

Ohio Fire Code Excerpt – Consumer Fireworks Discharge Rules

Ohio Administrative Code § 1301:7-7-56(Z)

(Z) Section 5626 Consumer / 1.4G Fireworks

(1) 5626.1 Scope. This paragraph applies to the possession, storage, handling, discharge and use of 1.4G fireworks by consumers pursuant to sections 3743.45 and 3743.451 of the Revised Code. Such fireworks may also be subject to other provisions of this code. To the extent that any matter regarding the possession, storage, handling, discharge or use of 1.4G fireworks by consumers pursuant to sections 3743.45 and 3743.451 of the Revised Code are addressed in this section or conflict with other provisions of this rule, the provisions of this section control.

(2) 5626.2 Definitions. For purposes of paragraph 5626 the following take on exclusive meaning as follows:

“1.4G fireworks.” 1.4G fireworks, as that term is defined in the Revised Code and this code, that are purchased, handled, stored, possessed, used, or discharged by consumers pursuant to section 3743.27 or section 3743.45 of the Revised Code. This term includes consumer fireworks.

“1.4G fireworks discharge site.” The area where any 1.4G firework is discharged including the point of discharge and the area immediately surrounding that point.

Consumer fireworks discharge incident. Any act or omission that occurs at a location where 1.4G fireworks are purchased, possessed, handled, stored, used or discharged that results in injury or death or a substantial risk of injury or death to any person or results in property damage in excess of one thousand dollars and that involves either

1. the discharge, handling or other use, or the results of the discharge, handling or other use, of 1.4G fireworks or associated materials, or
2. the failure of any person to comply with any applicable requirement imposed by Chapter 3743. of the Revised Code or this code.

“Discharge.” Includes the use, explosion, detonation, ignition or any other discharge or use of 1.4G fireworks in any manner.

“Fireworks establishment.” Any fireworks manufacturer, wholesaler, retailer, or storage

premise subject to licensure under Chapter 3743. of the Revised Code.

“Spectator.” Any person other than a person who is directly engaged in the discharge of 1.4G fireworks.

(3) 5626.3 General. The possession, storage, handling, and discharge in this state of 1.4G fireworks shall be in accordance with sections 3743.27, 3743.45 and 3743.451 of the Revised Code, this paragraph and, as applicable, this rule.

(a) 5626.3.1 Local regulation. The provisions of this paragraph are not to be construed in any way to limit the authority of a local governing body to restrict or ban the use of fireworks within their territorial jurisdiction pursuant to division (D) of section 3743.45 of the Revised Code and paragraph (Z)(3)(a)(i)(5626.3.1.1) of this rule. Any such duly enacted law, rule or regulation supersedes any less restrictive provision set forth herein and controls within the territorial boundaries of that jurisdiction.

(i) 5626.3.1.1 In accordance with division (D) of section 3743.45 of the Revised Code, a county, with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following:

- (a) Restrict the dates and times a person may discharge, ignite, or explode 1.4G fireworks purchased pursuant to section 3743.45 of the Revised Code and this paragraph.
- (b) Ban the discharge, ignition, or explosion of 1.4G fireworks purchased pursuant to section 3743.45 of the Revised Code and this paragraph. A resolution adopted by a board of township trustees under division (D) of section 3743.45 of the Revised Code prevails over a conflicting resolution adopted under division (D) of section 3743.45 of the Revised Code by the board of county commissioners in the county within which the township is located.

(b) 5626.3.2 Other laws and regulations. This paragraph does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.

(c) 5626.3.3 Public exhibition. 1.4G fireworks discharged pursuant to and in accordance with sections 3743.27 and 3743.45 of the Revised Code and this paragraph shall not be considered a public exhibition subject to licensure and permit requirements of sections 3743.50 through 3743.56 of the Revised Code as long as no 1.4G firework is used in the same display as any 1.3G firework.

(d) 5626.3.4 Licensed exhibition. 1.4G fireworks shall not be possessed, stored, handled or discharged at a licensed fireworks exhibition by anyone other than a licensed exhibitor.

(e) 5626.3.5 Inducing panic. 1.4G fireworks shall not be possessed, stored, handled or discharged in any manner that would or would have a high likelihood of inducing panic as set forth in section 2917.31 of the Revised Code.

(f) 5626.3.6 Safety compliance. Unless otherwise specified by the Revised Code or this code, all 1.4G fireworks shall be used and discharged in accordance with the manufacturer's instructions and recommended practices and in accordance with the most recent CPSC guidelines available at the time of use or discharge.

