as explosive pest control devices,¶¶
 - (f) Fireworks not including retail fireworks, display fireworks, or exempt fireworks.¶¶
- ~~(21)~~ (21) "Pest control fireworks permit" means the official written document issued by the Department of the State Fire Marshal pursuant to HB 2432 (2015 OL Ch. 57) and ORS 480.124 and OAR 837-012-0305 through 837-012-0370 granting permission to a person to purchase and use pest control fireworks.¶¶
- ~~(22)~~ (24) "Recycling facility" is a specialized plant that handles recyclable materials by doing one or more of the following: receiving, separating or preparing recyclable material for sale to end users.¶¶
- ~~(23)~~ (5) "Responsible charge" has the meaning given in HB 2432 (2015 OL Ch. 57).¶¶
- ~~(24)~~ (6) "Sell" means to transfer possession of property from one person to another person for consideration.¶¶
- ~~(25)~~ (7) "Waste facility" means land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service,

composting plants and land and facilities previously used for solid waste disposal at a land disposal site.¶
(268) "Wholesaler" means any person who sells or provides by any other means, or intends to sell or provide by any other means fireworks, retail fireworks, display fireworks, or pest control fireworks.¶
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: HB 2432 (2015 OL Ch. 57), 480.124
Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0320

RULE SUMMARY: 837-012-0320 Removed: "as adopted by OSFM"

837-012-0320 Removed: "as adopted by BCD"

CHANGES TO RULE:

837-012-0320

Storage of Pest Control Fireworks ¶

Pest control fireworks must be stored in accordance with the requirements of these rules, the ~~Oregon Fire Code as adopted by the State Fire Marshal pursuant to OAR 837-040-0010 and the Oregon Structural Specialty Code as adopted by the Oregon Building Codes Division pursuant to OAR 918-460-0010.~~¶
~~[Publications: Publications referenced are available from the agency.]~~FC, and the OSSC.

Statutory/Other Authority: HB 2432 (2015 OL Ch. 57), 480.124

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0330

RULE SUMMARY: 837-012-0330 (6) (c) Removed: "as adopted by OSFM"

837-012-0330 (6) (d) Removed: "as adopted by BCD"

CHANGES TO RULE:

837-012-0330

General ¶¶

(1) Pest control fireworks may only be used to repel birds or animals from properties if the birds or animals are or may be injurious or destructive to a property, including crops and livestock located on the property, identified in HB 2432 (2015 OL Ch. 57).¶¶

(2) Pest control fireworks may only be used by the permit holder to deter the destructive or injurious activities specified on the permit application by the types of birds or animals listed on the permit application.¶¶

(3) Pest control fireworks permit holders desiring to engage in other types of fireworks activities, including wholesale sales, fireworks displays or retail sales, must meet all applicable requirements in ORS 480.111 through 480.165 and OAR chapter 837, division 12.¶¶

(4) Pest control fireworks permit holders must notify the Department of the State Fire Marshal, in writing, within 24 hours of the date of change, of:¶¶

(a) The pest control fireworks permit holder's mailing address, telephone number,¶¶

(b) The storage address of the pest control fireworks.¶¶

(5) Change of the storage location of the pest control fireworks is subject to prior written approval by the local fire authority and the Department of the State Fire Marshal.¶¶

(6) Pest control fireworks permit holders must comply with all applicable federal, state and local laws, rules and regulations including, without limitation:¶¶

(a) ORS 480.111 through 480.165;¶¶

(b) OAR chapter 837, division 12;¶¶

(c) ~~Oregon Fire Code as adopted by the State Fire Marshal pursuant to OAR 837-040-0010; and¶¶~~

(d) ~~Oregon Structural Specialty Code as adopted by the Oregon Building Codes Division pursuant to OAR 918-040-0010FC; and¶¶~~

(d) OSSC.¶¶

(7) Pest control fireworks permit holders must purchase pest control fireworks only from wholesalers having the necessary and current permits required by ORS 480.111 to 480.160 and OAR 837-012-0500 through 837-012-0570.¶¶

(8) Pest control fireworks permit holders or their agent must have the agricultural pest control fireworks permit (or a copy) issued by the State Fire Marshal in their possession at the time the agricultural pest control fireworks are picked up from the wholesaler.¶¶

(9) Pest control fireworks permit holders may request a duplicate copy of their pest control fireworks permit by certifying to the Department of the State Fire Marshal, in writing, their pest control fireworks permit has been lost, stolen, or destroyed. Written requests must be signed and dated by the pest control fireworks permit holder.¶¶

(10) The issuance of a pest control fireworks permit does not in any way constitute approval by the Department of the State Fire Marshal of any pest control fireworks purchased, sold, or provided pursuant to the pest control fireworks permit.¶¶

(11) A pest control fireworks permit allows the permit holder to engage in the purchase, transportation, possession, storage and use of pest control fireworks when those activities are otherwise in conformance with the applicable requirements of ORS 480.111 through 480.165, OAR chapter 837, division 12 and any other federal, state or local laws, rules or regulations pertaining to fireworks.¶¶

(12) A pest control fireworks permit does not authorize the:¶¶

(a) Purchase, possession or sale of illegal fireworks by or to any person; or¶¶

(b) The sale, re-sale, or provision of pest control fireworks by or to any person other than the pest control fireworks permit holder.¶¶

(13) Any pest control fireworks permit holder, other than an individual, is required by the State Fire Marshal to list the name, age, address, and phone number of one individual in a management position within their company or organization, on the permit application.¶¶

(14) Individuals firing pest control fireworks must be a minimum of 18 years of age.¶¶

(15) Only the pest control fireworks permit holder, and any employees of the pest control fireworks permit holder, may engage in activities authorized by the pest control fireworks permit.¶¶

(16) Pest control fireworks permits, and the rights conveyed by the pest control fireworks permit, are not

transferable.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: HB 2432 (2015 OL Ch. 57), 480.124

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0510

RULE SUMMARY: 837-012-0510 Corrected numbering: definitions (20) to (36)

837-012-0510 (15) Added to definitions: NFPA 68

837-012-0510 (16) Added to definitions: NPFA 1124

837-012-0510 (17) Added: 2018 edition

837-012-0510 (18) Added to definitions: "Oregon Fire Code (OFC)"

837-012-0510 (19) Added to definitions: "Oregon Structural Specialty Code (OSSC)"

CHANGES TO RULE:

837-012-0510

Definitions ¶¶

For purposes of ORS 480.111 through 480.165 and OAR 837-012-0500 through 837-012-0570, the following definitions apply:¶¶

(1) "BATFE" means the Bureau of Alcohol, Tobacco, Firearms and Explosives.¶¶

(2) "Carton, container, or case" means any box, parcel, bundle, or other package used to hold or contain fireworks, retail fireworks, display fireworks, or pest control fireworks for purposes of transportation and storage. The term does not include:¶¶

(a) The wrapping or packaging used to hold or contain a single or small number of fireworks, retail fireworks, display fireworks, or pest control fireworks; or¶¶

(b) A vehicle or other mobile container used to transport fireworks, retail fireworks, display fireworks, or pest control fireworks.¶¶

(3) "Display fireworks" means fireworks defined in ORS 480.111(4) that are authorized under a general, limited, or special effects display permit issued pursuant to 480.130, 480.140 and 480.150.¶¶

(4) "Domicile" means a person's legal home; the particular place that a person intends to make the person's fixed and permanent home and abode.¶¶

(5) "Exempt fireworks" has the meaning provided in ORS 480.111(5).¶¶

(6) "Fireworks" has the meaning provided in ORS 480.111(7).¶¶

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

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

(9) "Individual member of the general public" means:¶¶

(a) For persons in Oregon, any person who has not been issued a wholesale permit, a general, limited or special effects display permit, a retail permit, or a pest control fireworks permit by the Department of the State Fire Marshal.¶¶

(b) For persons outside of Oregon, any person who has not been issued a license or permit when such a license or permit is required, authorizing the person to sell, purchase, obtain, transport, possess, use or discharge fireworks, retail fireworks, display fireworks, or pest control fireworks.¶¶

(10) "In-state wholesaler" means a wholesaler who owns, possesses, or occupies a wholesale site located in Oregon.¶¶

(11) "Local fire authority" means the local fire official having jurisdiction over the wholesale site and wholesale operations.¶¶

(12) "Manager" means the individual identified on the permit application who is responsible for and directs the operations at the wholesale site.¶¶

(13) "Manufacture" has the meaning provided in ORS 480.111(13).¶¶

(14) "NFPA" means the National Fire Protection Association.¶¶

(15) "NFPA 68" means National Fire Protection Association 68 Standard on Explosion Protection by Deflagration Venting 2013 edition unless otherwise specified.¶¶

(16) "NFPA 1124" means National Fire Protection Association 1124 (Code for the Manufacture, Transportation, and Storage of Fireworks) 2013 edition unless otherwise specified.¶¶

(17) "Novelties and trick noisemakers" means those items described in ORS 480.111(5) and the American Pyrotechnics Association Standard 87-1 2018 edition. It also means exempt fireworks.¶¶

(168) "Oregon Fire Code (OFC)" means the Oregon Fire Code (OFC) 2022 edition as adopted by the Oregon State Fire Marshal unless otherwise specified.¶¶

(19) "Oregon Structural Specialty Code (OSSC)" means the Oregon Structural Specialty Code (OSSC) 2022 edition as adopted by the Oregon Building Division unless otherwise specified.¶¶

(20) "Out-of-state wholesaler" means a wholesaler who owns, occupies, or possesses a wholesale site located outside of Oregon.¶

(217) "Permit application" means the application forms and accompanying documentation required to be completed and submitted to the Department of the State Fire Marshal for approval prior to the issuance of a wholesale permit.¶

