

CODIFIED ORDINANCES OF MILFORD
PART FIFTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF MILFORD
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CHAPTER 1501
Unified Fire Code/Ohio Fire Code

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1501.01 ADOPTION AND PURPOSE.

Pursuant to and in accordance with Section 12.03 of the Milford City Charter, the Council of the City of Milford hereby incorporates by reference the 1994 edition of the Southwest Ohio Fire Safety Council Unified Fire Code and the 2007 Ohio Fire Code, as currently in effect and as may be amended in the future. The purpose of the adoption of the Unified Fire Code and the Ohio Fire Code is to prescribe minimum standards and requirements to protect life and property from the hazards of fire and explosion arising from the storage, handling, or use of substances, materials and devices, and from hazardous conditions to life or property in the use or occupancy of buildings or premises. (Ord. 08-707. Passed 9-16-08.)

1501.02 AMENDMENTS.

Section F-112.0, of the Unified Fire Code is amended to read as follows:

F-112.1 Violations and penalties: Any person who shall violate any of the provisions of this Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or modified by the Fire Official, or a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a minor misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; each day of continued violation shall constitute a separate offense.

F-112.2 Waiver schedule: All violations of any provision of this Code shall be punishable by a fine of not more than \$100.00. The Mayor of Milford sitting as Judge of the Milford Mayor's Court may adopt a payout schedule for fines, assessed for violations of the Unified Fire Code.

(Ord. 93-1473. Passed 1-19-93; Ord. 95-1633. Passed 4-18-95.)

F-112.3 Enforcement of removal: The application of any penalty of this Code shall not be held to prevent the enforcement removal of prohibited conditions.

(Ord. 809. Passed 11-17-81.)

1501.03 OTHER REFERENCE SOURCES.

The State of Ohio Fire Code and the National Fire Protection Association (NFPA) Fire Codes including the Life Safety Code (NFPA 101) and the amendments thereto, shall be used as sources of reference in conjunction with the adoption of the Unified Fire Code.

(Ord. 93-1473. Passed 1-19-93; Ord. 95-1633. Passed 4-18-95.)

1501.99 PENALTY.

Whoever violates any provision of the 1994 edition of the Southwest Ohio Fire Safety Council Unified Fire Code or the 2007 Ohio Fire Code is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense. (Ord. 08-707. Passed 9-16-08.)

**CHAPTER 1505
Local Provisions**

1505.01 Issuance of red tags. 1505.02 Tar kettles. 1505.03 Smoke detectors required in existing residential uses. 1505.04 Vehicles transporting hazardous materials.	1505.05 Key boxes required; building proximity to fire hydrants. 1505.06 Removal of flammables or obstructions. 1505.07 Inadequate fire protective equipment; remedial order. 1505.99 Penalty.
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CROSS REFERENCES

Public safety vehicles at stop signals or signs - see TRAF. 331.20

Right of way of public safety vehicle - see TRAF. 331.21

Following and parking near safety vehicles - see TRAF. 331.27

Driving over fire hose - see TRAF. 331.28

Fire lanes - see TRAF. 351.16

False alarms - see GEN. OFF. 509.07; BUS. REG. Ch. 705

Ionization smoke detectors in new construction - see BLDG. Ch. 1309

1505.01 ISSUANCE OF RED TAGS.

(a) The Fire Chief or any of his duly authorized agents are hereby empowered to issue red tags to any owner of any premises found in violation of the Unified Fire Code of Hamilton County, the National Electrical Code or the Hamilton County Building Code.

(b) Such red tag shall advise the owner of the violation, of the date by which such violation shall be repaired or corrected, and that he shall notify the Fire Department when such corrections or repairs have been made.

(c) No owner who is issued a red tag under this section shall utilize any gas or electrical device which is in violation of the Unified Fire Code, the National Electrical Code or the Hamilton County Building Code, until such time as the device has been inspected and serviced by a qualified technician to the satisfaction of the issuing agent.

(Ord. 772. Passed 2-3-81.)

1505.02 TAR KETTLES.

(a) There shall be a minimum of one 20-B:C rated portable fire extinguisher within thirty feet of each asphalt (tar) kettle during the period such kettle is in use, and one additional minimum 20-B:C rated fire extinguisher on the roof being covered. Every kettle shall be equipped with a tight-fitting cover. A kettle when in operation shall be placed a safe distance from any combustible materials or buildings.

(b) No person shall use asphalt (tar) kettles inside any building or on the roof of any building, nor leave any fired asphalt (tar) kettle unattended.

(c) No person shall transport or permit to be transported over any City street any asphalt (tar) kettle beneath which is maintained any open fire, heated coals or ashes.
(Ord. 1055. Passed 5-6-86.)