(i) 5626.3.6.1 Tampering. Persons who obtain possession of any 1.4G firework shall not in any manner tamper with, dismantle or alter the 1.4G firework other than normal discharge.

(g) 5626.3.7 Liability. Any person who possesses, stores, handles or discharges 1.4G fireworks or any person who is responsible for such possession, storage, handling or discharge shall be liable in accordance with all applicable laws, rules and regulations and subject to any immunities and defenses thereto in Ohio law for any injury, death, or property damage resulting therefrom.

(4) 5626.4 Possession, storage, and handling.

Any person who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to section 3743.45 of the Revised Code and this code.

(a) 5626.4.1 In addition to compliance with all applicable provisions of the Revised Code and this code, all 1.4G fireworks shall be

- (i) Possessed only in accordance with Chapter 3743. of the Revised Code and this code;
- (ii) Handled carefully and with due consideration of the explosive nature of fireworks;
- (iii) Stored in compliance with all applicable provisions of this code and not in a manner that endangers the public at large;
- (iv) Stored in an amount not greater than 125 pounds net weight pyrotechnic composition within any structure, building or vehicle;
- (v) Stored at least 150 feet from other explosives, explosive material, or hazardous materials that are subject to rule 1301:7-7-50 of the Administrative Code;
- (vi) Stored in a cool, dry place away from ignition sources including but not limited to heat, shock, friction and sparks, and at least 25 feet from hot work activity, open flames, and flammable and combustible liquids including, but not limited to, gasoline, diesel fuel, and kerosene;

Exception to (iv) and (v): Quantity limits and separation distances may be increased by the fire marshal for 1.4G fireworks that are properly permitted in accordance with paragraph (E)(1)(a)(i)(a)(105.1.1.1.1) of rule 1301:7-7-01 of the Administrative Code and paragraph (A)(2)(5601.2) of this rule and stored in a magazine in accordance with paragraph (D)(5604) of this rule.

(b) 5626.4.2 1.4G fireworks shall not be stored in sleeping areas, within means of egress, in mechanical or service areas of any occupancy group or residential location, or outside in open areas unless the 1.4G fireworks are properly permitted in accordance with paragraph (E)(1)(a)(i)(a)(105.1.1.1.1) of rule 1301:7-7-01 of the Administrative Code and paragraph (A)(2)(5601.2) of this rule and stored in a magazine in accordance with paragraph (D)(5604) of this rule.

(c) 5626.4.3 1.4G fireworks shall not be stored at any I occupancy or within any residential facility licensed under title 37 of the Revised Code.

(5) 5626.5 Discharge of 1.4G fireworks. The discharge of 1.4G fireworks, including the 1.4G fireworks discharge site, trajectory, fallout, and spectator separation, shall comply with Chapter 3743. of the Revised Code and this code.

(a) 5626.5.1 Days of discharge. Unless otherwise limited or prohibited by state or local laws, rules or regulations, any person authorized under section 3743.45 of the Revised Code and this paragraph to possess 1.4G fireworks in this state may discharge those fireworks in accordance with section 3743.45 of the Revised Code and this paragraph on private property, with express authorization from the property owner, and only on the following days each year:

- (i) The first day of January;
- (ii) Chinese new year's day;
- (iii) The fifth day of May;
- (iv) The last Monday in May, and the Saturday and Sunday immediately preceding that day;
- (v) The nineteenth day of June;
- (vi) The third, fourth, and fifth days of July;
- (vii) The first Friday, Saturday, and Sunday before and after the fourth day of July;
- (viii) The first Monday of September, and the Saturday and Sunday immediately preceding that day;
- (ix) Diwali;
- (x) The thirty-first day of December.

(b) 5626.5.2. Times of discharge. Unless further limited by local laws, rules or regulations, the discharge of 1.4G fireworks as set forth in section 3743.45 of the Revised Code and this paragraph shall only occur on the days listed in paragraph (Z)(5)(a)(5626.5.1) of this rule and only between the hours of 4:00 p.m. and 11: 00 p.m. on each day.

Exceptions:

1. On the thirty-first day of December 1.4G fireworks may be discharged until 11:59 p.m.
2. On the first day of January 1.4G fireworks may also be discharged between 12:00 a.m. and 1:00 a.m.

(c) 5626.5.3 Drought or hazardous conditions. Regardless of any other provision of this

paragraph, the discharge of 1.4G fireworks is prohibited in accordance with the following:

(i) 5626.5.3.1 If adverse weather conditions prevail or begin such that an unreasonable hazard to persons or property exists due to such conditions, including but not limited to high winds, precipitation or other atmospheric conditions, the discharge of 1.4G fireworks shall be postponed or discontinued until weather conditions improve.

