

1301:7-7-33 Explosives and fireworks.

(A) Section 3301 General

- (1) **3301.1 Scope.** The provisions of *paragraphs (A)(3301) to (G)(3307) of this rule shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, matters described in section 3743.80 of the Revised Code and small arms ammunition. The provisions referencing fireworks in paragraphs (A)(3301) to (E)(3305), (H)(3308) to (K)(3311) and (M)(3313) to (AA)(3327) of this rule shall govern the possession, manufacture, storage, handling, sale and use of fireworks. The provisions of paragraph (L)(3312) of this rule shall govern the operation of flame effects.*

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 *as listed in rule 1301:7-7-47 of the Administrative Code.*
9. Items preempted by federal regulations.

- (a) **3301.1.1 Explosive material standard.** In addition to the requirements of this rule, NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials.
- (b) **3301.1.2 Explosive material terminals.** In addition to the requirements of this rule, the operation of explosive material terminals shall conform to the provisions of NFPA 498 as listed in rule 1301:7-7-47 of the Administrative Code.
- (c) **3301.1.3 Fireworks.** The possession, manufacture, storage, sale, handling, exhibition and use of fireworks are prohibited except as permitted in accordance with Chapter 3743. of the Revised Code and this rule.
- (i) **3301.1.3.1 Fireworks variances by state fire marshal.** In addition to the authority to grant modifications in accordance with paragraph (D)(8)(104.8) of rule 1301:7-7-01 of the Administrative Code, the state fire marshal may grant a variance to any provision of this code promulgated under the authority of Chapter 3743. of the Revised Code upon written application by an affected party and upon demonstration by that party of all of the following:
- (a) That a literal enforcement of the provision will result in a practical difficulty in complying with the requirements of this code; and
- (b) That the variance will not threaten the public health, safety or welfare.
- (ii) **3301.1.3.2.** A request for variance submitted pursuant to this rule shall only be considered upon production of any information or documentation requested by the state fire marshal. The particulars of such variance when granted shall be in writing, entered upon the records of the state fire marshal and furnished to the applicant and the authority having jurisdiction, if said authority is other than the state fire marshal.
- (iii) **3301.1.3.3.** Unless otherwise stipulated by the state fire marshal upon the granting of a variance, each variance granted pursuant to this rule shall automatically terminate one year from the date of its issuance.
- (iv) **3301.1.3.4.** There shall be no automatic renewals of any variance granted pursuant to this rule. Each variance shall be specifically applied for in writing by the requesting party and independently considered by the state fire marshal.

- (d) **3301.1.4 Rocketry.** The storage, handling and use of model and high-power rockets shall comply with the requirements of NFPA 1122, NFPA 1125 and NFPA 1127 as listed in rule 1301:7-7-47 of the Administrative Code.
- (e) **3301.1.5 Ammonium nitrate.** The storage and handling of ammonium nitrate shall comply with the requirements of NFPA 490 as listed in rule 1301:7-7-47 of the Administrative Code and rule 1301:7-7-40 of the Administrative Code.

Exception: Storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code.

- (2) **3301.2 Permit required.** Permits shall be required as set forth in rule 1301:7-7-01 of the Administrative Code and regulated in accordance with this rule. Permits required for manufacture, processing and explosives storage and explosive material storage as set forth in rule 1301:7-7-01 of the Administrative Code shall be obtained from the state fire marshal.
 - (a) **3301.2.1 Conditions for the issuance of a permit to manufacture, process or store explosives or explosive materials.** No permit shall be issued for the manufacturing, processing or storage of explosives or explosive materials unless the following conditions are met:
 - (i) The applicant submits an application for permit on a form prescribed by the state fire marshal.
 - (ii) The applicant pays the required fees and satisfies the background check and financial responsibility requirements as required by this rule.
 - (iii) The applicant provides a list of all explosives and explosive materials to be manufactured, processed or stored under the permit.
 - (iv) The applicant provides a map showing the distances between the locations of the activities subject to the permit and any adjacent structures, lot lines, railroads and roadways.
 - (v) The activities and locations subject to the permit have been inspected by the fire code official having jurisdiction and found to be in compliance with NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code and this code.

- (b) **3301.2.2 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 *paragraph (F)(3306) of this rule.*

- (c) **3301.2.3 Sale and retail display.** No person shall construct a retail display nor offer for sale explosives, explosive materials or fireworks upon highways, sidewalks, public property or in Group A or E occupancies.

- (d) **3301.2.4 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.

- (e) **3301.2.5 Financial responsibility.** Before a permit is issued, as required by *paragraph (A)(2)(3301.2) of this rule*, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$100,000, *for the manufacture or processing of explosives or explosive materials \$1,000,000* 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.

- (i) **3301.2.5.1 Blasting.** Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting.

- (ii) **3301.2.5.2 Fireworks exhibition.** *The applicant for a fireworks exhibition permit shall provide to the local fire official and law enforcement officer an indemnity bond in the amount of at least one million dollars with surety satisfactory to the fire official and law enforcement officer of the jurisdiction, conditioned for 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 for liability arising from injury, death, or loss to persons or property emanating from the fireworks exhibition.

- (f) **3301.2.6 Prohibition on permits and background check requirements.** *No person shall be eligible for a permit for the manufacture, processing or storage of explosives under this code if the individual has been convicted of or pled guilty to a felony under the laws of this state, another state, or the United States. All persons seeking a permit for the storage of explosives or explosive materials shall complete a civilian background check for criminal history as administered or approved by the state fire marshal. The state fire marshal may accept a currently valid "Certificate of Clearance" or other similar documentation issued by the bureau of alcohol, tobacco, firearms and explosives as satisfactory documentation of a person's criminal history. Applicants shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual's civilian criminal background check.*

- (3) **3301.3 Prohibited explosives.** Permits shall not be issued or renewed for possession, manufacture, storage, handling, sale or use of the following materials and such materials currently in storage or use shall be disposed of in an approved manner.

- (a) Liquid nitroglycerin
- (b) Dynamite containing more than 60-*per cent* liquid explosive ingredient.
- (c) Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
- (d) Nitrocellulose in a dry and uncompressed condition in a quantity greater than 10 pounds (4.54 kg) of net weight in one package.
- (e) Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
- (f) Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products of their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F (75°C).

- (g) New explosive materials until approved by DOTn, except that permits are allowed to be issued to educational, governmental or industrial laboratories for instructional or research purposes.
- (h) Explosive materials condemned by DOTn.
- (i) Explosive materials containing an ammonium salt and a chlorate.
- (j) Explosives not packed or marked as required by DOTn 49 CFR, Parts 100-185 *as listed in rule 1301:7-7-47 of the Administrative Code.*

Exception: Gelatin dynamite.

- (4) **3301.4 Qualifications.** Persons in charge of magazines, blasting, fireworks *exhibition* or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks.
- (5) **3301.5 Supervision.** The fire code official is authorized to require operations permitted under the provisions of *paragraph (A)(2)(3301.2) of this rule* to be supervised at any time by the fire code official in order to determine compliance with all safety and fire regulations.
- (6) **3301.6 Notification.** Whenever a new explosive material storage or manufacturing site is established, including a temporary job site, the local law enforcement agency, fire department and local emergency planning committee shall be notified 48 hours in advance, not including Saturdays, Sundays and holidays, of the type, quantity and location of explosive materials at the site.
- (7) **3301.7 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 offered or exposed for sale, stored, possessed or used in violation of this *rule*. *The fire code official may seize fireworks in accordance with division (B) of section 3743.68 of the Revised Code.*
 - (a) **3301.7.1 Seizure of fireworks.** *The authority seizing any fireworks shall notify the state fire marshal not more than three days following the date of the seizure and shall state the reason for the seizure, as well as the quantity, type, and location of the fireworks. Any fireworks seized pursuant to division (B) of section 3743.68 of the Revised Code shall be made in accordance with statutory and constitutional provisions governing searches and seizures by law enforcement officers. The state fire marshal's or certified fire safety inspector's office shall keep the seized fireworks pending the time they are no longer needed as evidence. A sample of the seized fireworks is sufficient for evidentiary purposes. The*

remainder of the seized fireworks may be disposed of pursuant to an order from a court of competent jurisdiction after notice and a hearing. The state fire marshal's or certified fire safety inspector's office may impound seized fireworks at the site where they were seized and cause them to be secured and held pending the time they are no longer needed as evidence.

- (b) **3301.7.2 Disposal of unneeded fireworks.** *Fireworks disposed of by the state fire marshal or certified fire safety inspector or law enforcement officer shall be in a manner prescribed by the state fire marshal after final determination by the court or upon final termination of proceedings, whichever is later and the state fire marshal or that office is not liable for claims for the loss of or damages to the seized fireworks. If no proceedings are commenced pursuant to the rule, the state fire marshal may dispose of or order the disposal of the fireworks pursuant to Chapter 2981. of the Revised Code after all of the following:*

- (i) *A random sampling of the fireworks has been taken.*
- (ii) *An inventory list has been taken of all types and kinds of fireworks.*
- (iii) *An analysis of the random sampling has been completed by the state fire marshal.*
- (iv) *Photographs have been taken of the fireworks to be destroyed.*
- (v) *The state fire marshal has given written approval for the destruction of the fireworks at least ten days prior to the date of disposal.*
- (vi) *A disposal form shall be provided by the state fire marshal and such form shall be completed and state the specific total weight of the fireworks seized, the total weight of fireworks to be destroyed, and the total weight of the fireworks not to be destroyed.*

- (8) **3301.8 Establishment of quantity of explosives and distances.** *The quantity of explosives and distances shall be in accordance with paragraphs (A)(8)(a)(3301.8.1) and (A)(8)(a)(i)(3301.8.1.1) of this rule.*

- (a) **3301.8.1 Quantity of explosives.** *The quantity-distance (Q-D) tables in paragraphs (D)(5)(3304.5) and (E)(3)(3305.3) of this rule shall be used to provide the minimum separation distances from potential explosion sites as set forth in Tables 3301.8.1(1) to 3301.8.1(3) of this rule. The classification and the weight of the explosives are primary characteristics governing the use of these tables. The net explosive weight shall be determined in accordance with paragraphs (A)(8)(a)(i)(3301.8.1.1) to (A)(8)(a)(iv)(3301.8.1.4) of this rule.*

Table 3301.8.1(1)
Application of separation distance (Q-D) tables-Division 1.1, 1.2 and 1.5 explosives^{a,b,c}

Item	Magazine	Q-D	Operating building	Q-D	Inhabited building	Q-D	Public traffic route	Q-D
Magazine	Table 3304.5.2(1) of this rule	IMD	Table 3305.3 of this rule	ILD or IPD	Table 3304.5.2(1) of this rule	IBD	Table 3304.5.2(1) of this rule	PTR
Operating building	Table 3304.5.2(1) of this rule	ILD or IPD	Table 3305.3 of this rule	ILD or IPD	Table 3304.5.2(1) of this rule	IBD	Table 3304.5.2(1) of this rule	PTR
Inhabited building	Table 3304.5.2(1) of this rule	IBD	Table 3304.5.2(1) of this rule	IBD	NA	NA	NA	NA
Public traffic route	Table 3304.5.2(1) of this rule	PTR	Table 3304.5.2(2) of this rule	PTR	NA	NA	NA	NA

For SI: 1 foot = 304.8 mm.