(1822) "Pest control Fireworks" has the meaning given in OAR 837-012-0315.¶

(1923) "Pyrotechnic articles" has the meaning provided in ORS 480.111(14).¶

(204) "Pyrotechnic composition" has the meaning provided in ORS 480.111(15).¶

(215) "Pyrotechnic device" has the meaning provided in ORS 480.111(16).¶

(226) "Residence" means the particular dwelling place where a person lives and has a present intent to remain for a period of time.¶

(237) "Resident" means any person who occupies a dwelling in a state and has a present intent to remain in the state for a period of time.¶

(248) "Retail fireworks" means consumer fireworks as defined in ORS 480.111(2). The term includes a firework designed with the means to roll or move while remaining on the ground, that travels 12' or less horizontally on smooth surfaces.¶

(259) "Retailer" means any person who, sells, transfers, or provides by any other means, or intends to sell, transfer or provide by any other means, retail fireworks to individual members of the general public.¶

(2630) "Sales representative" means an individual who is an employee of the wholesale permit holder and is authorized to conduct sales for the wholesale permit holder.¶

(2731) "Sell" means to transfer possession of property from one person to another person for consideration.¶

(328) "Special effects" has the meaning defined in ORS 480.111(17).¶

(2933) "Wholesale operations" means the sale of fireworks, retail fireworks, display fireworks, or pest control fireworks and related activities, including the purchase, possession, storage and transportation of such fireworks.¶

(304) "Wholesale permit" means the official written document issued by the Department of the State Fire Marshal that authorizes the purchase, transport, possession, packaging, storing and sale of fireworks, retail fireworks, display fireworks, or pest control fireworks when otherwise in compliance with all applicable requirements of ORS 480.111 through 480.165, OAR chapter 837, division 12, and any other applicable federal, state and local laws, rules and regulations.¶

(315) "Wholesale site" means the location where a wholesaler's sales and storage facilities are operated and maintained.¶

(326) "Wholesaler" means any person who sells or provides by any other means, or intends to sell or provide by any other means, fireworks, retail fireworks, display fireworks, or pest control fireworks.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476, 478, 480

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0520

RULE SUMMARY: 837-012-0520 (10) (I) Removed: "as adopted by"

837-012-0520 (14) Remove: "mat not be submitted...." Add: "Shall follow the below outlined..."

837-012-0520 (14) Add: (a) and (b) to clarify application timeline.

837-012-0520 (14) Spelling correction: "Preceding"

837-012-0520 (15) Add: "Renewal"

CHANGES TO RULE:

837-012-0520

Wholesale Permit Applications ¶¶

- (1) Any in-state wholesaler engaged in, or intending to engage in, the sale, provision, or shipment of fireworks, retail fireworks, display fireworks, or pest control fireworks, within Oregon, or from Oregon for delivery into another state, must first apply for and obtain a wholesale permit issued by the Department of the State Fire Marshal.¶¶
- (2) Any out-of-state wholesaler engaged in, or intending to engage in, the sale, provision, or shipment of fireworks, retail fireworks, display fireworks, or pest control fireworks, in or into Oregon must first apply for and obtain a wholesale permit issued by the Department of the State Fire Marshal.¶¶
- (3) A separate wholesale permit must be applied for and obtained for each wholesale site that may conduct wholesale operations within, from, or into Oregon.¶¶
- (4) The application for a wholesale permit must be made on a form provided by the Department of the State Fire Marshal.¶¶
- (5) All information provided by the applicant on the permit application must be true and correct to the applicant's knowledge.¶¶
- (6) In addition to completion of the wholesale permit application forms, applicants must submit:¶¶
 - (a) A copy of a current photographic identification card of all applicants. The Department of the State Fire Marshal may only accept photo identification issued by the Department of Motor Vehicles in the applicant's state of residency. For purposes of this rule, if the applicant is a corporation, the applicant must submit copies of photographic identification of all the corporate officers. If the applicant is a partnership, the applicant must submit copies of the photographic identification of all partners.¶¶
 - (b) A description of the types, pursuant to United States Department of Transportation classification, and the maximum quantities, by total gross weight, of fireworks, retail fireworks, display fireworks, or pest control fireworks to be stored at the wholesale site for which a wholesale permit has been applied;¶¶
- (7) As part of the permit application process, the applicant must obtain the approval of the local fire authority and the local building official prior to submitting their application to the Department of the State Fire Marshal.¶¶
- (8) Exception to 837-012-0520(7): If the applicant's wholesale site address was continuous during the year preceding the year for which the wholesale permit renewal is sought, the applicant is required only to re-submit to the Department of the State Fire Marshal, as part of the wholesale permit renewal application, the approval of the local fire authority.¶¶
- (9) As part of the permit application, wholesale permit applicants who intend to sell or provide 1.3G fireworks must submit to the Department of the State Fire Marshal a copy of their appropriate license issued by BATFE.¶¶
- (10) Additional wholesale requirements pertaining to fireworks, where applicable, must include:¶¶
 - (a) Provide \$1M premises liability insurance as part of wholesale permit application;¶¶
 - (b) Compliance with federal DOT insurance requirements of \$5,000,000 per shipment of 1.3G fireworks and \$1,000,000 per shipment of 1.4G fireworks;¶¶
 - (c) Hazardous Material Certificate of Registration required by 49 CFR Part 107, Subpart G; as part of wholesale permit application;¶¶
 - (d) File Federal DOT MCS 90, MCS 150B;¶¶
 - (e) Provide proof of wholesale permit to offer manufactured pyrotechnics into commerce as required by ORS 480.120;¶¶
 - (f) Compliance with BATFE 5400;¶¶
 - (g) Annually file the Oregon Hazardous Substance Possession Survey;¶¶
 - (h) Submit a Certificate of Occupancy for all buildings as part of wholesale permit application;¶¶
 - (i) Compliance with NFPA 68 guide for explosive venting hazardous group H as part of wholesale permit application;¶¶
 - (j) Compliance with NFPA 1124 manufacturing and storage requirements;¶¶
 - (k) Any structures utilized as storage exceeding 30 days must be classified as permanent storage and meet NFPA

1124 requirements;¶¶

(l) Compliance with ~~Oregon Structural Specialty Code Section 307 as adopted by the Oregon Building Codes Division pursuant to OAR 918-460-0010~~SSC Section 307;¶¶

(m) Compliance with Oregon OSHA requirements.¶¶

(11) "BE" and "EX" numbers must be obtained before any manufactured pyrotechnic device is entered into commerce or transported.¶¶

(12) Applicants must submit the completed permit application to the local fire authority for review and signature approving the wholesale site prior to submission of the permit application to the Department of the State Fire Marshal.¶¶

(13) Permit applications must be signed by all applicants.¶¶

(a) If the applicant is a partnership, the application must be signed by every partner.¶¶

(b) If the applicant is a corporation, the application must be signed by an officer of the corporation.¶¶

(c) If the applicant is an out-of-state wholesaler, the application must be signed by the applicant and the manager.¶¶

(14) Permit applications¶¶

(a) Renewal permit applications may not be submitted to the Department of the State Fire Marshal prior to October 1 of the year preceeding the year for which the wholesale permit is sought.¶¶

(15) Pb) New permit applications may be submitted at any time. The fee is not prorated.¶¶

(15) Renewal permit applications must be postmarked by a United States Postmark, or received at the Department of the State Fire Marshal, no later than December 18 of the year preceding the year for which the wholesale permit is sought. If December 18 falls on a day when a postmark cannot be obtained, applications must be postmarked on the preceding business day when a postmark can be obtained. If December 18 falls on a day when the Department of the State Fire Marshal is closed, and the applicant wishes to hand deliver their application, it must be delivered to the Department of the State Fire Marshal at the Salem office on the preceding business day. However, due to limited resources in the fireworks program, it is recommended that wholesale fireworks permit applications be postmarked or submitted to the OSFM by December 1 of the year preceding the year for which the permit is sought.¶¶

(16) Relocation of the wholesale site requires submission of a new permit application and wholesale permit fee.¶¶

(17) Only one wholesale permit may be applied for or issued for each wholesale site.

Statutory/Other Authority: ORS 476, 478, 480

Statutes/Other Implemented: ORS 480.110-480.165

AMEND: 837-012-0525

RULE SUMMARY: 837-012-0525 (4) Added: "email" and "email address" as options for communication
837-012-0525 (14) (a) Corrected Grammer: removed "n" from an.