(ii) 5626.5.3.2 If any unsafe condition is detected, such as hazardous debris falling into a spectator area, any person discharging 1.4G fireworks shall immediately cease the discharge of 1.4G fireworks until the unsafe condition is eliminated or corrected.

(iii) 5626.5.3.3 1.4G fireworks shall not be discharged in any area where a burn ban, fire weather watch or red flag warning has been issued by a governing authority during any time such a ban, watch or warning is in effect or until such time as the issuing authority has lifted the ban, watch or warning.

(d) 5626.5.4 Weather protection. Pyrotechnic materials used in the discharge of 1.4G fireworks shall be protected from adverse weather conditions.

(e) 5626.5.5 Clean up. Any person who discharges 1.4G fireworks shall conduct an inspection of all affected premises to locate debris resulting from the discharge of 1.4G fireworks and promptly remove and properly dispose of all such debris. Such inspection and clean up shall occur immediately after the discharge or within 12 hours of the discharge if the discharge occurs after dark.

(f) 5626.5.6 Prohibited conduct. All of the following are prohibited:

- (i) The handling and discharge of 1.4G fireworks by any person under the age of eighteen;
- (ii) The presence of any person under the age of eighteen within 150 feet of the point of discharge of 1.4G firework aerial devices;
- (iii) The provision of or other distribution of 1.4G fireworks to any person under the age of eighteen;
- (iv) The indoor discharge of 1.4G fireworks;

- (v) The presence of tents within a 1.4G fireworks discharge site while fireworks are being discharged;
- (vi) The storage of 1.4G fireworks within the 1.4G fireworks discharge site in such a manner that accidental ignition would have a high likelihood of occurring;
- (vii) The pointing, aiming or discharging of 1.4G fireworks at or towards any person or object including bystanders, spectators, emergency services personnel, vehicles, aircraft, watercraft or any structure;
- (viii) The discharge of 1.4G fireworks in any area that is not consistent with sections 3743.45 and 3743.451 of the Revised Code and this paragraph.
- (ix) The discharge of 1.4G fireworks within the boundaries of any federal, state or local forest, park, public recreation area or place of nature conservancy;
- (x) The discharge of 1.4G fireworks in a manner that would be deemed hazardous to property or endanger a person or animal;
- (xi) The discharge of 1.4G fireworks within 150 feet of property that houses livestock, measured from the point of discharge to the nearest point of the property line, unless the person who intends to discharge the fireworks provides at least five days written notice to the owner of the property where the livestock is housed which states the date, time, and location where the fireworks will be discharged;
- (xii) The discharge of 1.4G fireworks on public property or private school property;
- (xiii) The ignition or discharge of 1.4G fireworks in any street, highway, alley or public way;
- (xiv) The presence of smoking materials, matches, lighters, or open flame devices within 50 feet (15 m) of any area where 1.4G fireworks or other pyrotechnic materials are present.

Exception: Matches, lighters, or open flame devices to be specifically used to lawfully ignite 1.4G fireworks for

discharge purposes may be within the 1.4G fireworks discharge site.

(g) 5626.5.7 Separation distances. 1.4G fireworks discharge sites shall remain clear of ignitable materials or any other hazards and shall be separated from spectators, structures and other hazards in accordance with paragraphs (Z)(5)(g)(i)(5626.5.7.1) to (Z)(5)(g)(iv)(a)(5626.5.7.4.1) of this rule. Separation distances in paragraphs (Z)(5)(g)(i)(5626.5.7.1) to (Z)(5)(g)(iv)(a)(5626.5.7.4.1) of this rule shall be applied independently and completely to every aspect of each 1.4G firework discharge subject to paragraphs (Z)(5)(g)(i)(5626.5.7.1) to (Z)(5)(g)(iv)(a)(5626.5.7.4.1) of this rule. When determining separation distances, any conflict or ambiguity shall be resolved in a manner that provides the greatest degree of public safety and property protection.

(i) 5626.5.7.1 Separation distances from spectators. The minimum separation distance from any spectator to the point of discharge of each 1.4G firework shall be at least as great as those specified in paragraphs (Z)(5)(g)(i)(a)(5626.5.7.1.1) to (Z)(5)(g)(i)(b)(5626.5.7.1.2) of this rule.

(a) 5626.5.7.1.1 Aerial devices. For 1.4 G firework aerial devices including, but not limited to, shells, roman candles, cakes, and bottle rockets, the minimum required discharge radius shall be at least 150 feet.