- a. The minimum separation distance (D_0) shall be 60 feet. Where a building or magazine containing explosives is barricaded, the minimum distance shall be 30 feet.
- b. Linear interpolation between tabular values in the referenced Q-D tables shall not be allowed. Nonlinear interpolation of the values shall be allowed subject to an approved technical opinion and report prepared in accordance with *paragraph (D)(7)(b)(104.7.2) of rule 1301:7-7-01 of the Administrative Code*.
- c. For definitions of Quantity-Distance abbreviations IBD, ILD, IMD, IPD and PTR, see *paragraph (B)(1)(3302.1) of this rule*.

Table 3301.8.1(2)
Application of separation distance (Q-D) tables-Division 1.3 explosives^{a,b,c}

Item	Magazine	Q-D	Operating building	Q-D	Inhabited building	Q-D	Public traffic route	Q-D
Magazine	Table 3304.5.2(2) of this rule	IMD	Table 3304.5.2(2) of this rule	ILD or IPD	Table 3304.5.2(2) of this rule	IBD	Table 3304.5.2(2) of this rule	PTR
Operating building	Table 3304.5.2(2) of this rule	ILD or IPD	Table 3304.5.2(2) of this rule	ILD or IPD	Table 3304.5.2(2) of this rule	IBD	Table 3304.5.2(2) of this rule	PTR

For copyright claim information, please see the notice attached to the last page of this rule.

Inhabited building	Table 3304.5.2(2) of this rule	IBD	Table 3304.5.2(2) of this rule	IBD	NA	NA	NA	NA
Public traffic route	Table 3304.5.2(2) of this rule	PTR	Table 3304.5.2(2) of this rule	PTR	NA	NA	NA	NA

For SI: 1 foot = 304.8 mm.

- The minimum separation distance (D_0) shall be a minimum of 50 feet.
- Linear interpolation between tabular values in the referenced Q-D table shall be allowed.
- For definitions of Quantity-Distance abbreviations IBD, ILD, IMD, IPD and PTR, see *paragraph (B)(1)(3302.1) of this rule*.

Table 3301.8.1(3)
Application of separation distance (Q-D) tables-Division 1.4 Explosives^{a,b,c,d}

Item	Magazine	Q-D	Operating building	Q-D	Inhabited building	Q-D	Public traffic route	Q-D
Magazine	Table 3304.5.2(3) of this rule	IMD	Table 3304.5.2(3) of this rule	ILD or IPD	Table 3304.5.2(3) of this rule	IBD	Table 3304.5.2(3) of this rule	PTR
Operating building	Table 3304.5.2(3) of this rule	ILD or IPD	Table 3304.5.2(3) of this rule	ILD or IPD	Table 3304.5.2(3) of this rule	IBD	Table 3304.5.2(3) of this rule	PTR
Inhabited building	Table 3304.5.2(3) of this rule	IBD	Table 3304.5.2(3) of this rule	IBD	NA	NA	NA	NA
Public traffic route	Table 3304.5.2(3) of this rule	PTR	Table 3304.5.2(3) of this rule	PTR	NA	NA	NA	NA

For SI: 1 foot = 304.8 mm.

- The minimum separation distance (D_0) shall be a minimum of 50 feet.
- Linear interpolation between tabular values in the referenced quantity-distance (Q-D) table shall not be allowed.
- For definitions of Quantity-Distance abbreviations IBD, ILD, IMD, IPD and PTR, see *paragraph (B)(1)(3302.1) of this rule*.
- This table shall not apply to consumer fireworks, 1.4G.

For copyright claim information, please see the notice attached to the last page of this rule.

- (i) **3301.8.1.1 Mass-detonating explosives.** The total net explosive weight of Division 1.1, 1.2 or 1.5 explosives shall be used. See Table 3304.5.2(1) or Table 3305.3 *of this rule* as appropriate.

Exception: When the TNT equivalence of the explosive material has been determined, the equivalence is allowed to be used to establish the net explosive weight.

- (ii) **3301.8.1.2 Non-mass-detonating explosives (excluding Division 1.4).** Non-mass detonating explosives shall be as follows:

- (a) Division 1.3 propellants. The total weight of the propellants alone shall be the net explosive weight. The net weight of propellant shall be used. See Table 3304.5.2(2) *of this rule*.
- (b) Combinations of bulk metal powder and pyrotechnic compositions. The sum of the net weights of metal powders and pyrotechnic compositions in the containers shall be the net explosive weight. See Table 3304.5.2(2) *of this rule*.

- (iii) **3301.8.1.3 Combinations of mass-detonating and non-mass-detonating explosives (excluding Division 1.4).** Combination of mass-detonating and non-mass-detonating explosives shall be as follows:

- (a) When Division 1.1 and 1.2 explosives are located in the same site, determine the distance for the total quantity considered first as 1.1 and then as 1.2. The required distance is the greater of the two. When the Division 1.1 requirements are controlling and the TNT equivalence of the 1.2 is known, the TNT equivalent weight of the 1.2 items shall be allowed to be added to the total explosive weight of Division 1.1 items to determine the net explosive weight for Division 1.1 distance determination. See Table 3304.5.2(2) or Table 3305.3 *of this rule* as appropriate.
- (b) When Division 1.1 and 1.3 explosives are located in the same site, determine the distances for the total quantity considered first as 1.1 and then as 1.3. The required distance is the greater of the two. When the Division 1.1 requirements are controlling and the TNT equivalence of the 1.3 is known, the TNT equivalent weight of the 1.3 items shall be allowed to be added to the total explosive weight of Division 1.1 items to determine the net explosive weight for Division 1.1 distance determination. See Table

3304.5.2(1), 3304.5.2(2) or 3305.3 of this rule, as appropriate.

(c) When Division 1.1, 1.2 and 1.3 explosives are located in the same site, determine the distances for the total quantity considered first as 1.1, next as 1.2 and finally as 1.3. The required distance is the greatest of the three. As allowed by paragraphs (A)(8)(a)(iii)(a) and (A)(8)(a)(iii)(b) of this rule, TNT equivalent weights for 1.2 and 1.3 items are allowed to be used to determine the net weight of explosives for Division 1.1 distance determination. Table 3304.5.2(1) or 3305.3 of this rule shall be used when TNT equivalency is used to establish the net explosive weight.

(d) For composite pyrotechnic items Division 1.1 and Division 1.3, the sum of the net weights of the pyrotechnic composition and the explosives involved shall be used. See Tables 3304.5.2(1) and 3304.5.2(2) of this rule.

(iv) **3301.8.1.4 Moderate fire-no blast hazards.** Division 1.4 explosives. The total weight of the explosive material alone is the net weight. The net weight of the explosive material shall be used.

(B) **Section 3302 Definitions**

(1) **3302.1 Definitions.** The following words and terms shall, for the purposes of this rule and as used elsewhere in this code, have the meanings shown herein.

“Ammonium nitrate.” A chemical compound represented by the formula NH_4NO_3 .

“Authority having jurisdiction.” The organization, officer, or individual responsible for approving equipment, an installation, or a procedure.

“Barricade.” A structure that consists of a combination of walls, floor and roof, which is designed to withstand the rapid release of energy in an explosion and which is fully confined, partially vented or fully vented; or other effective method of shielding from explosive materials by a natural or artificial barrier.

“Artificial barricade.” An artificial mound or revetment a minimum thickness of 3 feet (914 mm).

“Natural barricade.” Natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine or building containing explosives when the trees are bare of leaves.

“Barricaded.” The effective screening of a building containing explosive materials from the magazine or other building, railway or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point 12 feet (3658 mm) above the center of a railway or highway shall pass through such barrier.

“Beer and intoxicating liquor.” *Have the same meanings as in section 4301.01 of the Revised Code.*

“Black match.” *A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.*

“Blast area.” The area including the blast site and the immediate adjacent area within the influence of flying rock, missiles and concussion.

“Blast site.” The area in which explosive materials are being or have been loaded and which includes all holes loaded or to be loaded for the same blast and a distance of 50 feet (15 240 mm) in all directions.

“Blaster.” A person qualified in accordance with *paragraph (A)(4)(3301.4) of this rule* to be in charge of and responsible for the loading and firing of a blast.

“Blasting agent.” A material or mixture consisting of fuel and oxidizer, intended for blasting provided that the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test detonator when unconfined. Blasting agents are labeled and placarded as Class 1.5 material by US DOTn.

“Booby trap.” *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.*

“Break.” *An individual effect from an aerial shell; generally either color (stars) or noise (salutes). Aerial shells can be single-break (having only one effect) or multiple-break (having two or more effects).*

“Bullet resistant.” Constructed so as to resist penetration of a bullet of 150-grain M2 ball ammunition having a nominal muzzle velocity of 2,700 feet per second (fps) (824 mps) when fired from a 30-caliber rifle at a distance of 100 feet (30 480 mm), measured perpendicular to the target.

“Cigarette load.” *A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.*

“Controlled substance.” *Has the same meaning as in section 3719.01 of the Revised Code.*

“CPSC.” *The United States Consumer Product Safety Commission.*

“Detonating cord.” A flexible cord containing a center core of high explosive used to initiate other explosives.

“Detonation.” An exothermic reaction characterized by the presence of a shock wave in the material which establishes and maintains the reaction. The reaction zone progresses through the material at a rate greater than the velocity of sound. The principal heating mechanism is one of shock compression. Detonations have an explosive effect.

