

CHAPTER 56
EXPLOSIVES AND FIREWORKS
Double strike through denotes model language deleted by Oregon
Blue text denotes Oregon Amendments

5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of *explosives, explosive materials*, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. *Explosives* in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
4. The possession, storage and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of *explosive materials* by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial *explosive* devices which in the aggregate contain less than 50 pounds (23 kg) of *explosive materials*.
7. The possession, storage and use of blank industrial-power load cartridges when packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100-185.
9. Items preempted by federal regulations.

Explosives shall also be regulated by Oregon Revised Statutes 480.010 through 480.095, 480.200 through 480.290 and Oregon Administrative Rules 837-012-1200 through 837-012-1420.

Note: If there is a conflict between this chapter and any Oregon Revised Statute or Oregon Administrative Rule that regulates explosives the specific requirement in statute or rule shall be applicable.

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. **(Not adopted)** *The use of fireworks for fireworks displays as allowed in Section 5608.*
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR, Parts 1500 and 1507, and DOTn 49 CFR, Parts 100-185, for consumer fireworks.

The provisions of Oregon revised Statutes 480.110 through 480.165 and the following Oregon Administrative Rules (OAR) shall govern fireworks.

1. Wholesale Fireworks Sales, OAR 837-0123-0700 through 837-012-0570.
2. Public Displays, OAR 837-012-0700 through 837-012-0970.
3. Retail Sales, OAR 837-012-0600 through 837-012-0675.
4. Agricultural Use, OAR 837-012-0305 through 837-012-0370.
5. Civil Penalties, OAR 837-012-1000 through 837-012-1160.

Note: If there is a conflict between this chapter and any Oregon Revised Statute or Oregon Administrative Rule that regulates fireworks the specific requirement in statute or rule shall be applicable.

A link to current Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) can be found at <http://www.oregon.gov/OSP/SFM/>

5601.1.5 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of NFPA ~~490~~ 400 and Chapter 63.

5601.2 Permit required. Permits shall be required as set forth in **Oregon Revised Statutes 480.127, 480.130, 480.210 and 480.244** ~~Section 105.6 and regulated in accordance with this section.~~

5601.2.1 (Not adopted) Residential uses. *No person shall keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation, or within 100 feet (30 480 mm) thereof.*

Exception: Storage of smokeless propellant, black powder and small arms primers for personal use and not for resale in accordance with Section-5606.

5601.2.3 (Not adopted) Permit restrictions. *The fire code official is authorized to limit the quantity of explosives, explosive materials or fireworks permitted at a given location. No person, possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such a permit shall be kept or stored.*

5601.2.4 (Not adopted) Financial responsibility. *Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$100,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.*

5601.2.4.2 (Not adopted) Fireworks display. *The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.*

5601.7 Seizure. The fire code official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed or used in violation of **state statute, administrative rule or** this chapter.

5608.1 (Not adopted) General. *Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in motion picture, television, theatrical and group entertainment productions shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126.*

5608.2 (Not adopted) Permit application. *Prior to issuing permits for a fireworks display, plans for the fireworks display, inspections of the display site and demonstrations of the display operations shall be approved. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fallout area or other malfunctions shall be provided to the fire code official.*

5608.2.1 (Not adopted) Outdoor fireworks displays. *In addition to the requirements of Section 403, permit applications for outdoor fireworks displays using Division 1.3G fireworks shall include a diagram of the location at which the fireworks display will be conducted, including the site from which fireworks will be discharged; the location of buildings, highways, overhead obstructions and utilities; and the lines behind which the audience will be restrained*

5608.2.2 (Not adopted) Use of pyrotechnics before a proximate audience. *Where the separation distances required in Section 5608.4 and NFPA 1123 are unavailable or cannot be secured, fireworks displays shall be conducted in accordance with NFPA 1126 for proximate audiences. Applications for use of pyrotechnics before a proximate audience shall include plans indicating the required clearances for spectators and combustibles, crowd control measures, smoke control measures and requirements for standby personnel and equipment when provision of such personnel or equipment is required by the fire code official.*