CHANGES TO RULE:

837-012-0525

Wholesale Permits ¶¶

- (1) Within 30 days of receipt of a properly completed and timely submitted permit application and wholesale permit fee, the Department of the State Fire Marshal must issue or propose to deny the wholesale permit.¶¶
- (2) The Department of the State Fire Marshal may not approve a permit application or issue a wholesale permit without the prior approval of the local fire authority.¶¶
- (3) The Department of the State Fire Marshal will assign a unique number to each wholesale permit issued.¶¶
- (4) The Department of the State Fire Marshal will mail or email the original wholesale permit to the applicant at the mailing address or email address listed on the permit application.¶¶
- (5) Wholesale permit holders may request a duplicate copy of their permit by certifying to the Department of the State Fire Marshal, in writing, that their permit has been lost, stolen or destroyed. Written requests must be signed and dated by the applicant pursuant to OAR 837-012-0520(12).¶¶
- (6) The issuance of a wholesale permit does not in any way constitute approval by the Department of the State Fire Marshal of any fireworks, retail fireworks, display fireworks, or pest control fireworks purchased, sold or provided by any other means pursuant to the permit.¶¶
- (7) A wholesale permit allows the holder of the permit to engage in the purchase, transportation, possession, storage and sales of fireworks, retail fireworks, display fireworks, or pest control fireworks, when those activities are otherwise in conformance with applicable requirements of ORS 480.111 through 480.165, OAR chapter 837, division 12, and any other applicable federal, state and local laws, rules and regulations pertaining to Fireworks.¶¶
- (8) A wholesale permit authorizes the holder of the permit to sell or provide by any other means, fireworks, retail fireworks, display fireworks, or pest control fireworks, within or into Oregon, only to holders of:¶¶
 - (a) General, limited, or special effects display permits;¶¶
 - (b) Retail permits;¶¶
 - (c) Wholesale permits; or¶¶
 - (d) Pest control permits.¶¶
- (9) A wholesale permit does not authorize the sale or provision by any other means, of fireworks, retail fireworks, display fireworks, or pest control fireworks to individual members of the general public.¶¶
- (10) The wholesale permit and permit number issued by the Department of the State Fire Marshal are valid from January 1 to December 31 of the year for which they are issued. All wholesale permit and permit numbers expire on December 31 of the year in which they are valid. A wholesale permit holder may be issued the same permit number every year if the permit holder applies for and obtains a wholesale permit in consecutive years.¶¶
- (11) The wholesale permit is not transferable to another person nor can another person perform any activities authorized by the wholesale permit unless that person listed in the permit application.¶¶
- (12) Only the wholesale permit holder and the employees of the wholesale permit holder may engage in wholesale operations authorized by the wholesale permit.¶¶
- (13) The wholesale permit holder's name, mailing address and wholesale permit number must be imprinted or affixed by the wholesale permit holder to:¶¶
 - (a) All sales forms, orders, invoices, inventory sheets and any other similar or related documents issued, used or completed by the wholesale permit holder in conducting its wholesale operations; and¶¶
 - (b) The outside of all cartons, containers, or cases of fireworks, retail fireworks, display fireworks, or pest control fireworks being shipped, transported, or otherwise provided by the wholesale permit holder.¶¶
 - (c) Care should be taken to ensure any other required labeling is not obscured when marking items required by 837-012-0525(13) (a) and (b).¶¶
- (14) All shipments by a wholesale permit holder of fireworks, retail fireworks, display fireworks, or pest control fireworks must show on the outside of each cartons, containers, or cases, sales forms, orders, invoices, inventory sheets and any other similar or related documents issued, used or completed by the wholesale permit holder the full name and permit number of the permit holder to whom the fireworks, retail fireworks, display fireworks, or pest control fireworks are being provided.¶¶
 - (a) If fireworks, retail fireworks, display fireworks, or pest control fireworks are being shipped, transported or otherwise provided in or into Oregon, the shipment must show an Department of the State Fire Marshal-issued

permit number.¶¶

(b) If the fireworks, retail fireworks, display fireworks, or pest control fireworks are being shipped, transported or otherwise provided from Oregon for delivery into another state, the shipment must show the appropriate license or permit number, if the person to whom the fireworks, retail fireworks, display fireworks, or pest control fireworks are being provided is required under the laws of the other state to possess a license or permit.¶¶

(c) Care should be taken to ensure any other required labeling is not obscured when marking items required by 837-012-0525(14) (a) and (b).

Statutory/Other Authority: ORS 476, 478, 480

Statutes/Other Implemented:

AMEND: 837-012-0530

RULE SUMMARY: 837-012-0530 (1) Remove: "may" and "at, or mailed" and the duplicate "the" Add: shall
837-012-0530 (2) Remove: "or" Added "online or other approved OSFM methods"

CHANGES TO RULE:

837-012-0530

Permit Fees ¶

(1) Permit fees ~~may~~shall be paid ~~at, or mailed to,~~to the Department of the State Fire Marshal and must accompany the ~~the~~ permit application.¶

(2) Payment may be made by personal check, business check, cashier's check ~~or money order,~~ money order, online, or other approved OSFM method, and made payable to the Department of the State Fire Marshal.¶

(3) The permit fee is \$3,000.¶

(4) Permit fees are non-refundable. Exception: The State Fire Marshal may refund all or part of the permit fee if it is determined the application is not appropriate or the permit is denied.¶

(5) Permit fees are non-transferable to any other individual or business.

Statutory/Other Authority: ORS 476, 478, 480

Statutes/Other Implemented:

AMEND: 837-012-0540

RULE SUMMARY: 837-012-0540 (2) (c) Added: OSSC Removed: remaining

837-012-0540 (2) (a) Removed: 2013 Edition and Code for the Manufacture, Transportation, and Storage of Fireworks

837-012-0540 (2) (b) Removed: 2013 Edition and Standard on Explosion Protection by Deflagration Venting

837-012-0540 (2) (d) Added: (OFC) Removed: "as adopted by"

CHANGES TO RULE:

837-012-0540

Wholesale Sites Located in Oregon ¶¶

(1) The location of a wholesale site may not present a significant risk to surrounding life and property or to the ability of local emergency response agencies to respond.¶¶

(2) The wholesale site must be designed, constructed, operated, maintained and separated in conformance with the applicable requirements of:¶¶

(a) NFPA 1124, ~~Code for the Manufacture, Transportation, and Storage of Fireworks, 2013 Edition~~ (The separation distances must be met as required by NFPA 1124, ~~2013 Edition~~. All fireworks stored at the wholesale site must be considered in calculating the separation distances);¶¶

(b) NFPA 68, ~~Guide for Explosion Venting, 2013 Edition~~;¶¶

~~(c) Oregon Structural Specialty Code, as adopted by the Oregon Building Codes Division pursuant to OAR 918-460-0010;¶¶~~

~~(d) Oregon Fire Code, as adopted by the State Fire Marshal pursuant to OAR 837-040-0010;¶¶~~

(c) OSSC;¶¶

(d) OFC;¶¶

NOTE: Wholesale sites that are currently approved may not be required to be altered or updated to comply with these standards.¶¶

(3) Temporary structures, including tents, vehicles and trailers of less than 10,000 pound gross carrying capacity, and buildings, structures, vehicles, or trailers not approved by the local fire authority and the Department of the State Fire Marshal may not be used as wholesale sites.¶¶

(4) Security for storage facilities must be provided by construction and maintenance of a solid or chain-link fence, at least six feet high with locking gates, that surrounds the facility. Security may be provided by an alternative means only if first approved by the local fire authority.¶¶

(5) Smoking, other ignition sources, or the use of the fireworks, retail fireworks, display fireworks, or pest control fireworks may not be allowed within 100 feet of the storage or sales facilities.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476, 478, 480

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0610

RULE SUMMARY: 837-012-0610 (1) Added to Definition: American Pyrotechnics Association Standard 87-1

837-012-0610 (1) - (49) Number Corrections: Definition (1) to (49)

837-012-0610 (27) Added to Definition: NFPA 10, 2013 Edition (Portable Fire Extinguishers)

837-012-0610 (28) Added to Definition: NFPA 495

837-012-0610 (30) Added to Definition: Oregon Electrical Specialty Code, 2011 Edition

837-012-0610 (31) Added to Definition: Oregon Fire Code (OFC)

837-012-0610 (32) Added to Definition: Oregon Structural Specialty Code (OSSC)

CHANGES TO RULE:

837-012-0610

Definitions ¶¶

For purposes of ORS 480.111 through 480.165 and OAR 837-012-0600 through 837-012-0675, the following definitions apply:¶¶

(1) "American Pyrotechnics Association Standard 87-1" means the American Pyrotechnics Association Standard 87-1 (2004 edition) unless otherwise specified.¶¶

(2) "BATFE" means the Bureau of Alcohol, Tobacco, Firearms and Explosives.¶¶

(23) "Building" has the same meaning provided in the Oregon Structural Specialty Code, as adopted by the Oregon Building Code Division pursuant to ORS 918-460-0010. The term does not include a tent, canopy, stand or trailer.¶¶

(34) "Canopy" means a temporary structure, enclosure or shelter; constructed of fabric or pliable materials; supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.¶¶

(45) "Carton, container, or case" means any box, parcel, bundle, or other package used to hold or contain fireworks, retail fireworks, display fireworks, or pest control fireworks for purposes of transportation or storage. The term does not include:¶¶

(a) The wrapping or packaging used to hold or contain a single, or small number of, fireworks, retail fireworks, display fireworks, or pest control fireworks; or¶¶

(b) A vehicle or other mobile container used to transport fireworks, retail fireworks, display fireworks, or pest control fireworks.¶¶

(56) "Combination item" means a consumer fireworks device that contains combinations of two or more effects.¶¶

(67) "Cone fountain" has the meaning provided in ORS 480.111(1).¶¶

(78) "Consumer fireworks" has the meaning provided in ORS 480.111(2).¶¶

(89) "Cylindrical fountain" has the meaning provided in ORS 480.111(3).¶¶

(910) "Display fireworks" has the meaning provided in ORS 480.111(4).¶¶

(101) "Employee" means an individual hired by a retail permit holder to sell retail fireworks from a retail sales outlet, or to otherwise engage in retail operations.¶¶

(112) "Exempt fireworks" has the meaning provided in ORS 480.111(5).¶¶

(123) "Exit" means an opening or passageway that:¶¶

(a) Provides a means of leaving an enclosed space or area; and¶¶

(b) Is required to be constructed in accordance with the Oregon Structural Specialty Code, as adopted by the Oregon Building Code Division pursuant to ORS 918-460-0010. The term may include a check stand exit.¶¶

(134) "Explosive mixture" has the meaning provided in ORS 480.111(6).¶¶

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

(156) "Fireworks" has the meaning provided in ORS 480.111(7).¶¶

(167) "Flitter sparkler" has the meaning provided in ORS 480.111(9).¶¶

(178) "Ground spinner" has the meaning provided in ORS 480.111(10). The term does not include "crazy jacks," "jumping jacks" and similar spinning devices that do not have a means to prevent uncontrolled and unpredictable behavior during discharge, and due to uncontrolled and unpredictable behavior, present a severe hazard of fire and injury. The sale of such devices is therefore prohibited.¶¶