“Detonator.” A device containing any initiating or primary explosive that is used for initiating detonation. A detonator shall not contain more than 154.32 grains (10 grams) of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and noninstantaneous and delay blasting caps which use detonating cord, shock tube or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1½ pounds (0.68 kg) of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

“Discharge site.” *An area immediately surrounding the mortars used to fire aerial shells.*

“Display site.” The immediate area where a fireworks *exhibition* is conducted. The *exhibition* area includes the discharge site, the fallout area and the required separation distance from the mortars to spectator viewing areas or vehicle parking areas.

“DOTn.” *The United States Department of Transportation.*

“Explosive.” A chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters and display fireworks, 1.3G (Class B, Special).

The term “explosive” includes any material determined to be within the scope of USC Title 18: Chapter 40 as listed in rule 1301:7-7-47 of the Administrative Code and also includes any material classified as an explosive other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulations of

DOTn 49 CFR Parts 100-185 as listed in rule 1301:7-7-47 of the Administrative Code.

“High explosive.” Explosive material, such as dynamite, which can be caused to detonate by means of a No. 8 test blasting cap when unconfined.

“Low explosive.” Explosive material that will burn or deflagrate when ignited. It is characterized by a rate of reaction that is less than the speed of sound. Examples of low explosives include, but are not limited to, black powder, safety fuse, igniters, igniter cord, fuse lighters, fireworks, 1.3G (Class B, Special) and propellants, 1.3C.

“Mass-detonating explosives.” Division 1.1, 1.2 and 1.5 explosives alone or in combination, or loaded into various types of ammunition or containers, most of which can be expected to explode virtually instantaneously when a small portion is subjected to fire, severe concussion, impact, the impulse of an initiating agent or the effect of a considerable discharge of energy from without. Materials that react in this manner represent a mass explosion hazard. Such an explosive will normally cause severe structural damage to adjacent objects. Explosive propagation could occur immediately to other items of ammunition and explosives stored sufficiently close to and not adequately protected from the initially exploding pile with a time interval short enough so that two or more quantities must be considered as one for quantity-distance purposes.

“UN/DOTn Class 1 explosives.” The former classification system used by DOTn included the terms “high” and “low” explosives as defined herein. The following terms further define explosives under the current system applied by DOTn for all explosive materials defined as hazard Class 1 materials. Compatibility group letters are used in concert with the Division to specify further limitations on each division noted (i.e., the letter G identifies the material as a pyrotechnic substance or article containing a pyrotechnic substance and similar materials).

“Division 1.1.” Explosives that have a mass explosion hazard. A mass explosion is one which affects almost the entire load instantaneously.

“Division 1.2.” Explosives that have a projection hazard but not a mass explosion hazard.

“Division 1.3.” Explosives that have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard.

“Division 1.4.” Explosives that pose a minor explosion hazard. The explosive effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package.

“Division 1.5.” Very insensitive explosives. This division is comprised of substances that have a mass explosion hazard but which are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport.

“Division 1.6.” Extremely insensitive articles which do not have a mass explosion hazard. This division is comprised of articles that contain only extremely insensitive detonating substances and which demonstrate a negligible probability of accidental initiation or propagation.

“Explosive material.” The term “explosive” material means explosives, blasting agents, and detonators.

“Fallout area.” The area over which aerial shells are fired. The shells burst over the area, and unsafe debris and malfunctioning aerial shells fall into this area. The fallout area is the location where a typical aerial shell dud falls to the ground depending on the wind and the angle of mortar placement.

“Fireworks.” *Any composition or device prepared for the purpose of producing a visible or an audible effect of combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Revised Code.*

“1.1G Fireworks.” *Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.1G (UN0333) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.*

“1.2G Fireworks.” *Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.2G (UN0334) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.*

“1.3G Fireworks.” *Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.3G (UN0335) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.*

“1.4G Fireworks.” Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.4G (UN0336) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code or special effects fireworks as expressed using the designation Division 1.4G (UN0431) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.

“1.4G Special effects fireworks.” Special effects fireworks intended for indoor use consistent with regulations of the United State Department of Transportation as expressed using the designation Division 1.4G (UN0431) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.

“1.4S Fireworks.” Pyrotechnic devices for professional use in the performing arts in conjunction with theatrical, musical or other productions which are similar to “consumer fireworks” in chemical composition and construction but not intended for consumer use. Such fireworks shall be classified as Division 1.4S (UN0337) by DOTn and marked and labeled in conformance with Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code or special effects fireworks as expressed using the designation Division 1.4S (UN0432) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.

“1.4S Special effects fireworks.” Special effects fireworks intended for indoor use as expressed using the designation Division 1.4S (UN0432) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.

“Fireworks exhibition.” Any presentation or discharge of fireworks. A fireworks exhibition includes but is not limited to, those displays conducted in accordance with the provisions of Chapter 3743. of the Revised Code, or any variance issued thereunder, this rule, and NFPA 1123 and NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.

“Fireworks incident.” Any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:

1. The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;
2. The failure of any person to comply with any applicable requirement imposed by this rule or any applicable rule adopted under this rule.

“Fireworks incident site.” A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

“Fireworks plant.” All buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

“Highway.” Any public street, road, alley, way, lane or other public thoroughfare.

“Inhabited building.” A building regularly occupied in whole or in part as a habitation for people or any place of religious worship, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

“Interlinked fire detection.” An automatic fire detection system installed in accordance with the building code listed in rule 1301:7-7-47 of the Administrative Code, interconnected with the smoke control system.

“Licensed building.” A building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.

“Licensed exhibitor of fireworks or licensed exhibitor.” A person licensed pursuant to sections 3743.50 to 3743.55 of the Revised Code. This includes a licensed exhibitor of indoor fireworks (Type II exhibitor license) or a licensed exhibitor of outdoor/indoor fireworks (Type I exhibitor license).

“Licensed exhibitor of indoor fireworks.” A person licensed pursuant to this rule to conduct indoor exhibitions in accordance with NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code of 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). This is also known as a Type II exhibitor’s license.

“Licensed exhibitor of outdoor/indoor fireworks.” A person licensed pursuant to this rule to conduct outdoor or indoor fireworks exhibitions in accordance with NFPA 1123 and the applicable standards of NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). This is also known as a Type I exhibitor’s license.

“Licensed manufacturer of fireworks or licensed manufacturer.” A person licensed pursuant to sections 3743.02 to 3743.08 of the Revised Code.

“Licensed premises.” The approved real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business. Licensed premises includes but is not limited to: all property within identified boundaries, approved storage locations, and all buildings, structures, or other temporary or permanent fixtures located thereon.

“Licensed wholesaler of fireworks or licensed wholesaler.” A person licensed pursuant to sections 3743.15 to 3743.21 of the Revised Code.

“List of licensed exhibitors.” The list required by division (C) of section 3743.51 of the Revised Code.

“List of licensed manufacturers.” The list required by division (C) of section 3743.03 of the Revised Code.

“List of licensed wholesalers.” The list required by division (C) of section 3743.16 of the Revised Code.

“Magazine.” A building, structure or container, other than an operating building, approved for storage of explosive materials.

“Indoor.” A portable structure, such as a box, bin or other container, constructed as required for Type 2, 4 or 5 magazines in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR Part 55 as listed in rule 1301:7-7-47 of the Administrative Code so as to be fire resistant and theft resistant.

“Type 1.” A permanent structure, such as a building or igloo, that is bullet resistant, fire resistant, theft resistant, weather resistant and ventilated in accordance with the requirements of NFPA 495, NFPA 1124, or DOTy 27 CFR Part 55 as listed in rule 1301:7-7-47 of the Administrative Code.

“Type 2.” A portable or mobile structure, such as a box, skid-magazine, trailer or semitrailer, constructed in accordance with the requirements of NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 as listed in rule 1301:7-7-47 of the Administrative Code that is fire resistant, theft resistant, weather resistant and ventilated. If used outdoors, a Type 2 magazine is also bullet resistant.

“Type 3.” A fire resistant, theft resistant and weather resistant “day box” or portable structure constructed in accordance with NFPA 495, NFPA 1124 or DOTy 27 CFR, Part 55 as listed in rule 1301:7-7-47 of the

Administrative Code used for the temporary storage of explosive materials.

“Type 4.” A permanent, portable or mobile structure such as a building, igloo, box, semitrailer or other mobile container that is fire resistant, theft resistant and weather resistant and constructed in accordance with NFPA 495, NFPA 1124 or DOTy CFR, Part 55 *as listed in rule 1301:7-7-47 of the Administrative Code.*

“Type 5.” A permanent, portable or mobile structure such as a building, igloo, box, bin, tank, semitrailer, bulk trailer, tank trailer, bulk truck, tank truck or other mobile container that is theft resistant, which is constructed in accordance with NFPA 495, NFPA 1124, or DOTy 27 CFR, Part 55 *as listed in rule 1301:7-7-47 of the Administrative Code.*

“Manufacturing of fireworks.” *The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.*

“Mortar.” A tube from which fireworks shells are fired into the air.

“Navigable waters.” *Any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.*

“Net explosive weight (net weight).” The weight of explosive material expressed in pounds. The net explosive weight is the aggregate amount of explosive material contained within buildings, magazines, structures or portions thereof, used to establish quantity-distance relationships.

“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.*

“Operating building.” A building occupied in conjunction with the manufacture, transportation or use of explosive materials. Operating buildings are separated from one another with the use of intraplant or intraline distances.

“Operating line.” A group of buildings, facilities or workstations so arranged as to permit performance of the steps in the manufacture of an explosive or in the loading, assembly, modification and maintenance of ammunition or devices containing explosive materials.

“Party popper.” *A small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.*

“Phosphoric material.” Two or more unmixed, commercially manufactured, prepackaged chemical substances including oxidizers, flammable liquids or solids, or similar substances that are not independently classified as explosives but which, when mixed or combined, form an explosive that is intended for blasting.

“Processing of fireworks.” *The making of fireworks from materials all or part of which in and of themselves constitute fireworks, but does not include the mere packaging or repackaging of fireworks.*

“Proximate audience.” An audience closer to pyrotechnic devices than allowed by NFPA 1123 as listed in rule 1301:7-7-47 of the Administrative Code.

“Public Traffic Route (PTR).” Any public street, road, highway, navigable stream or passenger railroad that is used for through traffic by the general public.

“Pyrotechnic composition.” *A chemical mixture which upon burning and without explosion, produces a visible brilliant display, bright lights, or sounds.*

“Pyrotechnic special effect.” A visible or audible effect for entertainment created through the use of pyrotechnic materials and devices.