1505.03 SMOKE DETECTORS REQUIRED IN EXISTING RESIDENTIAL USES.

(a) All existing residential uses, as defined by Section 309.0 of the Ohio Basic Building Code, except one-, two- and three-family dwelling units, shall be provided with a minimum of one approved smoke detector in the sleeping area, guest room, or suite of a hotel, motel, lodging house, boarding house or in buildings of use Group R-1 and in dwelling units within buildings of use Groups R-2 and R-3. Each detector shall be installed in accordance with NFPA 74 listed in Rule 1301:7-7-34 of the Ohio Fire Code. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

(b) It shall be unlawful to tamper or interfere with the effectiveness of a smoke detector.
(Ord. 1054. Passed 5-6-86.)

1505.04 VEHICLES TRANSPORTING HAZARDOUS MATERIALS.

(a) Applicability. The provisions of this section apply to vehicles transporting hazardous materials or having residue of hazardous materials as defined in Unified Fire Code Sections F-3000.1 and F-3000.3.

(b) Parking. No person shall park or leave unattended any vehicle transporting hazardous materials on any street or alley in the City; provided, however, that this shall not prevent a driver from the necessary absence from the vehicle in connection with the delivery of the load, except that during actual discharge of load some responsible person shall be present at the vehicle; nor shall it prevent stops for meals during the day or night if the street is well lighted at the point of parking. Such vehicles shall not be parked outdoors at any one point for longer than one hour.

(c) Garages. No person shall park or garage any vehicle in any building or structure other than those specifically approved for such use by the Fire Official.

(d) Filling and Discharging. The driver, operator or attendant of any vehicle transporting hazardous materials shall not leave the vehicle while it is being filled or discharged. Delivery hoses, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle. When making or breaking hose connections, the motor of tank trucks or tractors shall be shut down. If loading or unloading is done without the use of power pump, the tank truck or tractor motor shall be shut down throughout such operations.
(Ord. 1056. Passed 4-15-86.)

1505.05 KEY BOXES REQUIRED; BUILDING PROXIMITY TO FIRE HYDRANT.

(a) The Fire Chief, Police Chief or their designees may require a key box to be installed on a structure in an accessible location in the following circumstances:

- (1) When access to or within a structure or an area is unduly difficult because of secured openings;
- (2) When a building is unoccupied and access would result in damages caused by the breaking and entering into such structures;
- (3) When immediate access is necessary for a life-saving or fire-fighting purpose;
- (4) In cases of emergencies where delay could endanger lives or cause unnecessary property damage.

(b) The key box provided for herein shall be a type approved by the Fire Chief or Police Chief and shall contain keys to gain necessary access as required by the Fire Chief, Police Chief or their designees.

(c) Building Proximity to Fire Hydrant. No person shall construct any building which requires a City permit unless some part of such building is within 500 feet of a fire hydrant. Every part of any such building shall be within 500 feet of a fire hydrant on public or private property accessible to vehicular fire equipment.

(d) Appeals to Council. The Fire Chief or his designee may provide for exemptions from the provisions of this section in cases where compliance herewith would create an undue hardship. Any party adversely affected by a decision of the Fire Chief may appeal to Council within twenty days after the decision by filing with the Clerk of Council a notice of appeal specifying the ground thereof. Council may affirm, reserve, vacate or modify the decision complained of in the appeal. The decision of Council shall be final.
(Ord. 1057. Passed 5-6-86.)

1505.06 REMOVAL OF FLAMMABLES OR OBSTRUCTIONS.

Any flammable or combustible material not arranged or stored in such a manner as to afford reasonable safety against the danger of fire, or any matter stored or arranged in such a manner as to obstruct egress from the building, shall be ordered by the Fire Chief to be removed or rearranged in such manner as to eliminate any hazard. The order shall be in writing and delivered to the owner, lessee or occupant of the premises.
(1983 Code Sec. 91.06)

**1505.07 INADEQUATE FIRE PROTECTIVE EQUIPMENT;
REMEDIAL ORDER.**

(a) If the Fire Chief finds upon inspection that the fire protection system or any equipment are lacking or are inadequate in number, condition, size, arrangement or efficiency for the reasonable protection of the premises against fire hazard, he shall cause an order in writing to be delivered to the owner, lessee or occupant, requiring the installation, replacement or repair of the system or equipment which is adequate for the reasonable protection of the premises.
(1983 Code Sec. 91.07)

(b) An order to correct the hazardous conditions specified in subsection (a) hereof shall be directed to the owner, lessee or occupant of the premises, building or structure or the person in control of the articles, material, goods, wares or merchandise, or to the owner thereof, as the circumstances may require. It is made the duty of the owner, lessee or occupant of the premises, building or structure, and of any person in control of such articles, materials, goods, wares and merchandise, or the owner thereof, to comply with the order with all reasonable dispatch and diligence.
(1983 Code Sec. 91.08)

1505.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense.