(189) "Illegal fireworks" means any fireworks other than consumer fireworks including but not limited to, any firework that flies into the air, or explodes or behaves in an uncontrolled and unpredictable manner.¶¶

(1920) "Illuminating torch" has the meaning provided in ORS 480.111(11).¶¶

(201) "Individual" means a single human being.¶¶

(212) "Individual member of the general public" means any person who has not been issued a wholesale permit, a general, limited or special effects display permit, a retail permit or a pest control fireworks permit by the Department of the State Fire Marshal.¶

(223) "Individual responsible for sales" means the individual identified on the permit application who is responsible for the operation of the retail sales outlet listed on the permit application.¶

(234) "Indoor sales" means sales of retail fireworks from inside a building or tent.¶

(245) "Local fire authority" means the local fire official having jurisdiction over the retail site or the retail fireworks storage location.¶

(256) "NFPA" means the National Fire Protection Association.¶

(26) "~~Novelties and trick noisemakers~~" means ~~those items described in the American Pyrotechnics Association Standard 87-1. It also means exempt fireworks.~~¶

(277) "NFPA 10" means the National Fire Protection Association Edition 10 Code for Portable Fire Extinguishers 2013 Edition unless otherwise specified. ¶

(28) "NFPA 495" means the National Fire Protection Association Edition Code for the Manufacture of Fireworks and Pyrotechnic Articles 2013 Edition unless otherwise specified. ¶

(29) "~~Novelties and trick noisemakers~~" means those items described in the American Pyrotechnics Association Standard 87-1. It also means exempt fireworks.¶

(30) "Oregon Electrical Specialty Code (OESC) " means the 2011 Edition of the Oregon Electrical Specialty Code (OESC) unless otherwise specified. ¶

(31) "Oregon Fire Code (OFC)" means the Oregon Fire Code (OFC) 2022 edition as adopted by the Oregon State Fire Marshal unless otherwise specified. ¶

(32) "Oregon Structural Specialty Code (OSSC)" means Oregon Structural Specialty Code (OSSC) 2022 edition as adopted by the Oregon Building Division unless others wise specified. ¶

(33) "Outdoor sales" means sales of retail fireworks from a tent, canopy, stand or trailer.¶

(2834) "Permit application" means the application form and accompanying documentation required to be completed and submitted to the Department of the State Fire Marshal for approval prior to the issuance of a retail permit.¶

(2935) "Pest control fireworks" has the meaning given in OAR 837-012-0315.¶

(306) "Pyrotechnic device" has the meaning provided in ORS 480.111(16).¶

(317) "Retail fireworks" means consumer fireworks, as defined in ORS 480.111(2). 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.¶

(328) "Retail operations" means the sale of retail fireworks from a retail sales outlet to individual members of the general public and related activities, including the purchase, possession, storage and transportation of retail fireworks.¶

(339) "Retail permit" means the official written document issued by the Department of the State Fire Marshal pursuant to ORS 480.127 that authorizes the purchase, transport, possession, storage and sale of retail fireworks, at retail, when otherwise in conformance with all applicable requirements of ORS 480.111 through 480.165, OAR chapter 837, division 12, and any other applicable federal, state and local laws, rules and regulations pertaining to fireworks.¶

(340) "Retail sales outlet" means a permanently or temporarily erected structure or enclosure located at the retail site and from which retail fireworks are sold to individual members of the general public. The term includes stands, tents, canopies, buildings, and trailers.¶

(3541) "Retail site" means the physical location or address of the retail site outlet listed on the retail permit where retail fireworks are sold.¶

(3642) "Retailer" means any person who sells, transfers, or provides by any other means, or intends to sell, transfer or provide by any other means, retail fireworks to individual members of the general public.¶

(437) "Sales display" means the placement at a retail site outlet of retail fireworks to allow individual members of the general public to view, handle and purchase the retail fireworks.¶

(3844) "Sell" means to transfer possession of property from one person to another person for consideration.¶

(3945) "Stand" means a booth temporarily erected and used for the sale of retail fireworks to individual members of the general public.¶

(406) "Tent" means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects and is in compliance with Oregon Fire Code requirements for tents.¶

(417) "Volunteer" means a member of a non-profit organization that has applied for and obtained a retail permit.¶

(428) "Wheel" has the meaning provided in ORS 480.111(18).¶

(439) "Wholesaler" means any person who sells or provides by any other means, or intends to sell or provide by any other means fireworks, retail fireworks, display fireworks, or pest control fireworks and has obtained a

fireworks wholesale permit issued by the Department of the State Fire Marshal.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0615

RULE SUMMARY: 837-012-0615 (2) (c) Oregon Fire Code Removed: "as adopted..."

837-012-0615 (2)(d) Oregon Structural Specialty Code, Removed: "as adopted..."

CHANGES TO RULE:

837-012-0615

General ¶

(1) Retailers desiring to engage in other types of fireworks activities, including wholesale sales, displays or pest control use, must meet all applicable requirements in ORS 480.111 through 480.165 and OAR chapter 837, division 12, including those pertaining to obtaining permits for such activities from local and state authorities.¶

(2) Retail permit holders must comply with all applicable federal, state and local laws, rules and regulations, pertaining to fireworks, including:¶

(a) ORS 480.111 through 480.165;¶

(b) All applicable requirements of OAR chapter 837, division 12;¶

(c) ~~Oregon Fire Code, as adopted by the State Fire Marshal pursuant to OAR 837-040-0010 and~~¶

~~(d) Oregon Structural Specialty Code, as adopted by the Oregon Building Code Division pursuant to ORS 918-460-0010FC and~~¶

(d) OSSC.¶

(3) Retail permit holders must notify the Department of the State Fire Marshal, verbally or in writing, within 24 hours of the date of change, of:¶

(a) The retail permit holder's mailing address or telephone number; or¶

(b) The mailing address or 24-hour contact number for the individual responsible for sales.¶

(4) Retail permit holders must notify the Department of the State Fire Marshal and the local fire authority, in writing of a change in the identity of the individual responsible for sales at least 24 hours before the new individual becomes the individual responsible for sales. Such a change is subject to the prior approval of the local fire authority and the Department of the State Fire Marshal.¶

(5) Exempt fireworks are exempt from the permit requirements set forth in ORS 480.111 through 480.165 and OAR chapter 837, division 12. Exempt fireworks may be sold and purchased without either the seller or purchaser having to first obtain a permit issued by the Department of the State Fire Marshal.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0620

RULE SUMMARY: 837-012-0620(8) Update: (21) To: (23)

837-012-0620 11 (a) Remove: his Replace: with their

837-012-0620 11 (b) Remove: his Replace: with their

CHANGES TO RULE:

837-012-0620

Retail Permit Applications ¶¶

(1) Any person engaged in, or intending to engage in, the sale or provision by any other means of retail fireworks to individual members of the general public must apply for and obtain a retail permit issued by the Department of the State Fire Marshal.¶¶

(2) A separate retail permit must be applied for and obtained for each retail sales outlet that may conduct sales of retail fireworks in Oregon.¶¶

(3) Only one application for a retail permit may be made for each retail site except pursuant to OAR 837-012-0630(3).¶¶

(4) The application for a retail permit must be made on a form provided by the Department of the State Fire Marshal.¶¶

(5) All information provided by the applicant on the permit application must be true and correct to the applicant's knowledge.¶¶

(6) In addition to completion of the application form, applicants must submit copies of a sketch of the retail site in accordance with subsection (7) of this rule.¶¶

(7) The sketch of the retail site, required pursuant to subsection (6) of this rule, must include without limitation, the following:¶¶

(a) A diagram of the retail sales outlet and its relationship to adjacent areas located at the retail site;¶¶

(b) For all outdoor sales, the location and distances of all structures, buildings, highways, streets, trees, and other vegetation within 50 feet of the retail sales outlet;¶¶

(c) For all indoor sales, the location of the sales display and the location and distances of all highly combustible materials within a 20-foot radius of the sales display;¶¶

(A) For retail sales outlets located within structures or buildings of less than 1,000 square feet, all exits from the building or structure;¶¶

(B) For retail sales outlets located in structures or buildings of greater than 1,000 square feet, all exits from the building or structure located within 75 feet of the sales display;¶¶

(C) For tents, all exits from the tent.¶¶

(D) A list of the general types of merchandise located within 20 feet of the sales display. This requirement does not apply to tents.¶¶

(d) The location of any open flames, exposed heating elements or other direct sources of ignition, including, but not limited to, coffee makers, food warmers, cookers and broilers located inside the retail sales outlet or, for indoor sales, within 20 feet of the sales display.¶¶

(8) Any applicant for a retail permit, other than an individual, must list on the application form the name, address, and phone number of one individual holding a management position within the permit holder's company or organization. See definition of "person" in ORS 174.100(4) and "individual" in OAR 837-012-0610(243).¶¶

(9) As part of the permit application process, the applicant must apply for and obtain, in writing when available;¶¶

(a) All required local and state building code, fire code and business licensing inspections, approvals, permits and licenses; and¶¶

(b) All required state and local land use and zoning permits, licenses and approvals for the retail site.¶¶

(10) Applicants must submit their completed permit application to the local fire authority for review and signature approving the retail site prior to submission of the permit application to the Department of the State Fire Marshal.¶¶

(11) The required local fire authority signatures are:¶¶

(a) For retail sales conducted inside city limits, the permit application must be signed by the city fire chief or ~~his~~their authorized representative;¶¶

(b) For retail sales conducted outside city limits, but inside a rural fire protection district, the permit application must be signed by the district fire chief or ~~his~~their authorized representative;¶¶

(c) For retail sales conducted outside both city limits and a rural fire protection district, the permit application must be signed by the district Deputy State Fire Marshal.¶¶

(d) Applicants must also obtain the signature of the local fire authority with jurisdiction over the retail fireworks storage location, regardless of whether the storage location is the same as the retail site.¶

(12) Proof of identification of the individual responsible for sales that will occur at temporary outdoor locations such as tents or stands must be provided to the local fire authority at the time the permit application is submitted to the local fire authority for review and signature. The proof of identification must be a current and recognizable photographic identification.¶

(13) Permit applications may not be submitted to the Department of the State Fire Marshal prior to January 1 of the year for which the permit is sought.¶

(14) ORS 480.127 requires retail fireworks sales applicants to apply in writing to the State Fire Marshal for a permit at least 15 days in advance of the proposed sale. However, due to limited resources in the fireworks program, it is recommended that retail fireworks permit applications be postmarked or submitted to the OSFM by April 15 of the year for which the permit is sought.