“Pyrotechnic special-effect material.” A chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration or detonation. Such a chemical mixture predominantly consists of solids capable of producing a controlled, self-sustaining and self-contained exothermic chemical reaction that results in heat, gas, sound, light or a combination of these effects. The chemical reaction functions without external oxygen.

“Quantity-Distance (Q-D).” The quantity of explosive material and separation distance relationships providing protection. These relationships are based on levels of risk considered acceptable for the stipulated exposures and are tabulated in the appropriate Q-D tables. The separation distances specified afford less than absolute safety:

“Inhabited building distance (IBD).” The minimum separation distance between an operating building or magazine containing explosive materials and an inhabited building or site boundary.

“Intermagazine distance (IMD).” The minimum separation distance between magazines.

“Intraline distance (ILD) or Intraplant distance (IPD).” The distance to be maintained between any two operating buildings on an explosives manufacturing site when at least one contains or is designed to contain explosives, or the distance between a magazine and an operating building.

“Minimum separation distance (D₀).” The minimum separation distance between adjacent buildings occupied in conjunction with the manufacture, transportation, storage or use of explosive materials where one of the buildings contains explosive materials and the other building does not.

“Railroad.” 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.

“Railway.” A steam, electric or other railroad or railway that carries passengers for hire.

“Ready box.” A weather-resistant container with a self-closing or automatic-closing cover that protects fireworks shells from burning debris. Tarpaulins shall not be considered as ready boxes.

“Representative sample showroom.” A structure constructed and maintained in accordance with the building code as listed in rule 1301:7-7-47 of the Administrative Code and this code for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances.

“Retail sale or sell at retail.” A sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.

“Small arms ammunition.” A shotgun, rifle or pistol cartridge and any cartridge for propellant-actuated devices. This definition does not include military ammunition containing bursting charges or incendiary, trace, spotting or pyrotechnic projectiles.

“Small arms primers.” Small percussion-sensitive explosive charges, encased in a cap, used to ignite propellant powder.

“Smoke device.” *A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.*

“Smokeless propellants.” Solid propellants, commonly referred to as smokeless powders, used in small arms ammunition, cannons, rockets, propellant-actuated devices and similar articles.

“Snapper.” *A small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that when dropped, implodes.*

“Snake or glow worm.” *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.*

“Special industrial explosive device.” An explosive power pack containing an explosive charge in the form of a cartridge or construction device. The term includes but is not limited to explosive rivets, explosive bolts, explosive charges for driving pins or studs, cartridges for explosive-actuated power tools and charges of explosives used in automotive air bag inflators, jet tapping of open hearth furnaces and jet perforation of oil well casings.

“Storage location.” *A single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Revised Code or division (G) of section 3743.17 of the Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with Chapter 3743. of the Revised Code and this rule.*

“Theft resistant.” Constructed designed to deter illegal entry into facilities for the storage of explosive materials.

“Trick match.” *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.*

“Wholesale sale or sell at wholesale.” *A sale of fireworks to a purchaser who intends to resell the fireworks so purchased.*

“Wire sparkler.” *A sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.*

- (2) **3302.2 Terms used for paragraph (P)(10)(3316.10) of this rule.** In accordance with section 3743.75 of the Revised Code, the following terms, only as used in paragraph (P)(10)(3316.10), have the following exclusive meanings:

“Particular location.” A licensed premises and, regardless of when approved, any storage location approved in accordance with section 3743.04 or 3743.17 of the Revised Code and this rule.

“Person.” Any person or entity, in whatever form or name, that acquires possession of a manufacturer or wholesaler of fireworks license issued pursuant to this rule by transfer of possession of license, whether that transfer occurs by purchase, assignment, inheritance, bequest, stock transfer, or any other type of transfer, on the condition that the transfer is in accordance with division (D) of section 3743.04 of the Revised Code or division (D) of section 3743.17 of the Revised Code and is approved by the state fire marshal.

(C) **Section 3303 Record keeping and reporting**

- (1) **3303.1 General.** Records of the receipt, handling, use or disposal of explosive materials, and reports of any accidents, thefts or unauthorized activities involving explosive materials shall conform to the requirements of this paragraph. Records relating to the manufacturing, sale, transportation, shipping, storage and possession of fireworks shall be created, maintained and disposed of in accordance with the Revised Code and this rule.

- (2) **3303.2 Transaction record.** The permittee shall maintain a record of all transactions involving receipt, removal, use or disposal of explosive materials. Such a record shall be maintained for a period of 5 five years, and shall be furnished to the fire code official for inspection upon request.

Exception: Where only Division 1.4G (consumer fireworks) are handled, records need only be maintained for a period of three years.

- (3) **3303.3 Loss, theft or unauthorized removal.** The loss, theft or unauthorized removal of explosive materials from a magazine or permitted facility shall be reported to the fire code official, local law enforcement authorities, and the U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms within 24 hours.

Exception: Loss of Division 1.4G (consumer fireworks) need not be reported to the Bureau of Alcohol, Tobacco and Firearms.

- (a) **3303.3.1 Fireworks.** Manufacturers, wholesalers, shippers and exhibitors shall report any theft or loss of any fireworks to the local law enforcement agency within twenty-four hours after the discovery of the theft or loss and shall send a copy of the report prepared by the local law enforcement

agency to the state fire marshal. If such report is unavailable, the manufacturer, wholesaler, shipper or exhibitor shall notify the state fire marshal of the investigating law enforcement agency. In the event of such theft or loss of any fireworks or pyrotechnic devices, the local fire code official shall cooperate with the state fire marshal in conducting a joint investigation of the circumstances.

- (4) **3303.4 Accidents.** Accidents involving the use of explosives, explosive materials and fireworks, which result in injuries or property damage, shall be reported to the fire code official immediately.
- (a) **3303.4.1 Injury or damage report.** The local fire code official shall immediately make a report to the state fire marshal when any fireworks related fire, explosion, unauthorized discharge, personal injury, or other significant fireworks incident occurs, including all fires, explosions, personal injuries received or resulting from fireworks at a manufacturing plant, wholesale facility, from a shipment of fireworks in transit, or from fireworks at an exhibition. The report shall provide the location where the fire, explosion, or injury occurred and the name, address and telephone number of any person injured as a result when such information is available. The scene must be held until released by the state fire marshal.
- (5) **3303.5 Misfires.** The licensed exhibitor of fireworks or blaster in charge shall keep a record of all aerial shells that fail to fire or charges that fail to detonate.
- (6) **3303.6 Hazard communication.** Manufacturers of explosive materials and fireworks shall maintain records of chemicals, chemical compounds and mixtures required by DOL 29 CFR, Part 1910.1200 as listed in rule 1301:7-7-47 of the Administrative Code, and paragraph (G)(407) of rule 1301:7-7-04 of the Administrative Code.
- (7) **3303.7 Safety rules.** Current safety rules covering the operation of magazines, as described in paragraph (D)(7)(3304.7) of this rule, shall be posted on the interior of the magazine in a visible location.
- (D) **Section 3304 Explosive materials storage and handling**
- (1) **3304.1 General.** Storage of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this paragraph.
- (2) **3304.2 Magazine required.** Explosives and explosive materials, and Division 1.3G fireworks shall be stored in magazines constructed, located, operated and maintained in accordance with the provisions of paragraph (D)(3304) of this rule and NFPA 495 or NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code.

Exceptions:

1. Storage of fireworks at display sites in accordance with *paragraph (J)(3310) of this rule* and NFPA 1123 or NFPA 1126 as listed in *rule 1301:7-7-47 of the Administrative Code*.
 2. Portable or mobile magazines not exceeding 120 square feet (11 m²) in area shall not be required to comply with the requirements of the *building code as listed in rule 1301:7-7-47 of the Administrative Code*.
- (3) **3304.3 Magazines.** The storage of explosives and explosive materials in magazines shall comply with Table 3304.3 of this rule.

Table 3304.3
Storage amounts and magazine requirements for explosives, explosive materials and fireworks, 1.3G maximum allowable quantity per control area

New UN/DOtn division	Old DOtn class	ATF/OSHA class	Indoor ^a (pounds)				Outdoor (pounds)	Magazine type required				
			Unprotected	Cabinet	Sprinklers	Sprinklers & cabinet		1	2	3	4	5
1.1 ^b	A	High	0	0	1	2	1	X	X	X	--	--
1.2	A	High	0	0	1	2	1	X	X	X	--	--
1.2	B	Low	0	0	1	1	1	X	X	X	X	--
1.3	B	Low	0	0	5	10	1	X	X	X	X	--
1.4 ^c	B	Low	0	0	50	100	1	X	X	X	X	--
1.5	C	Low	0	0	1	2	1	X	X	X	X	--
1.5	Blasting agent	Blasting agent	0	0	1	2	1	X	X	X	X	X
1.6	N/A	N/A	0	0	1	2	1	X	X	X	X	X

For SI: 1 pound = 0.454 kg, 1 pound per gallon = 0.12 kg per liter, 1 ounce = 28.35 g.

- a. A factor of 10 pounds per gallon shall be used for converting pounds (solid) to gallons (liquid) in accordance with *paragraph (C)(1)(b)(2703.1.2) of rule 1301:7-7-27 of the Administrative Code*.
- b. Black powder shall be stored in a Type 1, 2, 3 or 4 magazine as provided for in *paragraph (D)(3)(a)(3304.3.1) of this rule*.
- c. This table shall not apply to consumer fireworks, 1.4G.
 - (a) **3304.3.1 High explosives.** Explosive materials classified as Division 1.1 or 1.2 or formerly classified as Class A by the U.S. Department of Transportation shall be stored in Type 1, 2 or 3 magazines.

Exceptions:

For copyright claim information, please see the notice attached to the last page of this rule.