CHAPTER 1511
Open Burning

1511.01	Definitions.	1511.04	Permission from and notification to the Ohio EPA.
1511.02	Relations to other prohibitions.	1511.05	Open burning, bonfires and recreational fires.
1511.03	Open burning in restricted areas.	1511.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Air pollution control - see Ohio R.C. Ch. 3704
 Permit to burn construction debris - see Ohio R.C. 3704.11(C)
 Spreading fire through negligence - see Ohio R.C. 3737.62
 Open burning - see OAC Ch. 3745

1511.01 DEFINITIONS.

As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:

- (a) "Agricultural waste" means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.
- (b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.
- (c) "Garbage" means any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (d) "Landscape waste" means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

- (e) "Land clearing waste" means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.
- (f) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.
- (g) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Ohio Administrative Code 3745-17-09 or 3745-17-10.
- (h) "Residential waste" means any waste material, including landscape waste, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
- (i) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.
- (j) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in subsection (i) hereof.
(OAC 3745-19-01)
- (k) "Bonfire" means an outdoor fire utilized for ceremonial purposes.
- (l) "Recreational fire" means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
(OAC 1301:7-7-03)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.
(OAC 3745-19-02)

1511.03 OPEN BURNING IN RESTRICTED AREAS.

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof; in Ohio R.C. 3704.11 and in compliance with Section 1511.05 of this chapter.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

- (1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.
- (2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:
 - A. They are fueled with clean seasoned firewood, natural gas, or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
 - B. They are not used for waste disposal purposes; and
 - C. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.
- (3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of Rule 3745-50-45 of the Ohio Administrative Code.
- (4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

Fires allowed by subsections (b)(1), (b)(2) and (b)(4) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with subsection (b) of Section 1511.04:

- (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.
- (2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of subsection (b)(2) hereof, provided the following conditions are met:
 - A. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;
 - B. They are not to be used for waste disposal purposes; and
 - C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.
- (3) Disposal of agricultural waste generated on the premises if the following conditions are observed:
 - A. The fire is set only when atmospheric conditions will readily dissipate contaminants;
 - B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

- C. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
 - D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
 - E. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.
- (d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with subsection (a) of Section 1511.04, provided that any conditions specified in the permission are followed:
- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in subsection (b)(3) hereof;
 - (2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures", provided that the application required in subsection (a)(1) of Section 1511.04 is submitted by the commercial or public entity responsible for the instruction;
 - (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix to Rule 3745-19-03 of the Ohio Administrative Code. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval;
 - (4) Recognized horticultural, silvicultural, range or wildlife management practices; and
 - (5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television. (OAC 3745-19-03)

1511.04 PERMISSION FROM AND NOTIFICATION TO THE OHIO EPA.

- (a) Permission.
- (1) An application for permission to open burn shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday and legal holidays shall not be considered a working day. It shall be in such form and contain such information as required by the Ohio EPA.
 - (2) Except as provided in subsection (a)(6) and (a)(7) hereof, such applications shall contain, as a minimum, information regarding:
 - A. The purpose of the proposed burning;
 - B. The nature of quantities of material to be burned;
 - C. The date or dates when such burning will take place;
 - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
 - E. The methods or actions which will be taken to reduce the emissions of air contaminants.

- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Ohio Administrative Code.
 - (4) Except as provided in subsection (a)(6) hereof, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.
 - (5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.
 - (6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio fire academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to subsection (a)(1) hereof shall contain information as required in paragraph (a)(2) of this rule, except the information required in subsections (a)(2)C. and (A)(2)D. hereof need not be provided unless it is available at the time of submittal of the application. The academy shall contact the appropriate Ohio EPA district office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday and legal holidays shall not be considered a working day.
 - (7) For open burning defined under subsection (d)(2) of Section 1511.03, permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish receive by the appropriate Ohio EPA field office in accordance with Rule 3745-20-03 of the Ohio Administrative Code.
- (b) Notification.
- (1) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday and legal holidays shall not be considered a working day. It shall be in such form and contain such information as shall be required by the Ohio EPA.
 - (2) Such notification shall inform the Ohio EPA regarding:
 - A. The purpose of the proposed burning;
 - B. The nature and quantities of materials to be burned;
 - C. The date or dates when such burning will take place; and
 - D. The location of the burning site.
 - (3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the applicant to this effect.
(OAC 3745-19-05)

1511.05 OPEN BURNING, BONFIRES AND RECREATIONAL FIRES.

(a) General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

(b) Prohibited Open Burning. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

(c) Permit Required. A permit shall be obtained from the Fire Code Official in accordance with Rule 1301:7-7-01 of the Ohio Fire Code prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

(d) Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

(e) Extinguishment Authority. The Fire Code Official is authorized to order the extinguishment by the permit holder, another person responsible or the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.

(f) Location. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

(g) Exceptions.

(1) Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.

(2) The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

A. Bonfires. A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition.

B. Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

(h) Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with paragraph (F)(906) of Rule 1301:7-7-09 of the Ohio Fire Code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
(OAC 1301:7-7-03)

1511.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

CHAPTER 1519
Fireworks

1519.01	Definitions.	1519.04	Possession, sale or discharge prohibited; exceptions.
1519.02	Public exhibition permit required; fee; bond; records.	1519.05	Application.
1519.03	Unlawful conduct by exhibitor.	1519.99	Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
(2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.
- (g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (j) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (q) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
(ORC 3743.01)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND;
RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.

(f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks. (ORC 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than two hundred feet;
 - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.(ORC 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))