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.110, 480.120, 480.127, 480.130, 480.150, 480.152, 480.154, 480.156, 480.158, 480.160, 480.165

AMEND: 837-012-0625

RULE SUMMARY: 837-012-0625 (1) Remove: "may" and "at, or mailed ," Add: shall

837-012-0625 (2) Remove: "or" Add " online or other approved OSFM methods and "

CHANGES TO RULE:

837-012-0625

Retail Permit Fees ¶¶

(1) Permit fees ~~may~~shall be paid ~~at, or mailed to,~~to the Department of the State Fire Marshal and must accompany the permit application.¶¶

(2) Payment may be made by personal check, business check, cashier's check ~~or,~~ money order, online or other approved OSFM methods, and made payable to the Department of the State Fire Marshal.¶¶

(3) The permit fee for each permit application is \$100.¶¶

(4) Permit fees are non-refundable and non-transferable.

Statutory/Other Authority: ORS 476, ORS 480

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0630

RULE SUMMARY: 837-012-0630 (4) Add: "or email" and "or email address"

CHANGES TO RULE:

837-012-0630

Issuance of Retail Permits ¶

- (1) The Department of the State Fire Marshal may not approve a permit application, or issue a retail permit, without the prior approval of the local fire authority.¶
- (2) The Department of the State Fire Marshal will assign a unique number to each retail permit issued.¶
- (3) Only one retail permit may be issued for each retail site with the following exception: More than one retail sales outlet may be erected and operated at the same retail site, whether indoors or outdoors, when there is sufficient space to allow each retail sales outlet to conform to the requirements of ORS 480.111 to 480.165 and these rules. For example, retail permits may be issued for both outdoor sales and indoor sales located at the same retail site.¶
- (4) The Department of the State Fire Marshal will mail or email the original retail permit to the applicant at the mailing address or email address listed on the permit application.¶
- (5) Retail permit holders may request a duplicate copy of their permit by certifying to the Department of the State Fire Marshal, in writing, that their permit has been lost, stolen, or destroyed. Written requests must be signed and dated by the retail permit holder.¶
- (6) The issuance of a retail permit does not in any way constitute approval by the Department of the State Fire Marshal of any retail fireworks purchased, sold or provided pursuant to the retail permit.¶
- (7) A retail permit allows the holder of the permit to engage in the purchase, transportation, possession, storage and sales of retail fireworks when those activities are otherwise in conformance with the applicable requirements of ORS 480.111 through 480.165, OAR chapter 837, division 12 and any other applicable federal, state or local laws, rules or regulations pertaining to fireworks.¶
- (8) A retail permit holder is authorized only to sell or otherwise provide retail fireworks to individual members of the general public.¶
- (9) A retail permit does not authorize the:¶
 - (a) Purchase, possession or sale of illegal fireworks by or to any person; or¶
 - (b) Sale or provision of retail fireworks to any person other than an individual member of the general public.¶
- (10) The retail permit and permit number issued by the Department of the State Fire Marshal are valid for the sale of retail fireworks from June 23 through July 6 of the year in which the permit was issued.¶
- (11) A retail permit is valid only for the retail sales outlet and retail site listed on the permit.¶
- (12) Only the retail permit holder, and any employees or volunteers of the retail permit holder, may engage in retail operations authorized by the retail permit.¶
- (13) Retail permit, and the rights conveyed by the permits, are not transferable.¶
- (14) Retail permit holders must contract directly with the wholesaler listed on the retail permit for the purchase of retail fireworks.¶
- (15) Retail permit holders may not contract, subcontract, lease, sub-lease or convey by any other means to another person any rights granted under the retail permit.¶
- (16) The retail permit issued by the Department of the State Fire Marshal does not require property owners or others to allow sales of retail fireworks on their property. The Department of the State Fire Marshal will not intercede on the behalf of retail permit holders with property owners who refuse to allow sales of retail fireworks on their property, or, in the case of two permit applications submitted or two retail permit inadvertently issued for the same retail site, when there is a question of which applicant or retail permit holder has permission from the property owner to conduct sales at the retail site.

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0645

RULE SUMMARY: 837-012-0645 (9) (c) Oregon Structural Specialty Code Removed: "as adopted..."

837-012-0645 (9) (d) Oregon Fire Code Removed: "as adopted..."

837-012-0645 (16) (a) Oregon Structural Specialty Code Removed: "as adopted..."

837-012-0645 (16) (b) NFPA 495 Remove: 2013 Edition

CHANGES TO RULE:

837-012-0645

Sales and Storage of Retail Fireworks ¶

- (1) A retail sales outlet may never be left unattended during the business hours of the outlet. Any retail sales outlet in violation of these rules may be subject to closure.¶
- (2) The retail permit holder or the individual responsible for sales must be present at the retail sales outlet at least 50% of the outlet's business hours each day. When not present at the outlet, the individual responsible for sales must be readily available, day or night, by telephone or other reliable means of communication. The individual responsible for sales may be absent from the retail sales outlet for up to 48 consecutive hours twice during the period of time the retail permit is valid. The two 48-hour time periods may not be consecutive. The individual responsible for sales, when not at the retail site, must be available through their 24-hour contact number listed on their permit application.¶
- (3) Any time the individual responsible for sales is not present at the retail sales outlet during the business hours of the outlet, at least one individual, 18 years of age or older, must be present at the outlet. Such individual must be an employee or volunteer of the retail permit holder's volunteer non-profit organization. Such individual must be directly responsible for, and in charge of, the retail sales outlet and be present in the retail sales outlet at all times.¶
- (4) The individual responsible for sales may be:¶
 - (a) The retail permit holder listed on the retail permit; or¶
 - (b) An employee of the retail permit holder; or¶
 - (c) If the retail permit holder is a volunteer, non-profit organization, an individual who is a member of the retail permit holder's volunteer non-profit organization.¶
- (5) The individual responsible for sales may only be responsible for the retail sales outlet listed on the retail permit.¶
- (6) The retail site may be changed if:¶
 - (a) The new retail site is located in the same fire jurisdiction as the retail site listed in the retail permit;¶
 - (b) The local fire authority approves the new retail site and indicates that approval in writing; and¶
 - (c) The Department of the State Fire Marshal is notified of the change at least 24 hours prior to the commencement of retail sales.¶
- (7) Retail fireworks may only be sold at a retail sales outlet for which a retail permit has been issued.¶
- (8) Retail fireworks may not be sold or otherwise provided from an establishment or business that serves alcoholic beverages, single or multi-family residences, an internet site, or automobiles.¶
- (9) All retail sales outlets must comply with all applicable federal, state and local laws, rules and regulations pertaining to fireworks including:¶
 - (a) ORS 480.111 through 480.165;¶
 - (b) OAR chapter 837, division 12;¶
 - (c) ~~Oregon Structural Specialty Code, as adopted by the Oregon Building Codes Division pursuant to OAR 918-460-0010; and¶~~
 - (d) ~~Oregon Fire Code, as adopted by the State Fire Marshal pursuant to OAR 837-040-0010SSC; and¶~~
 - (d) OFC.¶
- (10) All retail fireworks not sold during the time the retail permit is valid, must be returned to the supplying wholesaler no later than July 31 of the year in which the permit is valid.¶
- (11) At all times during the business hours of the retail sales outlet, exits may not be locked or blocked and all exits must be passable.¶
- (12) No fireworks may be discharged within 100 feet of any retail sales outlet.¶
- (13) The retail permit holder, individual responsible for sales, and any employees or volunteers of the retail permit holder must ensure that all retail fireworks sold or otherwise provided, possessed, transported, stored or offered for sale comply with ORS 480.111 through 480.165 and these rules.¶
- (14) The type of retail sales outlet (tent, stand, canopy or trailer) to be utilized must be described on the permit

application, including its outside dimensions. The dimensions of the retail sales outlet listed on the permit application may not be increased, but they may be decreased, after the permit application is submitted to the Department of the State Fire Marshal.¶¶

(15) Retail permit holders may store their retail fireworks from June 1 through July 31 of the year in which their retail permit is valid. The local fire authority must approve the storage and the storage location of the retail fireworks and indicate that approval by signing the permit application.¶¶

(16) Retail fireworks shall be stored:¶¶

(a) In compliance with Section 307.1.2 of the ~~Oregon Structural Specialty Code as adopted by the Oregon Building Codes Division pursuant to OAR 918-460-0010~~SSC; or¶¶

(b) In an explosives magazine pursuant to NFPA 495, ~~2013 Edition~~.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0650

RULE SUMMARY: 837-012-0650 (7) Oregon Electrical Specialty Code Removed: 2011 Edition