1. Black powder shall be stored in a Type 1, 2, 3 or 4 magazine.
 2. Cap-sensitive explosive material that is demonstrated not to be bullet sensitive shall be stored in a Type 1, 2, 3, 4 or 5 magazine.
- (b) **3304.3.2 Low explosives.** Explosive materials that are not cap sensitive shall be stored in a Type 1, 2, 3, 4 or 5 magazine.
- (c) **3304.3.3 Detonating cord.** For quantity and distance purposes, detonating cord of 50 grains per foot shall be calculated as equivalent to 8 pounds (4 kg) of high explosives per 1,000 feet (305 m). Heavier or lighter core loads shall be rated proportionally.
- (4) **3304.4 Prohibited storage.** Detonators shall be stored in a separate magazine for blasting supplies and shall not be stored in a magazine with other explosive materials.
- (5) **3304.5 Location.** The use of magazines for storage of explosives and explosive materials shall comply with *paragraphs (D)(5)(a)(3304.5.1) to (D)(5)(c)(iii)(3304.5.3.3) of this rule.*
- (a) **3304.5.1 Indoor magazines.** The use of indoor magazines for storage of explosives and explosive materials shall comply with the requirements of *this paragraph.*
- (i) **3304.5.1.1 Use.** The use of indoor magazines for storage of explosives and explosive materials shall be limited to occupancies in Group F, H, M or S, and research and development laboratories.
- (ii) **3304.5.1.2 Construction.** Indoor magazines shall comply with the following construction requirements:
- (a) Construction shall be fire resistant and theft resistant.
 - (b) Exterior shall be painted red.
 - (c) Base shall be fitted with wheels, casters or rollers to facilitate removal from the building in an emergency.
 - (d) Lid or door shall be marked with conspicuous white lettering not less than 3 inches (76 mm) high and minimum ½ inch (12.7 mm) stroke, reading “EXPLOSIVES-KEEP FIRE AWAY”.

- (e) The least horizontal dimension shall not exceed the clear width of the entrance door.
- (iii) **3304.5.1.3 Quantity limit.** Not more than 50 pounds (23 kg) of explosives or explosive materials shall be stored within an indoor magazine.

Exception: Day boxes used for the storage of in-process material in accordance with *paragraph (E)(6)(d)(i)(3305.6.4.1) of this rule.*

- (iv) **3304.5.1.4 Prohibited use.** Indoor magazines shall not be used within buildings containing Group R occupancies.
 - (v) **3304.5.1.5 Location.** Indoor magazines shall be located within 10 feet (3048 mm) of an entrance and only on floors at or having ramp access to the exterior grade level.
 - (vi) **3304.5.1.6 Number.** Not more than two indoor magazines shall be located in the same building. Where two such magazines are located in the same building, one magazine shall be used solely for the storage of not more than 5,000 detonators.
 - (vii) **3304.5.1.7 Separation distance.** When two magazines are located in the same building, they shall be separated by a distance of not less than 10 feet (3048 mm).
- (b) **3304.5.2 Outdoor magazines.** All outdoor magazines other than Type 3 shall be located so as to comply with Table 3304.5.2(2) or Table 3304.5.2(3) *of this rule* as set forth in Tables 3301.8.1(1) to 3301.8.1(3) *of this rule.* Where a magazine or group of magazines, as described in *paragraph (D)(5)(b)(ii)(3304.5.2.2) of this rule,* contains different classes of explosive materials, and Division 1.1 materials are present, the required separations for the magazine or magazine group as a whole shall comply with Table 3304.5.2(2) *of this rule.*

Table 3304.5.2(1)
American table of distances for storage of explosives as approved by the Institute of makers
of explosives and revised June 1991^a

Quantity of explosive materials ^c		Distances in feet							
		Inhabited buildings		Public highways with traffic volume less than 3,000 vehicles per day		Public highways with traffic volume greater than 3,000 vehicles per day and passenger railways		Separation of magazines ^d	
Pounds over	Pounds not over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	208	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	480	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270

For copyright claim information, please see the notice attached to the last page of this rule.

Table 3304.5.2(1) Continued
American table of distances for storage of explosives as approved by the Institute of makers
of explosives and revised June 1991^a

Quantity of explosive materials ^c		Distances in feet							
		Inhabited buildings		Public highways with traffic volume less than 3,000 vehicles per day		Public highways with traffic volume greater than 3,000 vehicles per day and passenger railways		Separation of magazines ^d	
Pounds over	Pounds not over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000 ^b	2,275	2,275	690	1,380	2,000	2,000	385	770

For SI: 1 foot = 304.8 mm, 1 pound = 0.454 kg.

- a. This table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles or other heavily encased explosives.
- b. Storage in excess of 300,000 pounds of explosive materials in one magazine is not allowed.
- c. Where a manufacturing building on an explosive materials plant site is designed to contain explosive materials, such building shall be located with respect to its proximity to inhabited buildings, public highways and passenger railways based on the maximum quantity of explosive materials permitted to be in the building at one time.

For copyright claim information, please see the notice attached to the last page of this rule.

- d. Where two or more storage magazines are located on the same property, each magazine shall comply with the minimum distances specified from inhabited buildings, railways and highways, and, in addition, they should be separated from each other by not less than the distances shown for separation of magazines, except that the quantity of explosives in detonator magazines shall govern in regard to the spacing of said detonator magazines from magazines containing other explosive materials. Where any two or more magazines are separated from each other by less than the specified separation of magazine distances, then two or more such magazines, as a group, shall be considered as one magazine, and the total quantity of explosive materials stored in such group shall be treated as if stored in a single magazine located on the site of any magazine in the group and shall comply with the minimum distances specified from other magazines, inhabited buildings, railways and highways.

Table 3304.5.2(2)
Table of distances (Q-D) for buildings containing explosives-
Division 1.3 mass-fire hazard^{a,b,c}

Quantity of Division 1.3 explosives (net explosives weight)		Distances in feet			
Pounds over	Pounds not over	Inhabited building distance (IBD)	Distance to public traffic route (PTR)	Intermagazine distance (IMD)	Intraline distance (ILD) or Intraplant distance (IPD)
0	1,000	75	75	50	50
1,000	5,000	115	115	75	75
5,000	10,000	150	150	100	100
10,000	20,000	190	190	125	125
20,000	30,000	215	215	145	145
30,000	40,000	235	235	155	155
40,000	50,000	250	250	165	165
50,000	60,000	260	260	175	175
60,000	70,000	270	270	185	185
70,000	80,000	280	280	190	190
80,000	90,000	295	295	195	195
90,000	100,000	300	300	200	200
100,000	200,000	375	375	250	250
200,000	300,000	450	450	300	300

For SI: 1 foot = 304.8 mm, 1 pound = 0.454 kg.

- a. Black powder, when stored in magazines, is defined as low explosive by the Bureau of Alcohol, Tobacco and Firearms (BATF).

For copyright claim information, please see the notice attached to the last page of this rule.

- b. For quantities less than 1,000 pounds, the required distances are those specified for 1,000 pounds. The use of lesser distances is allowed when supported by approved test data and/or analysis.
- c. Linear interpolation of explosive quantities between table entries is allowed.

Table 3304.5.2(3)
Table of distances (Q-D) for buildings containing explosives-Division 1.4^c

Quantity of Division 1.4 explosives (net explosives weight)		Distances in feet			
Pounds over	Pounds not over	Inhabited building distance (IBD)	Distance to public traffic route (PTR)	Intermagazine distance ^{a,b} (IMD)	Intraline distance (ILD) or Intraplant distance ^a (IPD)
50	Not limited	100	100	50	50

For SI: 1 foot = 304.8 mm, 1 pound = 0.454 kg.

- a. A separation distance of 100 feet is required for buildings other than Type I or Type II construction as defined in the *building code listed in rule 1301:7-7-47 of the Administrative Code*.
- b. For earth covered magazines, no specified separation is required.
 1. Earth cover material used for magazines shall be relatively cohesive. Solid or wet clay and similar types of soil are too cohesive and shall not be used. Soil shall be free from unsanitary organic matter, trash, debris and stones heavier than 10 pounds or larger than 6 inches in diameter. Compaction and surface preparation shall be provided, as necessary, to maintain structural integrity and avoid erosion. Where cohesive material cannot be used, as a sandy soil, the earth cover over magazines shall be finished with a suitable material to ensure structural integrity.
 2. The earth fill or earth cover between earth-covered magazines shall be either solid or sloped, in accordance with the requirements of other construction features, but a minimum of 2 feet of earth cover shall be maintained over the top of each magazine. To reduce erosion and facilitate maintenance of operations, the cover shall have a slope of 2 horizontal to 1 vertical.
- c. Restricted to articles, including articles packaged for shipment, that are not regulated as an explosive under Bureau of Alcohol, Tobacco and Firearms regulations, or unpacked articles used in process operations that do not propagate a detonation or deflagration between articles. This table shall not apply to consumer fireworks, 1.4G.

For copyright claim information, please see the notice attached to the last page of this rule.

- (i) **3304.5.2.1 Separation.** Where two or more storage magazines are located on the same property, each magazine shall comply with the minimum distances specified from inhabited buildings, public transportation routes and operating buildings. Magazines shall be separated from each other by not less than the intermagazine distances (IMD) shown for the separation of magazines.
- (ii) **3304.5.2.2 Grouped magazines.** Where two or more magazines are separated from each other by less than the intermagazine distances (IMD), such magazines as a group shall be considered as one magazine and the total quantity of explosive materials stored in the group shall be treated as if stored in a single magazine. The location of the group of magazines shall comply with the intermagazine distances (IMD) specified from other magazines or magazine groups, inhabited buildings (IBD), public transportation routes (PTR) and operating buildings (ILD or IPD) as required.
- (c) **3304.5.3 Special requirements for Type 3 magazines.** Type 3 magazines shall comply with paragraphs (D)(5)(c)(i)(3304.5.3.1) to (D)(5)(c)(iii)(3304.5.3.3) of this rule.
- (i) **3304.5.3.1 Location.** Wherever practicable, Type 3 magazines shall be located away from neighboring inhabited buildings, railways, highways and other magazines in accordance with Table 3304.5.2(2) or 3304.5.2(3) of this rule as applicable.
- (ii) **3304.5.3.2 Supervision.** Type 3 magazines shall be attended when explosive materials are stored within. Explosive materials shall be removed to appropriate storage magazines for unattended storage at the end of the workday.
- (iii) **3304.5.3.3 Use.** Not more than two Type 3 magazines shall be located at the same blasting site. Where two Type 3 magazines are located at the same blasting site, one magazine shall be used solely for the storage of detonators.
- (6) **3304.6 Construction.** Magazines shall be constructed in accordance with paragraphs (D)(6)(a)(3304.6.1) to (D)(6)(e)(ii)(3304.6.5.2) of this rule.
- (a) **3304.6.1 Drainage.** The ground around a magazine shall be graded so that water drains away from the magazine.
- (b) **3304.6.2 Heating.** Magazines requiring heat shall be heated as prescribed in NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code by either hot water radiant heating within the magazine or by indirect warm air heating.

