

Fireworks

- 509.09 Definitions.
- 509.10 Public exhibition permit required; fee; bond; records.
- 509.11 Unlawful conduct by exhibitor.
- 509.12 Possession, sale or discharge prohibited; exceptions.
- 509.13 Application.
- 509.99 Penalty.

509.09 DEFINITIONS.

The terms defined at Ohio R.C. 3743.01, and the definitions therein, are hereby adopted and shall be incorporated herein as if fully re-written.

509.10 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 Township Fire Chief and from the Village Police Chief or other similar chief law enforcement officer, or the designee of the Village Police Chief or similar chief law enforcement officer, greater than seven (7) business days prior to the planned public fireworks exhibition.

The required approval shall be evidenced by the Township Fire Chief or Fire Prevention Officer and by the Village Police Chief or other similar chief law enforcement officer, or the designee of the Village Police Chief or similar chief law enforcement officer, signing a permit and checklist for the exhibition, the forms 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 forms from the Fire Marshal or, if available, from the Township Fire Chief, Fire Prevention Officer, Village Police Chief or other similar chief law enforcement officer, or the designee of the Village Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Township Fire Chief or Fire Prevention Officer in consultation with the Village Police Chief or other similar chief law enforcement officer, or a designee of such Village 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 Township Fire Chief or Fire Prevention Officer.

The Village Police Chief or other similar chief law enforcement officer, or a designee of such Village Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if the Township Fire Chief or Fire prevention Officer has approved the application, and the Village Police Chief or other similar chief law enforcement officer or a designee of such Village Police Chief or similar law enforcement officer is 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 Township Fire Chief or Fire Prevention Officer in consultation with the Village Police Chief or other similar chief law enforcement officer, or a designee of

such Village 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 Village Police Chief or other similar chief law enforcement officer, or a designee of such Village Police Chief or similar chief law enforcement officer, shall not issue a permit until the Township Fire Chief or Fire prevention Officer has approved the permit and the applicant pays to the Village a permit fee of two hundred fifty dollars (\$250.00). The permit fee shall be shared equally between the Township and the Village. In addition to the permit fee, the Village may require of the applicant a non-refundable deposit, not to exceed \$500, to cover 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 Township Fire Chief or Fire Prevention Officer and to Village Police Chief or other similar chief law enforcement officer, or a designee of such Village 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 two million dollars (\$2,000,000) 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 Township Fire Chief or Fire Prevention Officer and Village Police Chief or other similar chief law enforcement officer, or a designee of such Village 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 Township Fire Chief or Fire Prevention Officer and by the Village Police Chief or other similar chief law enforcement officer, or a designee of such Village Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Township 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 Township Fire Chief or Fire Prevention Officer and by the Village Police Chief or other similar chief law enforcement officer, or a designee of such Village 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 Township Fire Chief, Fire Prevention Officer and Village Police Chief or other similar chief law enforcement officer, or a designee of such Village Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Township Fire Chief, Fire Prevention Officer, Village Police Chief or other similar chief law enforcement officer, or a designee of such Village 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, Township Fire Chief, or Fire

Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Township 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)

509.11 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 properly secured for the exhibition pursuant to Section 509.10, or if a permit so secured is revoked by the Township Fire Chief or Fire Prevention Officer in consultation with the Village Police Chief or other similar chief law enforcement official or a designee of such Village 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 and ORC 3743.64.

509.12 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, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 509.02 and except as provided in Section 509.13.

(b) Except as provided in Section 1519.13 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 509.10, 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 or provide fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks

on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess, use or sell 1.3G or 1.4G fireworks.
(ORC 3743.45 and ORC 3743.65)

509.13 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 fusees, 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)

509.99 PENALTY.

Whoever violates any provision of 509.09 through and including 509.13 shall be guilty of a misdemeanor of the first degree. See Section 501.99 for penalties applicable to any misdemeanor.