CHANGES TO RULE:

837-012-0650

Outdoor Sales ¶¶

- (1) The location of an outdoor retail sales outlet must not present a significant risk of fire or injury to those individuals conducting sales of retail fireworks, individual members of the general public, and any surrounding property.¶¶
- (2) Every outdoor retail sales outlet must maintain at least one exit opening, or outward swinging exit door, for each 1,000 square feet of area covered or each 20 feet of structure length. The exit opening must be at least two feet wide and five feet high or as required by the local fire authority.¶¶
- (3) Trailers must have their wheels blocked or removed, or the tongue locked. Trailers must be disconnected from any power source which can potentially move the trailer any distance. Any fuel tanks or other ignition sources, including those for propane, must be removed and placed a minimum of 20 feet from the trailer. Individual members of the general public may not have access to the interior of the trailer.¶¶
- (4) Tent and canopy fabrics and any materials used on the floor of the tent or canopy, such as sawdust, must be treated to be fire retardant.¶¶
- (5) Tents having three or more enclosing sides must comply with the requirements for both indoor sales and outdoor sales.¶¶
- (6) Fire extinguishers must be provided at each outdoor retail sales outlet. At a minimum, at least one 2A rated water type extinguisher, or an equivalent water type extinguishing system as approved by the local fire authority must be placed at each retail sales outlet.¶¶
- (7) All electrical wiring, lighting and other electrical fixtures and installations must be in accordance with the ~~Oregon Electrical Specialty Code, 2011 Edition~~ ESC and any other applicable state or local requirements.¶¶
- (8) Outdoor retail sales outlets that operate at night must erect and maintain sufficient light fixtures to enable customers and those individuals selling retail fireworks to see all areas of the outlet. Standard electrical installations, battery powered lanterns, street or parking lot lighting or nearby building interior and exterior lighting may be used for this purpose.¶¶
- (9) Outdoor retail sales outlets must be located:¶¶
 - (a) At least 50 feet from any dispensary of flammable liquids or gases;¶¶
 - (b) At least 15 feet, or as otherwise specified by the local fire authority, from any street or public right-of-way;¶¶
 - (c) At least 10 feet from any combustible structures;¶¶
 - (d) At least 10 feet from any entrances to, or exits and openings from, any surrounding buildings or structures; and¶¶
 - (e) At least 20 feet from exposed heating elements or any other such sources of ignition including fuel-powered electrical generators.¶¶
- (10) A stand including any vertical extensions may not be more than one story in height unless it has sufficient size, weight or tie-downs to prevent toppling in the wind.¶¶
- (11) "No Smoking" signs must be posted on the outside of all enclosing sides of an outdoor retail sales outlets. The signs must be visible to all individuals located at the retail sales outlet. Sign lettering must be red and at least 2-1/2 inches high on a white background.¶¶
- (12) Smoking, open flames, and other such ignition sources or the use of fireworks are prohibited within 100 feet of the retail sales outlet.¶¶
- (13) All fuel used to power electrical generators must be stored in containers listed and approved by Underwriter's Laboratories.¶¶
- (14) Heaters having exposed electrical elements or open flames may not be used at any outdoor retail sales outlet.¶¶
- (15) Outdoor retail sales outlet, and parking for customers of the retail sales outlet, may not impede or endanger the normal flow of traffic on public streets or highways, or parking lots.¶¶
- (16) The retail sales outlet permit holder, individual responsible for sales and any employees or volunteers of the retail permit holder are responsible for maintaining the grounds within 20 feet of the retail sales outlet permit in a clean and orderly manner.¶¶
- (17) Retail permit holders, their employees or volunteers may not sleep inside an outdoor retail sales outlet.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.110, 480.120, 480.127, 480.130, 480.150, 480.152, 480.154, 480.156,

480.158, 480.160, 480.165

AMEND: 837-012-0655

RULE SUMMARY: 837-012-0655 (6) NFPA 10 Removed: 2013 Edition

CHANGES TO RULE:

837-012-0655

Indoor Sales ¶

- (1) The location of an indoor retail sales outlet may not present a significant risk of fire or injury to those individuals conducting sales of retail fireworks, individual members of the general public, and any surrounding property.¶
- (2) A specific area inside the building must be designated and maintained as the sales display area.¶
- (3) The location of the sales display area shall not hinder or block any exit, including, if applicable, a required check-stand exit.¶
- (4) The individual responsible for sales must regularly monitor and oversee retail operations at the retail sales outlet to ensure the sales display and storage areas are orderly and maintained in accordance with these rules.¶
- (5) Retail fireworks, in excess of those needed for the sales display, may be stored inside the retail sales outlet only if they are separated from all sales display areas, exits, flammable and highly combustible materials and public access areas to the building, in accordance with local fire authority requirements and these rules. This subsection does not apply to tents or canopies.¶
- (6) Fire extinguishers must be placed throughout the indoor retail sales outlet in the quantities and locations required by NFPA 10, ~~2013 Edition~~ and any applicable local ordinances and rules. At a minimum, at least one 2A rated water type fire extinguisher, or an equivalent water type fire extinguishing system, as approved by the local fire authority must be placed at the outlet.¶
- (7) Smoking at an indoor retail sales outlet by the retail permit holder, individual responsible for sales or an employee or volunteer of the retail permit holder may be the basis for suspension or revocation of the retail permit.¶
- (8) All trash, rubbish, empty boxes and discarded retail fireworks wrapping or packaging must be removed daily or more often as needed, to maintain the sales display and storage areas in a neat and clean manner.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476, 480

Statutes/Other Implemented: ORS 480.110, 480.120, 480.127, 480.130, 480.150, 480.152, 480.154, 480.156, 480.158, 480.160, 480.165

AMEND: 837-012-0720

RULE SUMMARY: 837-012-0720 Corrected Numbers: (70) and (71)

837-012-0720 Corrected Numbers: (74) and (98)

837-012-0720 (67) Added: NFPA

837-012-0720 (68) Added: NFPA 1123

837-012-0720 (69) Added: NFPA 1124

837-012-0720 (72) Added: "Oregon Fire Code (OFC)"

837-012-0720 (73) Added: "Oregon Structural Specialty Code (OSSC)"

CHANGES TO RULE:

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 lead fuse or electric match wires, and a black powder lift charge.¶¶

(3) "Approved applicant" means any individual that meets the requirements of OAR chapter 837, division 12.¶¶

(4) "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.¶¶

(5) "Barge" means a floating vessel or a floating platform.¶¶

(6) "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.¶¶

(7) "Black match" means fuse made from string impregnated with black powder and used for igniting fireworks devices.¶¶

(8) "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).¶¶

(9) "Burst" means break.¶¶

(10) "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.¶¶

(11) "Cake device" means multi-shot device.¶¶

(12) "Chain fusing" means a series of two or more aerial shells or pyrotechnic devices used to fire in sequence from a single ignition. Finales and barrages typically are chain fused.¶¶

(13) "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.¶¶

(14) "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 must have the permit authorized by the State Fire Marshal in their possession at the time the fireworks are picked up from the wholesaler.¶¶

(15) "Discharge site" means the area immediately surrounding the area where fireworks are ignited for an outdoor display.¶¶

(16) "Display" means an outdoor general or limited fireworks display or an indoor or outdoor fireworks display using special effects fireworks.¶¶

(17) "Display fireworks" has the meaning provided in ORS 480.111(4).¶¶

(18) "Display permit application" means the form and accompanying documentation required to be completed and submitted to the Department of the State Fire Marshal for approval prior to the issuance of a limited, general, or special effects display permit.¶¶

(19) "Display site" means the immediate area where a fireworks display is conducted and includes 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.¶¶

(20) "Dud" means a firework that leaves the mortar and returns to earth without producing the intended break or effect.¶¶

(21) "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.¶¶

(22) "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 have test circuits and warning indicator, etc.¶¶

(23) "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.¶¶

(24) "Exempt fireworks" has the meaning provided in ORS 480.111(5).¶¶

(25) "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 must be the required separation distance based on table of distances listed in OAR 837-012-0840.¶¶

(26) "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 fireworks are chain fused to fire in rapid sequence.¶¶

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

(28) "Fireworks" has the meaning provided in ORS 480.111(7).¶¶

(29) "Fireworks detonation" means the entire contents of the aerial shell and the lift charge are consumed in one simultaneous explosion at or near the bottom of the mortar.¶¶

(30) "Fireworks display" has the meaning provided in ORS 480.111(8).¶¶

(31) "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.¶¶

(32) "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.¶¶

(33) "Fusee" means a highway distress flare, sometimes used to ignite fireworks at outdoor displays.¶¶

(34) "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.¶¶

(35) "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.¶¶

(36) "General fireworks display" means a display held outdoors, utilizing 1.3g fireworks and may include 1.4g fireworks and special effects fireworks and may only be conducted by a general display operator.¶¶

(37) "General operator certificate" means a document issued by the Department of the State Fire Marshal authorizing the holder of the certificate to be an operator at a general fireworks display.¶¶

(38) "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, wheels, and "set pieces".¶¶

(39) "Individual" means a single human being.¶¶

(40) "Individual member of the general public" means any person who has not been issued a wholesale permit, a display permit, a retail permit or a pest control fireworks permit by the Department of the State Fire Marshal.¶¶

(41) "Instructor" means the individual who delivers the training required under OAR 837-012-0780.¶¶

(42) "Lance" means a thin cardboard tube packed with a color producing pyrotechnic composition and used to construct ground display pieces.¶¶

(43) "Law enforcement authority" means any law enforcement official having jurisdiction over the fireworks display site.¶¶

(44) "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.¶¶

(45) "Lift charge" means composition in an aerial shell that propels the aerial fireworks into the air when ignited.¶¶