- (c) **3304.6.3 Lighting.** When lighting is necessary within a magazine, electric safety flashlights or electric safety lanterns shall be used, except as provided in NFPA 495 *as listed in rule 1301:7-7-47 of the Administrative Code.*
- (d) **3304.6.4 Nonsparking materials.** In other than Type 5 magazines, there shall be no exposed ferrous metal on the interior of a magazine containing packages of explosives.
- (e) **3304.6.5 Signs and placards.** Property upon which Type 1 magazines and outdoor magazines of Types 2, 4 and 5 are located shall be posted with signs stating: "EXPLOSIVES-KEEP OFF." These signs shall be of contrasting colors with a minimum letter height of 3 inches (76 mm) with a minimum brush stroke of ½ inch (12.7 mm). The signs shall be located to minimize the possibility of a bullet shot at the sign hitting the magazine.
- (i) **3304.6.5.1 Access road signs.** At the entrance to explosive material manufacturing and storage sites, all access roads shall be posted with the following warning sign or other approved sign:
- "DANGER!
NEVER FIGHT EXPLOSIVE FIRES.
EXPLOSIVES ARE STORED ON THIS SITE
CALL _____"
- The sign shall be weather resistant with a reflective surface and have lettering at least 2 inches (51 mm) high.
- (ii) **3304.6.5.2 Placards.** Type 5 magazines containing Division 1.5 blasting agents shall be prominently placarded as required during transportation by DOTn 49 CFR, Part 172 and DOTy 27 CFR, Part 55 *as listed in rule 1301:7-7-47 of the Administrative Code.*
- (7) **3304.7 Operation.** Magazines shall be operated in accordance with *paragraphs (D)(7)(a)(3304.7.1) to (D)(7)(i)(3304.7.9) of this rule.*
- (a) **3304.7.1 Security.** Magazines shall be kept locked in the manner prescribed in NFPA 495 *as listed in rule 1301:7-7-47 of the Administrative Code* at all times except during placement or removal of explosives or inspection.
- (b) **3304.7.2 Open flames and lights.** Smoking, matches, flame-producing devices, open flames, firearms and firearms cartridges shall not be allowed inside of or within 50 feet (15 240 mm) of magazines.

- (c) **3304.7.3 Brush.** The area located around a magazine shall be kept clear of brush, dried grass, leaves, trash, debris and similar combustible materials for a distance of 25 feet (7620 mm).
 - (d) **3304.7.4 Combustible storage.** Combustible materials shall not be stored within 50 feet (15 240 mm) of magazines.
 - (e) **3304.7.5 Unpacking and repacking explosive materials.** Containers of explosive materials, except fiberboard containers, and packages of damaged or deteriorated explosive materials or fireworks shall not be unpacked or repacked inside or within 50 feet (15 240 mm) of a magazine or in close proximity to other explosive materials.
 - (i) **3304.7.5.1 Storage of opened packages.** Packages of explosive materials that have been opened shall be closed before being placed in a magazine.
 - (ii) **3304.7.5.2 Nonsparking tools.** Tools used for the opening and closing of packages of explosive materials, other than metal slitters for opening paper, plastic or fiberboard containers, shall be made of nonsparking materials.
 - (iii) **3304.7.5.3 Disposal of packaging.** Empty containers and paper and fiber packaging materials that previously contained explosive materials shall be disposed of or reused in an approved manner.
 - (f) **3304.7.6 Tools and equipment.** Metal tools, other than nonferrous transfer conveyors and ferrous metal conveyor stands protected by a coat of paint, shall not be stored in a magazine containing explosive materials or detonators.
 - (g) **3304.7.7 Contents.** Magazines shall be used exclusively for the storage of explosive materials, blasting materials and blasting accessories.
 - (h) **3304.7.8 Compatibility.** Corresponding grades and brands of explosive materials shall be stored together and in such a manner that the grade and brand marks are visible. Stocks shall be stored so as to be easily counted and checked. Packages of explosive materials shall be stacked in a stable manner not exceeding 8 feet (2438 mm) in height.
 - (i) **3304.7.9 Stock rotation.** When explosive material is removed from a magazine for use, the oldest usable stocks shall be removed first.
- (8) **3304.8 Maintenance.** Maintenance of magazines shall comply with *paragraphs (D)(8)(a)(3304.8.1) to (D)(8)(c)(3304.8.3) of this rule.*

- (a) **3304.8.1 Housekeeping.** Magazine floors shall be regularly swept and be kept clean, dry and free of grit, paper, empty packages and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from magazine floors shall be disposed of in accordance with the manufacturers' approved instructions.
- (b) **3304.8.2 Repairs.** Explosive materials shall be removed from the magazine before making repairs to the interior of a magazine. Explosive materials shall be removed from the magazine before making repairs to the exterior of the magazine where there is a possibility of causing a fire. Explosive materials removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the explosive materials shall be promptly returned to the magazine. Floors shall be cleaned before and after repairs.
- (c) **3304.8.3 Floors.** Magazine floors stained with liquid shall be dealt with according to instructions obtained from the manufacturer of the explosive material stored in the magazine.
- (9) **3304.9 Inspection.** Magazines containing explosive materials shall be opened and inspected *by the permit holder at maximum intervals of seven days.* The inspection shall determine whether there has been an unauthorized or attempted entry into a magazine or an unauthorized removal of a magazine or its contents. *The permit holder shall document said inspections including the date of inspection, name of person conducting inspection and a verification of the inventory. The permit holder shall maintain such records for a minimum of one year and provide such documentation to the state fire marshal upon request.*
- (a) **3304.9.1** *If in the state fire marshal's discretion, the state fire marshal determines that conditions affecting the security of explosives exist that require more frequent inventory inspections, the permit holder shall conduct such inspections on a daily basis unless otherwise notified by the state fire marshal for the duration of the prevailing conditions. Such conditions would exist when the United States department of homeland security threat advisory system, or a similar system of the United States government or the state of Ohio, reaches a high or severe level or the governor of Ohio declares a state of emergency pursuant to section 5502.21 of the Revised Code or the governor otherwise activates the Ohio militia in accordance with Ohio Constitution Article 9, Section 4.*
- (10) **3304.10 Disposal of explosive materials.** Explosive materials shall be disposed of in accordance with *paragraphs (D)(10)(a)(3304.10.1) to (D)(10)(g)(3304.10.7) of this rule.*

- (a) **3304.10.1 Notification.** The fire code official shall be notified immediately when deteriorated or leaking explosive materials are determined to be dangerous or unstable and in need of disposal.
- (b) **3304.10.2 Deteriorated materials.** When an explosive material has deteriorated to an extent that it is in an unstable or dangerous condition, or when a liquid has leaked from an explosive material, the person in possession of such material shall immediately contact the material's manufacturer to obtain disposal and handling instructions.
- (c) **3304.10.3 Qualified person.** The work of destroying explosive materials shall be directed by persons experienced in the destruction of explosive materials.
- (d) **3304.10.4 Storage of misfires.** Explosive materials and fireworks recovered from blasting or display misfires shall be placed in a magazine until an experienced person has determined the proper method of disposal.
- (e) **3304.10.5 Disposal sites.** Sites for the destruction of explosive materials and fireworks shall be approved and located at the maximum practicable safe distance from inhabited buildings, public highways, operating buildings and all other exposures to ensure keeping air blast and ground vibration to a minimum. The location of disposal sites shall be no closer to magazines, inhabited buildings, railways, highways and other rights-of-way than is allowed by Tables 3304.5.2(1), 3304.5.2(2) and 3304.5.2(3) of *this rule*. When possible, barricades shall be utilized between the destruction site and inhabited buildings. Areas where explosives are detonated or burned shall be posted with adequate warning signs.
- (f) **3304.10.6 Reuse of site.** Unless an approved burning site has been thoroughly saturated with water and has passed a safety inspection, 48 hours shall elapse between the completion of a burn and the placement of scrap explosive materials for a subsequent burn.
- (g) **3304.10.7 Personnel safeguards.** Once an explosive burn operation has been started, personnel shall relocate to a safe location where adequate protection from air blast and flying debris is provided. Personnel shall not return to the burn area until the person in charge has inspected the burn site and determined that it is safe for personnel to return.

(E) **Section 3305 Manufacture, assembly and testing of explosives, explosive materials and fireworks**

- (1) **3305.1 General.** The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall comply with the requirements of

this *paragraph* and NFPA 495 or NFPA 1124 as listed in rule 1301:7-7-47 of the *Administrative Code*.

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
 2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495 as listed in rule 1301:7-7-47 of the *Administrative Code*.
 3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126 as listed in rule 1301:7-7-47 of the *Administrative Code*.
- (2) **3305.2 Emergency planning and preparedness.** Emergency plans, emergency drills, employee training and hazard communication shall conform to the provisions of this *paragraph* and *paragraphs* (D)(404), (E)(405), (F)(406) and (G)(407) of rule 1301:7-7-04 of the *Administrative Code*.
- (a) **3305.2.1 Hazardous Materials Management Plans and Inventory Statements required.** Detailed hazardous materials management plans (HMMP) and hazardous materials inventory statements (HMIS) complying with the requirements of *paragraph* (G)(407) of rule 1301:7-7-04 of the *Administrative Code* shall be prepared and submitted to the local emergency planning committee, the fire code official, and the local fire department.
 - (b) **3305.2.2 Maintenance of plans.** A copy of the required HMMP and HMIS shall be maintained on site and furnished to the fire code official on request.
 - (c) **3305.2.3 Employee training.** Workers who handle explosives or explosive charges or dispose of explosives shall be trained in the hazards of the materials and processes in which they are to be engaged and with the safety rules governing such materials and processes.
 - (d) **3305.2.4 Emergency procedures.** Approved emergency procedures shall be formulated for each plant which will include personal instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.
- (3) **3305.3 Intraplant separation of operating buildings.** Explosives manufacturing buildings and fireworks manufacturing buildings, including those where explosive

charges are assembled, manufactured, prepared or loaded utilizing Division 1.1, 1.2, 1.3, 1.4 or 1.5 explosives, shall be separated from all other buildings, including magazines, within the confines of the manufacturing plant at a distance not less than those shown in Table 3305.3 or 3304.5.2(3) of this rule, as appropriate.

Exception: Fireworks manufacturing buildings separated in accordance with NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code.

The quantity of explosives in an operating building shall be the net weight of all the explosives contained therein. Distances shall be based on the hazard division requiring the greatest separation, unless the aggregate explosive weight is divided by approved walls or shields designed for that purpose. When dividing a quantity of explosives into smaller stacks, a suitable barrier or adequate separation distance shall be provided to prevent propagation from one stack to another.