5608.3 (Not adopted) Approved fireworks displays. *Approved fireworks displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles, 1.4G, which shall be handled by an approved, competent operator. The approved fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.*

5608.4 (Not adopted) Clearance. *Spectators, spectator parking areas, and dwellings, buildings or structures shall not be located within the display site.*

Exceptions:

- 1. This provision shall not apply to pyrotechnic special effects and fireworks displays using Division 1.4G materials before a proximate audience in accordance with NFPA 1126.*
- 2. This provision shall not apply to unoccupied dwellings, buildings and structures with the approval of the building owner and the fire code official.*

5608.5 (Not adopted) Storage of fireworks at display site. *The storage of fireworks at the display site shall comply with the requirements of this section and NFPA 1123 or NFPA 1126.*

5608.5.1 (Not adopted) Supervision and weather protection. *Beginning as soon as fireworks have been delivered to the display site, they shall not be left unattended.*

5608.5.2 (Not adopted) Weather protection. *Fireworks shall be kept dry after delivery to the display site.*

5608.5.3 (Not adopted) Inspection. *Shells shall be inspected by the operator or assistants after delivery to the display site. Shells having tears, leaks, broken fuses or signs of having been wet shall be set aside and shall not be fired. Aerial shells shall be checked for proper fit in mortars prior to discharge. Aerial shells that do not fit properly shall not be fired. After the fireworks display, damaged, deteriorated or dud shells shall either be returned to the supplier or destroyed in accordance with the supplier's instructions and Section 5604.10.*

Exception: *Minor repairs to fuses shall be allowed. For electrically ignited displays, attachment of electric matches and similar tasks shall be allowed.*

5608.5.4 (Not adopted) Sorting and separation. *After delivery to the display site and prior to the fireworks display, all shells shall be separated according to size and their designation as salutes.*

***Exception:** For electrically fired displays, or displays where all shells are loaded into mortars prior to the show, there is no requirement for separation of shells according to size or their designation as salutes.*

5608.5.5 (Not adopted) Ready boxes. Display fireworks, 1.3G, that will be temporarily stored at the site during the fireworks display shall be stored in ready boxes located upwind and at least 25 feet (7620 mm) from the mortar placement and separated according to size and their designation as salutes.

***Exception:** For electrically fired fireworks displays, or fireworks displays where all shells are loaded into mortars prior to the show, there is no requirement for separation of shells according to size, their designation as salutes or for the use of ready boxes.*

5608.6 (Not adopted) Installation of mortars. *Mortars for firing fireworks shells shall be installed in accordance with NFPA 1123 and shall be positioned so that shells are propelled away from spectators and over the fallout area. Under no circumstances shall mortars be angled toward the spectator viewing area. Prior to placement, mortars shall be inspected for defects, such as dents, bent ends, damaged interiors and damaged plugs. Defective mortars shall not be used.*

5608.7 (Not adopted) Handling. *Aerial shells shall be carried to mortars by the shell body. For the purpose of loading mortars, aerial shells shall be held by the thick portion of the fuse and carefully loaded into mortars.*

5608.8 (Not adopted) Fireworks display supervision. *Whenever in the opinion of the fire code official or the operator a hazardous condition exists, the fireworks display shall be discontinued immediately until such time as the dangerous situation is corrected.*

5608.9 (Not adopted) Post-fireworks display inspection. *After the fireworks display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating unexploded aerial shells or live components. This inspection shall be conducted before public access to the site shall be allowed. Where fireworks are displayed at night and it is not possible to inspect the site thoroughly, the operator or designated assistant shall inspect the entire site at first light. A report identifying any shells that fail to ignite in, or discharge from, a mortar or fail to function over the fallout area or otherwise malfunction, shall be filed with the fire code official.*

5608.10 (Not adopted) Disposal. *Any shells found during the inspection required in Section 3308.9 shall not be handled until at least 15 minutes have elapsed from the time the shells were fired. The fireworks shall then be doused with water and allowed to remain for at least 5 additional minutes before being placed in a plastic bucket or fiberboard box. The disposal instructions of the manufacturer as provided by the fireworks supplier shall then be followed in disposing of the fireworks in accordance with Section 5604.10.*