(46) "Limited fireworks display" means a display held outdoors limited to 1.4G fireworks labeled UN0336. Fireworks authorized by the limited permit are subject to limitation by the local fire authority and the Department of the State Fire Marshal.¶¶

(47) "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.¶¶

(48) "Limited display permit" means a permit to hold a display using 1.4g fireworks labeled UN0336.¶¶

(49) "Limited operator certificate" means a document issued by the Department of the State Fire Marshal authorizing the holder of the certificate to be an operator at a limited fireworks display.¶¶

(50) "Local fire authority" means the local fire official having jurisdiction over the display site or the site where fireworks may be stored prior to the date and time of the display.¶¶

(51) "Local government" has the meaning provided in ORS 480.111(12).¶¶

(52) "Low break" means an aerial shell that functions significantly lower than its prescribed height.¶¶

(53) "Manual firing" means using a handheld ignition source such as a fusee or portfire to ignite fireworks.¶

(54) "Manufacture" has the meaning provided in ORS 480.111(13).¶

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

(56) "May not" means a prohibition of conduct.¶

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

(58) "Misfire" means a firework fails to function after an ignition source is applied to the ignition point.¶

(59) "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.¶

(60) "Mortar" means a tube, closed at one end, from which aerial fireworks are fired into the air.¶

(61) "Mortar rack" means a frame containing mortars and are most often used for barrages and finales and in electrically ignited general fireworks displays.¶

(62) "Mortar trough" means an aboveground structure filled with sand or similar materials in which mortars are positioned for use in general fireworks displays.¶

(63) "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.¶

(64) "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. Multi-shot devices are also referred to as cake devices.¶

(65) "Must" means a mandatory requirement.¶

(66) "Muzzle break" means an aerial shell that bursts immediately as it leaves the mortar.¶

(67) "NFPA" means the National Fire Protection Association. ¶

(68) "NFPA 1123" means the National Fire Protection Association 1123 Code for Fireworks Display (2018 Edition) unless otherwise specified.¶

(69) "NFPA 1124" means National Fire Protection Association 1124 Code for the Manufacture, Transportation, and Storage of Fireworks (2013 Edition) unless otherwise specified.¶

(70) "Operator" means the individual qualified as set forth in OAR 837-012-0780 to conduct the display.¶

(6871) "Operator certificate application" means the form and accompanying documentation required to be completed and submitted to the Department of the State Fire Marshal for approval prior to the issuance of a limited operator certificate or a general operator certificate.¶

(6972) "Oregon Fire Code (OFC)" means the Oregon Fire Code 2022 edition as adopted by the Oregon State Fire Marshal, unless otherwise specified.¶

(73) "Oregon Structural Specialty Code (OSSC)" means the Oregon Structural Specialty Code 2022 edition as adopted by the Oregon Building Codes Division unless otherwise specified.¶

(74) "Peanut shell" means two or more aerial shells in a common wrapper propelled by the same lift charge with separate external time fuses.¶

(705) "Permit" means the official written document issued by the Department of the 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.¶

(716) "Permit holder" means the person as listed on the display permit as the person to whom the permit is issued.¶

(727) "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.¶

(738) "Pest control fireworks" has the meaning given in OAR 837-012-0315.¶

(749) "Portfire" means a tube containing slow burning pyrotechnic composition sometimes used to ignite fireworks at a limited or general fireworks display.¶

(7580) "Pyrotechnic articles," also referred to as "articles, pyrotechnic" has the meaning provided in ORS 480.111(14).¶

(7681) "Pyrotechnic composition" has the meaning provided in ORS 480.111(15).¶

(7782) "Pyrotechnic device" has the meaning provided in ORS 480.111(16).¶

(783) "Quick match" means a black match encased in a loose fitting sheath and is used in fuses for aerial fireworks and for rapid sequential ignition of fireworks such as lances in a ground display piece or barrage.¶

(7984) "Ready box" means a container used for the storage of fireworks during a fireworks display.¶

(805) "Retail fireworks" means those items described in ORS 480.111(2) as consumer fireworks, 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.¶

(816) "Roman candle" means a cardboard tube containing pyrotechnic devices which, when lit, are expelled into the air at timed intervals.¶

(827) "Safety cap" means a paper tube, closed at one end, which is placed over the end of a fireworks fuse to protect the fuse from damage or accidental ignition.¶

(838) "Salute" means a special firework that is designed to produce a loud report.¶

(849) "Set piece" means a ground display piece usually consisting of lances and quick match arranged on a frame.¶

(8590) "Sell" means to transfer possession of property from one person to another person for consideration.¶

(8691) "Special effects display" means a display held either indoors or outdoors limited to special effects fireworks authorized by the special effects permit.¶

(8792) "Special effects fireworks" has the meaning provided in ORS 480.111(17).¶

(8893) "Special effects permit" means a permit issued by the State Fire Marshal to hold a display using special effects fireworks.¶

(894) "Sponsor" means the person that has applied for and been issued a display permit.¶

(905) "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.¶

(916) "Supervision" means displays must be under the supervision of the law enforcement authority, local fire authority, or the Department of the State Fire Marshal.¶

(927) "Training course" means the course required under OAR 837-012-0780.¶

(938) "Wholesaler" means any person who sells or provides by any other means, or intends to sell or provide by any other means fireworks, retail fireworks, display fireworks, or pest control fireworks.

Statutory/Other Authority: ORS 480.150

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0790

RULE SUMMARY: 837-012-0790 (6) Spelling correction: removed extra "D"

CHANGES TO RULE:

837-012-0790

Issuance of Operator Certificate ¶

- (1) Upon receipt of a properly completed and timely submitted operator certificate application, the Department of the State Fire Marshal may either grant or deny the application.¶
- (2) The Department of the State Fire Marshal will assign a unique number to each operator certificate issued.¶
- (3) The Department of the State Fire Marshal will 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 Department of the State Fire Marshal, in writing, their operator certificate has been lost, stolen or destroyed. Written requests must 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 480.111-480.165, 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.

Statutory/Other Authority: ORS 480.150

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0835

RULE SUMMARY: 837-012-0835 (11) (c) Removed: "As adopted by"

837-012-0835 (11) (e) Remove: CFR Title 17, Part 18, Subparts J and JJ

837-012-0835 (11) (b) Removed: "As adopted by"

837-012-0835 (11) (d) Removed: "Explanation and year"

837-012-0835 (12) (d) Remove: CFR Title 17, Part 18, Subparts J and JJ

837-012-0835 (12) (c) Removed: "Explanation"

837-012-0835 (15) Removed: "Explanation"

CHANGES TO RULE:

837-012-0835

Purchase, Transportation and Storage of Display Fireworks ¶¶

- (1) General and limited display permit holders must purchase or otherwise obtain display fireworks only from wholesalers who possess a current and valid wholesale permit issued by the Department of the State Fire Marshal.¶¶
- (2) General and limited display permit holders must 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 must notify, in writing, the Department of the 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 as listed on the display permit or directly to the display site as listed on the permit.¶¶
- (5) The permit holder, or their designated agent, must 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, may transport the display fireworks only to the:¶¶
 - (a) Storage site approved by the local fire authority and the Department of the 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 must 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, must confirm that the outside of all cartons, containers or cases of 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, may 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 must refuse to accept the display fireworks.¶¶
- (10) Permit holder name and display permit number and the wholesaler name and permit number must be maintained on any carton, containers or cases containing display fireworks authorized by a display permit.¶¶
- (11) The storage of display fireworks must comply with the following:¶¶
 - (a) OAR chapter 837, division 12;¶¶
 - (b) Oregon Fire Code, as adopted by the State Fire Marshal pursuant to OAR 837-040-0010.¶¶
 - ~~(c) Oregon Structural Specialty Code, as adopted by the Oregon Building Codes Division pursuant to OAR 918-460-0010.¶¶~~
 - ~~(d) NFPA 1124, Code for the Manufacture, Transportation and Storage of Fireworks 2013 Edition FC.¶¶~~
 - ~~(c) OSSCO.¶¶~~
 - ~~(d) NFPA 1124; 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 must comply with the following:¶¶
 - (a) ORS 480.111 through 480.165;¶¶
 - (b) OAR chapter 837, division 12;¶¶

(c) NFPA 1124, ~~Code for the Manufacture, Transportation and Storage of Fireworks~~; 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 the Bureau of Alcohol, Tobacco, Firearms and Explosives 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 must be granted prior to arriving at the display site and must be approved by the Department of the State Fire Marshal, the local fire authority, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.¶

(15) All fireworks at the display site must meet the requirements of NFPA 1124, ~~Code for the Manufacture, Transportation and Storage of Fireworks, 2013 Edition.~~¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 476.030, 480.150

Statutes/Other Implemented: ORS 480.110 - 480.165

CHANGES TO RULE:

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 may 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 may base their approval or denial 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 must 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 is the responsibility of the Department of the State Fire Marshal.¶¶

(b) When unusual or safety threatening conditions exist, the local fire authority may 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 must 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 must 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 not included. See ED. NOTE.¶¶

(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: Figure not included. See ED. NOTE.¶¶

(7) The discharge site must be located so the trajectories of the aerial shells do not come within 25 feet of any overhead object.¶¶

(8) Ground display pieces must 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 multi-shot devices, the minimum separation distance must be increased to 140 feet minimum or 100 feet per inch of shell diameter. Example: 1.75" artillery type mortar shells must have a minimum separation distance of 175'.¶¶

EXCEPTION: Limited display permit that authorize only retail fireworks may not be subject to the 140 foot separation requirement. Separation requirements for limited display permit authorizing only the use of retail fireworks are 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 must be placed at least 1/6, but not more than 1/3, the distance from the center of the display site toward the main spectator area. The mortars must 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: Figure not included. See ED. NOTE.¶¶

(11) Fireworks may not be discharged within 100 feet of any tent or canvas shelter. Unauthorized tents may not be located within the display site.¶¶

(12) Fallout areas:¶¶

(a) The fallout area must be a large, open area;¶¶

(b) Spectators, vehicles, or readily combustible materials may not be located within the fall out area during the display.¶¶

[ED. NOTE: Figures & tables referenced are available from the agency.]¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 480.150

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0850

RULE SUMMARY: 837-012-0850 (1) Removed: extra space

837-012-0850 (10)(a) Remove: CFR Title 27, Part 18, Subparts J and JJ.