When distance is used as the sole means of separation within a building, such distance shall be established by testing. Testing shall demonstrate that propagation between stacks will not result. Barriers provided to protect against explosive effects shall be designed and installed in accordance with approved standards.

Table 3305.3

Minimum intraline (intraplant) separation distances (ILD or IPD) between barricaded operating buildings containing explosives-Division 1.1, 1.2 or 1.5-mass explosion hazard^a

Net explosive weight			Net explosive weight		
Pounds over	Pounds not over	Intraline distance (ILD) or intraplant distance (IPD) (feet)	Pounds over	Pounds not over	Intraline distance (ILD) or intraplant distance (IPD) (feet)
0	50	30	20,000	25,000	265
50	100	40	25,000	30,000	280
100	200	50	30,000	35,000	295
200	300	60	35,000	40,000	310
300	400	65	40,000	45,000	320
400	500	70	45,000	50,000	330
500	600	75	50,000	55,000	340
600	700	80	55,000	60,000	350
700	800	85	60,000	65,000	360
800	900	90	65,000	70,000	370
900	1,000	95	70,000	75,000	385
1,000	1,500	105	75,000	80,000	390
1,500	2,000	115	80,000	85,000	395
2,000	3,000	130	85,000	90,000	400

For copyright claim information, please see the notice attached to the last page of this rule.

3,000	4,000	140	90,000	95,000	410
4,000	5,000	150	95,000	100,000	415
5,000	6,000	160	100,000	125,000	450
6,000	7,000	170	125,000	150,000	475
7,000	8,000	180	150,000	175,000	500
8,000	9,000	190	175,000	200,000	525
9,000	10,000	200	200,000	225,000	550
10,000	15,000	225	225,000	250,000	575
15,000	20,000	245	250,000	275,000	600
-----	-----	-----	275,000	300,000	635

For SI: 1 foot = 304.8 mm, 1 pound = 0.454 kg.

- a. Where a building or magazine containing explosives is not barricaded, the intraline distances shown in this table shall be doubled.

- (4) **3305.4 Separation of manufacturing operating buildings from inhabited buildings, public traffic routes and magazines.** When an operating building on an explosive materials plant site is designed to contain explosive materials, such a building shall be located away from inhabited buildings, public traffic routes and magazines in accordance with Table 3304.5.2(2) or 3304.5.2(3) of this rule as appropriate, based on the maximum quantity of explosive materials permitted to be in the building at one time (see *paragraph (A)(8)(3301.8) of this rule*).

Exception: Fireworks manufacturing buildings constructed and operated in accordance with NFPA 1124 as listed in rule 1301:7-7-47 of the *Administrative Code*.

- (a) **3305.4.1 Determination of net explosive weight for operating buildings.** In addition to the requirements of *paragraph (A)(8)(3301.8) of this rule* to determine the net explosive weight for materials stored or used in operating buildings, quantities of explosive materials stored in magazines located at distances less than intraline distances from the operating building shall be added to the contents of the operating building to determine the net explosive weight for the operating building.
- (i) **3305.4.1.1 Indoor magazines.** The storage of explosive materials located in indoor magazines in operating buildings shall be limited to a net explosive weight not to exceed 50 pounds (23 kg).
- (ii) **3305.4.1.2 Outdoor magazines with a net explosive weight less than 50 pounds.** The storage of explosive materials in outdoor magazines located at less than intraline distances from operating buildings shall be limited to a net explosive weight not to exceed 50 pounds (23 kg).

For copyright claim information, please see the notice attached to the last page of this rule.

- (iii) **3305.4.1.3 Outdoor magazines with a net explosive weight greater than 50 pounds.** The storage of explosive materials in outdoor magazines in quantities exceeding 50 pounds (23 kg) net explosive weight shall be limited to storage in outdoor magazines located not less than intraline distances from the operating building in accordance with *paragraph (D)(5)(b)(3304.5.2) of this rule.*
- (iv) **3305.4.1.4 Net explosive weight of materials stored in combination indoor and outdoor magazines.** The aggregate quantity of explosive materials stored in any combination of indoor magazines or outdoor magazines located at less than the intraline distances from an operating building shall not exceed 50 pounds (23 kg).
- (5) **3305.5 Buildings and equipment.** Buildings or rooms that exceed the maximum allowable quantity per control area of explosive materials shall be operated in accordance with this *paragraph* and constructed in accordance with the requirements of the *building code as listed in rule 1301:7-7-47 of the Administrative Code* for Group H occupancies.
- Exception:** Fireworks manufacturing buildings constructed and operated in accordance with NFPA 1124 *as listed in rule 1301:7-7-47 of the Administrative Code.*
- (a) **3305.5.1 Explosives dust.** Explosives dust shall not be exhausted to the atmosphere.
- (i) **3305.5.1.1 Wet collector.** When collecting explosives dust, a wet collector system shall be used. Wetting agents shall be compatible with the explosives. Collector systems shall be interlocked with process power supplies so that the process cannot continue without the collector systems also operating.
- (ii) **3305.5.1.2 Waste disposal and maintenance.** Explosives dust shall be removed from the collection chamber as often as necessary to prevent overloading. The entire system shall be cleaned at a frequency that will eliminate hazardous concentrations of explosives dust in pipes, tubing and ducts.
- (b) **3305.5.2 Exhaust fans.** Squirrel cage blowers shall not be used for exhausting hazardous fumes, vapors or gases. Only nonferrous fan blades shall be used for fans located within the ductwork and through which hazardous materials are exhausted. Motors shall be located outside the duct.

- (c) **3305.5.3 Work stations.** Work stations shall be separated by distance, barrier or other approved alternatives so that fire in one station will not ignite material in another work station. Where necessary, the operator shall be protected by a personnel shield located between the operator and the explosive device or explosive material being processed. This shield and its support shall be capable of withstanding a blast from the maximum amount of explosives allowed behind it.
- (6) **3305.6 Operations.** Operations involving explosives shall comply with *paragraphs (E)(6)(a)(3305.6.1) to (E)(6)(j)(3305.6.10) of this rule.*
- (a) **3305.6.1 Isolation of operations.** When the type of material and processing warrants, mechanical operations involving explosives in excess of 1 pound (0.454 kg) shall be carried on at isolated stations or at intraplant distances, and machinery shall be controlled from remote locations behind barricades or at separations so that workers will be at a safe distance while machinery is operating.
- (b) **3305.6.2 Static controls.** The work area where the screening, grinding, blending and other processing of static-sensitive explosives or pyrotechnic materials is done shall be provided with approved static controls.
- (c) **3305.6.3 Approved containers.** Bulk explosives shall be kept in approved, nonsparking containers when not being used or processed. Explosives shall not be stored or transported in open containers.
- (d) **3305.6.4 Quantity limits.** The quantity of explosives at any particular work station shall be limited to that posted on the load limit signs for the individual work station. The total quantity of explosives for multiple workstations shall not exceed that established by the intraplant distances in Table 3305.3 or 3304.5.2(3) *of this rule*, as appropriate.
- (i) **3305.6.4.1 Magazines.** Magazines used for storage in processing areas shall be in accordance with the requirements of *paragraph (D)(5)(a)(3304.5.1) of this rule.* All explosive materials shall be removed to appropriate storage magazines for unattended storage at the end of the work day. The contents of indoor magazines shall be added to the quantity of explosives contained at individual workstations and the total quantity of material stored, processed or used shall be utilized to establish the intraplant separation distances indicated by Table 3305.3 or 3304.5.2(3) *of this rule*, as appropriate.
- (e) **3305.6.5 Waste disposal.** Approved receptacles with covers shall be provided for each location for disposing of waste material and debris.

These waste receptacles shall be emptied and cleaned as often as necessary but not less than once each day or at the end of each shift.

- (f) **3305.6.6 Safety rules.** General safety rules and operating instructions governing the particular operation or process conducted at that location shall be available at each location.
- (g) **3305.6.7 Personnel limits.** The number of occupants in each process building and in each magazine shall not exceed the number necessary for proper conduct of production operations.
- (h) **3305.6.8 Pyrotechnic and explosive composition quantity limits.** Not more than 500 pounds (227 kg) of pyrotechnic or explosive composition, including not more than 10 pounds (5 kg) of salute powder shall be allowed at one time in any process building or area. All compositions not in current use shall be kept in covered nonferrous containers.

Exception: Composition that has been loaded or pressed into tubes or other containers as consumer fireworks.

- (i) **3305.6.9 Posting limits.** The maximum number of occupants and maximum weight of pyrotechnic and explosive composition permitted in each process building shall be posted in a conspicuous location in each process building or magazine.
- (j) **3305.6.10 Heat sources.** Fireworks, explosives or explosive charges in explosive materials manufacturing, assembly or testing shall not be stored near any source of heat.

Exception: Approved drying or curing operations.