(b) 5626.5.7.1.2 Ground devices. For non-aerial 1.4G firework devices discharged at ground level primarily for ground effect including but not limited to fountains, firecrackers or ground effect devices, the minimum required discharge radius shall be at least 50 feet.

(ii) 5626.5.7.2 Aerial shell separation distances from buildings and structures. Except for greater distances as otherwise provided in paragraphs (Z)(5)(g)(iii) (5626.5.7.3) to (Z)(5)(g)(iv)(a) (5626.5.7.4.1) of this rule, the minimum separation distance from the point of discharge of each 1.4G firework aerial shell to the nearest point of any structure or building shall be at least 150 feet.

(iii) 5626.5.7.3 Increased separation distances for certain structures and areas.

Notwithstanding the presence of spectators, the minimum separation distance from the point of discharge of each 1.4G firework to the locations specified below shall be determined and applied as follows:

(a) 5626.5.7.3.1 Multitenant properties, hotels, motels, dormitories, fraternities, and sororities. The distance from the point of discharge of any 1.4G fireworks to the nearest point of a structure or building that is used as a multitenant structure, hotel, motel, dormitory, fraternity, or sorority shall be at least three times the distance required in paragraphs (Z)(5)(g)(i)(a)(5626.5.7.1.1) to (Z)(5)(g)(i)(b)(5626.5.7.1.2) of this rule.

(b) 5626.5.7.3.2 Hospitals, educational facilities, health care facilities, Institutional Group occupancies, and residential facilities licensed under Title 37 of the Revised Code. The distance from the point of discharge of any 1.4G firework to the nearest point of a structure or building that is used as a hospital, educational facility, health care facility Institutional Group occupancy, or a residential care facility licensed under Title 37 of the Revised Code shall be at least twice the distance required in paragraphs (Z)(5)(g)(i)(a)(5626.5.7.1.1) to (Z)(5)(g)(i)(b)(5626.5.7.1.2) of this rule.

(c) 5626.5.7.3.3 Military installations, railroads, airports and fireworks establishments. The distance from the point of discharge to any railroad or the nearest point of a property line of property that is used as a military installation, airport or fireworks establishment shall be at least three times the distance required in paragraphs (Z)(5)(g)(i)(a)(5626.5.7.1.1) to (Z)(5)(g)(i)(b)(5626.5.7.1.2) of this rule. If a flight restriction is in place surrounding a facility the required distances shall be calculated based on the restriction.

(d) 5626.5.7.3.4 Bulk storage areas. The distance between the point of discharge of any 1.4G firework to the nearest point of a bulk storage area containing materials that have a flammability, explosive, or toxic hazard shall be at least twice the distance required in paragraphs (Z)(5)(g)(i)(a)(5626.5.7.1.1) to (Z)(5)(g)(i)(b)(5626.5.7.1.2) of this rule.

(i) 5626.5.7.3.4.1 The fuel tanks on vehicles or other motorized equipment located in the 1.4G fireworks discharge site shall not be considered bulk storage.

(iv) 5626.5.7.4 Aerial shells. Any area selected as a 1.4G fireworks discharge site for the discharge of 1.4G firework aerial shells shall be located so that the post ignition trajectory of the shells shall not come within 25 feet (7.6 m) of any overhead object, structure, or vehicle.

(a) 5626.5.7.4.1 The fallout area for 1.4G firework aerial shells shall be an open area. Spectators, unauthorized vehicles, watercraft, or readily combustible materials shall not be located within the fallout area during any period in which fireworks are being discharged.

(6) 5626.6 Consumer fireworks discharge incident. Any consumer fireworks discharge incident shall be reported to the fire code official and law enforcement official immediately.

(a) 5626.6.1 Report. The fire code official shall immediately make a report regarding the fireworks incident and shall forward a copy of the report to the state fire marshal within 72-hours of the incident. The report shall provide the time, date and location where the consumer fireworks discharge incident occurred, the name address and telephone number of all of the following as applicable: the person who was conducting the discharge, any person who discharged fireworks that resulted in any injury or death, the owner of the property where the discharge occurred, the owner of the property where the injury or damage occurred, the person(s) injured or fatally injured as a result of the discharge, and any other person present during the discharge.

(b) 5626.6.2 Tampering. The disturbance, dismantling, repositioning, moving or altering of any firework item, any associated equipment or other material, or any other item within the 1.4G fireworks discharge site, or any evidence related to a consumer fireworks discharge incident is prohibited.

Exception: Items may, as authorized by a fire official or law enforcement official on site, be moved as necessary to prevent further injury or death to any member of the public or a threat of imminent fire or explosion.