837-012-0850 (11)(d) Add: Correct table number A.4.3."8(a) and (b)"

837-012-0850 (11) (m) Spelling correction: corrected "sand bags" to "sandbags"

CHANGES TO RULE:

837-012-0850

Construction of Fireworks Aerial Shells ¶

(1) Shells may be classified and described only in terms of the inside diameter of the mortar in which they can be safely used, such as three inch shells are only for use in three inch mortars--);¶

(2) Aerial shells must 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 must 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 must 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 must be conspicuously marked with the word "salute";¶

(6) For aerial shells using quick match fuse to ignite the lift charge, that fuse must be long enough to allow not less than six inches of fuse to protrude 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 may 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 must be installed over the exposed end of the fuse. The safety cap must be of a different color than that of the fuse. The safety cap must be installed in such a manner so the fuse is not damaged;¶

EXCEPTION: For electrically fired displays, there is no requirement for safety caps except there must be no exposed pyrotechnic composition.¶

(9) Single break salute shells may not exceed three inches in diameter or three inches in length (exclusive of the lift charge). The maximum quantity of salute powder in such salutes may not exceed 3 ounces;¶

(10) Storage of fireworks and aerial shells not in mortars:¶

(a) All fireworks must be stored and transported according to the requirements 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 may not be left unattended or allowed to become wet;¶

(c) All fireworks must be inspected when practical after delivery to the site but always prior to the start of loading shells by the operator or a qualified assistant. Any shells having tears, leaks, broken fuses, or showing signs of having been wet must be set aside and must not be fired. After the display, any such shells must either be returned to the wholesaler or destroyed according to the wholesaler's instructions;¶

EXCEPTION: Minor repairs to fuses may be allowed. Also, for electrically ignited displays, attachment of electric matches and other similar tasks may be permitted.¶

(d) Upon delivery to the display site, all shells must be separated according to size and as to whether they are salutes. Until they are loaded into mortars, shells must 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 must be located at a distance of not less than 30 feet upwind from the mortar placements. If the wind should shift during a display, the ready boxes must be re-located to be 30 feet upwind from the discharge site.¶

EXCEPTIONS:¶

(A) When acceptable to the local fire authority, alternate measures may be taken.¶

(B) When there are no shells needing storage during a display, such as for an electrically ignited display, or where all shells are preloaded into their mortars prior to the start of the display, there is no need for ready boxes.¶

(11) Installation of mortars:¶

(a) Prior to placement mortars must be carefully inspected for defects, such as dents, bent ends, damaged

interiors, and damaged plugs. Mortars found to be defective must not be used;¶

(b) Mortars must be positioned vertically or so that shells are propelled away from spectators and over a fallout area. Under no circumstances may mortars be angled toward the spectator viewing areas;¶

NOTE: It is generally believed that when manually firing aerial fireworks, mortars should be angled 2 to 4 degrees.¶

(c) Mortars must be buried to a depth of a minimum of 2/3 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) Refer to NFPA 1123, Table A.4.3.98 (a) and (b) for minimum inside mortar length requirements.¶

(e) Under conditions when paper mortars may be damaged by placement in damp ground, paper mortars must be placed inside a moisture-resistant bag prior to placement in damp ground;¶

(f) Whenever there is the likelihood of ground water leaking into the mortar, the mortar must be placed inside a water-resistant bag prior to placement in the ground;¶

(g) Weather-resistant coverings must be placed over the mouth of mortars whenever there is imminent danger of water collecting in the mortars;¶

(h) In soft ground, when there is significant danger of the mortars being driven further into the ground when they are fired, sufficient added support must be placed beneath the mortars;¶

EXCEPTION: When a mortar is only to be used once, such as for an electrically fired display, added support is optional.¶

(i) Mortars that are buried in the ground, in troughs, or in drums must be separated from adjacent mortars by a distance at least equal to the diameter of the mortar. Mortars in troughs or drums must be positioned to afford the maximum protection to the operator;¶

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

(j) If troughs and drums are used, they must be filled with sand or soft dirt; in no case may stones or other possible dangerous debris be used;¶

(k) Whenever more than three shells are to be chain fused, such as for sequential firing, additional measures are required to prevent adjacent mortars from being repositioned in the event a shell detonates in a mortar, causing the mortar to burst. For buried mortars, this must be accomplished by placing the mortars with a minimum separation of four times their diameter. For mortars in racks, this must be accomplished by using mortar racks that have sufficient strength to successfully withstand such a failure;¶

EXCEPTIONS:¶

(A) When there is doubt concerning the strength of racks holding chain fused mortars, the separation distances for those racks from spectator or parking areas must be twice those listed in Table 1.¶

(B) When the separation distance is two times that required in Table 1, buried mortars must be separated from each other by a minimum of one times the internal diameter of the largest mortar in the sequence.¶

(l) When mortars are to be reloaded during a display, mortars of various sizes may not be intermixed. Mortars of the same size must be placed in groups, and the groups must be separated from each other;¶

(m) When operators or assistants are to be in the immediate area of the mortars during a display, sand-bags or other suitable protection must 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;¶

(n) Mortars must be inspected before the first shells are loaded to be certain that no water or debris has accumulated in the bottom of the mortar;¶

(o) Mortars must be of sufficient strength and durability to safely fire the aerial shells to be used;¶

(p) Cast iron mortars may not be used;¶

(q) Metal mortars may be either seamed or seamless; however, seamed mortars must be placed so the seam is facing either right or left as one faces the line of mortars;¶

(r) Mortars must be of sufficient length to cause aerial shells to be propelled to safe heights;¶

(s) A cleaning tool must 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.¶

(t) Numerals indicating the inside diameter of the mortar may be conspicuously painted or otherwise marked near 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 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 may 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 must be employed such as a line isolation transformer;¶

(d) The electrical firing unit must 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 must 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 must 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 must 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-O-meters, may 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 may be present in the immediate area of fireworks that have been attached to the electrical firing unit.¶

[ED. NOTE: Figures referenced are available from the agency.]

Statutory/Other Authority: ORS 480.150

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0870

RULE SUMMARY: 837-012-0870 (1) Remove: his Replace: with their

CHANGES TO RULE:

837-012-0870

Loading and Firing of Shells ¶

(1) Shells must be carried from the storage area to the discharge site only by their bodies, never by their fuses.¶

EXCEPTION: It is generally believed it is not safe to be loading mortars within ten feet of mortars being fired. When loading a shell into a recently fired mortar, the person should crouch alongside the mortar with ~~his~~their back toward the area where shells are being fired.¶

(2) Shells must be checked for proper fit in their mortars prior to the display.¶

(3) When being loaded into the mortars, shells must be held by their fuses or lowering cord if provided and carefully lowered into the mortar. At no time may the person loading the shells place any part of their body over the mouth of the mortar.¶

(4) The person loading shells must be reasonably certain the shells are properly seated in the bottom of the mortars.¶

(5) Shells must not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars must not be fired.¶

(6) The safety cap protecting the fuse must not be removed until immediately before the shell is to be fired.¶

EXCEPTION: Where electrical ignition is used, there is no requirement for a safety cap.¶

(7) Shells may be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator must never place any part of their body over the mortar at any time. As soon as the fuse is ignited, the operator must turn away from or retreat from the mortar area.¶

EXCEPTION: Alternatively, electrical ignition may be used.¶

(8) The first shell fired must 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 must determine whether or not to begin the display and must monitor the display continuously to determine if the display continues to meet all requirements for the continuance of the display.¶

(9) The display must be interrupted and the mortars must be re-angled or repositioned as necessary for safety any time during a display. In the case of a barge, the display must be interrupted and the barge must 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 must be marked in some manner to indicate the presence of an unfired shell, and the mortar may 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 must be cautiously flooded with water and let stand for a minimum of five minutes before it is cautiously emptied of the shell. The operator must be knowledgeable in the proper disposal methods.¶

NOTE: Flooding the mortar with water may not be advisable in all cases, perhaps allow the mortar to stand additional time before removing the shell if it is not to be flooded.¶

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.¶

(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 must warn others in the area and immediately 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 must conduct themselves as though unfired shells remain until advised to the contrary by the operator.¶

(12) Manual re-ignition of chain fused aerial shells may only be attempted at properly installed ignition points.

Statutory/Other Authority: ORS 480.150

Statutes/Other Implemented: ORS 480.110 - 480.165

AMEND: 837-012-0920

RULE SUMMARY: 837-012-0920 (1) Grammer correction: corrected "fireworks" to "firework"

CHANGES TO RULE:

837-012-0920

Records Keeping ¶

(1) Permit holders must keep a record of each shipment of fireworks received. The record must 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 must be readily available for review and inspection by the local fire authority or representatives of the State Fire Marshal.¶

(3) All records must be clear, legible, accurate, and maintained for three years from the date of receipt of the fireworks. The records must be submitted to the local fire authority or the State Fire Marshal upon request.¶

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

Statutory/Other Authority: ORS 480.150

Statutes/Other Implemented: ORS 480.110 - 480.165