- (7) **3305.7 Maintenance.** Maintenance and repair of explosives manufacturing facilities and areas shall comply with *paragraph (D)(8)(3304.8) of this rule.*
- (8) **3305.8 Explosive materials testing sites.** Detonation of explosive materials or ignition of fireworks for testing purposes shall be done only in isolated areas at sites where distance, protection from missiles, shrapnel or flyrock, and other safeguards provides protection against injury to personnel or damage to property.
 - (a) **3305.8.1 Protective clothing and equipment.** Protective clothing and equipment shall be provided to protect persons engaged in the testing, ignition or detonation of explosive materials.
 - (b) **3305.8.2 Site security.** When tests are being conducted or explosives are being detonated, only authorized persons shall be present. Areas where explosives are regularly or frequently detonated or burned shall be

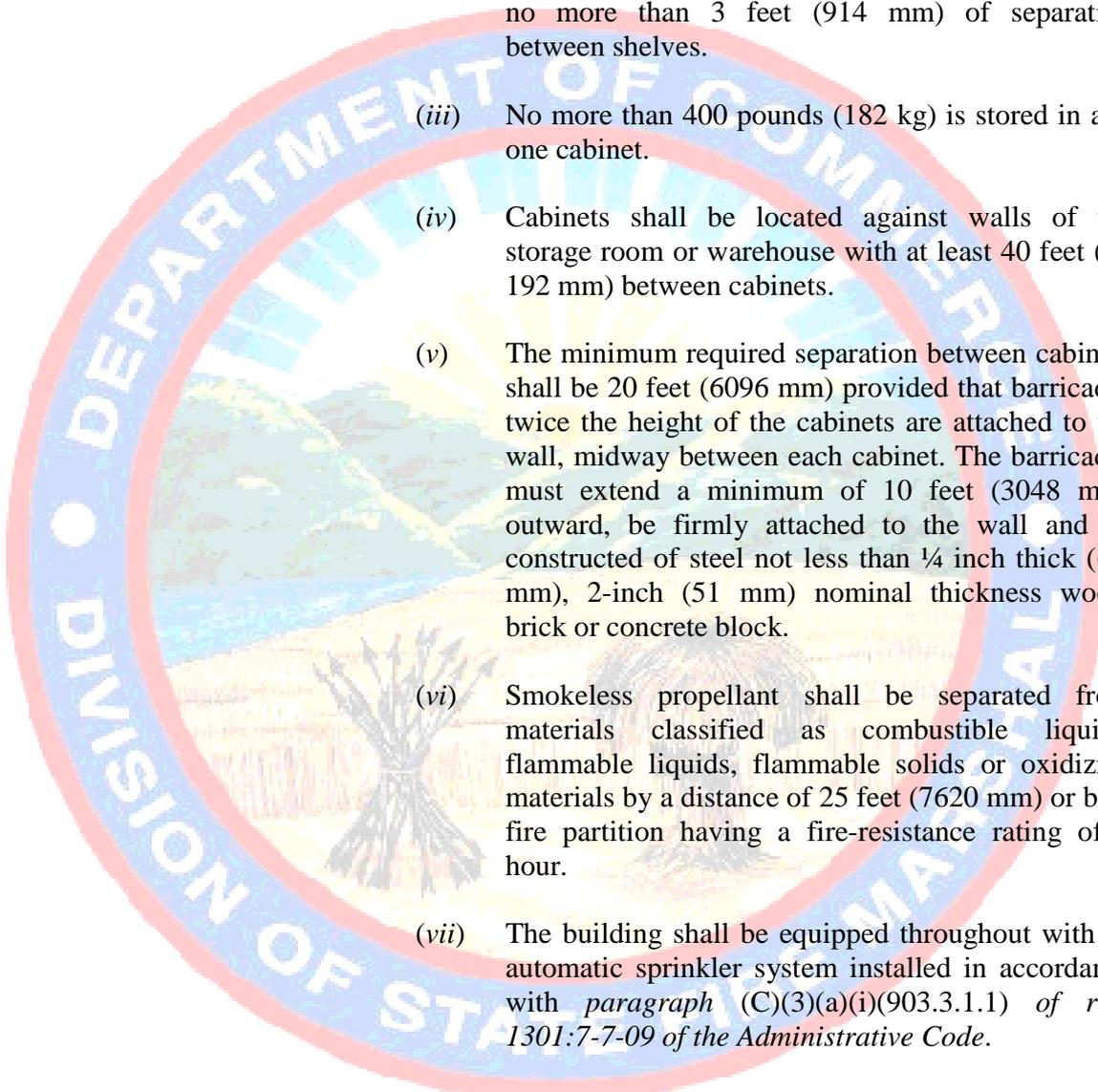
approved and posted with adequate warning signs. Warning devices shall be activated before burning or detonating explosives to alert persons approaching from any direction that they are approaching a danger zone.

- (9) **3305.9 Waste disposal.** Disposal of explosive materials waste from manufacturing, assembly or testing operations shall be in accordance with *paragraph (D)(10)(3304.10) of this rule.*

(F) **Section 3306 Small arms ammunition**

- (1) **3306.1 General.** Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with this *paragraph* and NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code.
- (2) **3306.2 Prohibited storage.** Small arms ammunition shall not be stored together with Division 1.1, Division 1.2 or Division 1.3 explosives unless the storage facility is suitable for the storage of explosive materials.
- (3) **3306.3 Packages.** Smokeless propellants shall be stored in approved shipping containers conforming to DOTn 49 CFR, Part 173 as listed in rule 1301:7-7-47 of the Administrative Code.
- (a) **3306.3.1 Repackaging.** The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.
- (b) **3306.3.2 Damaged packages.** Damaged containers shall not be repackaged.
- Exception:** Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.
- (4) **3306.4 Storage in Group R occupancies.** The storage of small arms ammunition in Group R occupancies shall comply with *paragraphs (F)(4)(a)(3306.4.1) and (F)(4)(b)(3306.4.2) of this rule.*
- (a) **3306.4.1 Black powder and smokeless propellants.** Propellants for personal use in quantities not exceeding 20 pounds (9 kg) of black powder or 20 pounds (9 kg) of smokeless powder shall be stored in original containers in occupancies limited to Group R-3. Smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness shall be allowed to be stored in occupancies limited to Group R-3. Quantities exceeding these amounts shall not be stored in any Group R occupancy.

- (b) **3306.4.2 Small arms primers.** No more than 10,000 small arms primers shall be stored in occupancies limited to Group R-3.
- (5) **3306.5 Display and storage in Group M occupancies.** The display and storage of small arms ammunition in Group M occupancies shall comply with this *paragraph*.
- (a) **3306.5.1 Display.** Display of small arms ammunition in Group M occupancies shall comply with *paragraphs* (F)(5)(a)(i)(3306.5.1.1) to (F)(5)(a)(iii)(3306.5.1.3) of this rule.
- (i) **3306.5.1.1 Smokeless propellant.** No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.
- (ii) **3306.5.1.2 Black powder.** No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.
- (iii) **3306.5.1.3 Small arms primers.** No more than 10,000 small arms primers shall be displayed in Group M occupancies.
- (b) **3306.5.2 Storage.** Storage of small arms ammunition shall comply with *paragraphs* (F)(5)(b)(i)(3306.5.2.1) to (F)(5)(b)(iii)(3306.5.2.3) of this rule.
- (i) **3306.5.2.1 Smokeless propellant.** Commercial stocks of smokeless propellants shall be stored as follows:
- (a) Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.
- (b) Quantities exceeding 100 pounds (45 kg), but not exceeding 800 pounds (363 kg), shall be stored in nonportable storage cabinets having walls at least 1 inch (25 mm) nominal thickness. Not more than 400 pounds (182 kg) shall be stored in any one cabinet, and cabinets shall be separated by a distance of at least 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of at least 1 hour.
- (c) Storage of quantities exceeding 800 pounds (363 kg), but not exceeding 5,000 pounds (2270 kg) in a building shall comply with all of the following:

- 
- (i) The warehouse or storage room is inaccessible to unauthorized personnel.
 - (ii) Smokeless propellant shall be stored in nonportable storage cabinets having wood walls at least 1 inch (25 mm) nominal thickness and having shelves with no more than 3 feet (914 mm) of separation between shelves.
 - (iii) No more than 400 pounds (182 kg) is stored in any one cabinet.
 - (iv) Cabinets shall be located against walls of the storage room or warehouse with at least 40 feet (12 192 mm) between cabinets.
 - (v) The minimum required separation between cabinets shall be 20 feet (6096 mm) provided that barricades twice the height of the cabinets are attached to the wall, midway between each cabinet. The barricades must extend a minimum of 10 feet (3048 mm) outward, be firmly attached to the wall and be constructed of steel not less than ¼ inch thick (6.4 mm), 2-inch (51 mm) nominal thickness wood, brick or concrete block.
 - (vi) Smokeless propellant shall be separated from materials classified as combustible liquids, flammable liquids, flammable solids or oxidizing materials by a distance of 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of 1 hour.
 - (vii) The building shall be equipped throughout with an automatic sprinkler system installed in accordance with *paragraph (C)(3)(a)(i)(903.3.1.1) of rule 1301:7-7-09 of the Administrative Code.*
- (d) Smokeless propellants not stored according to *paragraph (F)(5)(b)(i)(a), (F)(5)(b)(i)(b), or (F)(5)(b)(i)(c) of this rule* shall be stored in a Type 2 or 4 magazine in accordance with *paragraph (D)(3304) of this rule and NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code.*

- (ii) **3306.5.2.2 Black powder.** Commercial stocks of black powder in quantities less than 50 pounds (23 kg) shall be allowed to be stored in Type 2 or 4 indoor or outdoor magazines. Quantities greater than 50 pounds (23 kg) shall be stored in outdoor Type 2 or 4 magazines. When black powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.
- (iii) **3306.5.2.3 Small arms primers.** Commercial stocks of small arms primers shall be stored as follows:
- (a) Quantities not to exceed 750,000 small arms primers stored in a building shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4572 mm) apart.
- (b) Quantities exceeding 750,000 small arms primers stored in a building shall comply with all of the following:
- (i) The warehouse or storage building shall not be accessible to unauthorized personnel.
- (ii) Small arms primers shall be stored in cabinets. No more than 200,000 small arms primers shall be stored in any one cabinet.
- (iii) Shelves in cabinets shall have vertical separation of at least 2 feet (610 mm).
- (iv) Cabinets shall be located against walls of the warehouse or storage room with at least 40 feet (12 192 mm) between cabinets. The minimum required separation between cabinets shall be allowed to be reduced to 20 feet (6096 mm) provided that barricades twice the height of the cabinets are attached to the wall, midway between each cabinet. The barricades shall be firmly attached to the wall, and shall be constructed of steel not less than ¼ inch thick (6.4 mm), 2-inch (51 mm) nominal thickness wood, brick or concrete block.
- (v) Small arms primers shall be separated from materials classified as combustible liquids, flammable liquids, flammable solids or oxidizing materials by a distance of 25 feet (7620 mm) by a

fire partition having a fire-resistance rating of 1 hour.

(vi) The building shall be protected throughout with an automatic sprinkler system installed in accordance with *paragraph (C)(3)(a)(i)(903.3.1.1) of rule 1301:7-7-09 of the Administrative Code.*

(c) Small arms primers not stored in accordance with *paragraph (F)(5)(b)(iii)(a) or (F)(5)(b)(iii)(b) of this rule* shall be stored in a magazine meeting the requirements of *paragraph (D)(3304) of this rule and NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code.*

(G) **Section 3307 Blasting**

- (1) **3307.1 General.** Blasting operations shall be conducted only by approved, competent operators familiar with the required safety precautions and the hazards involved and in accordance with the provisions of NFPA 495 *as listed in rule 1301:7-7-47 of the Administrative Code.*
- (2) **3307.2 Manufacturer's instructions.** Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.
- (3) **3307.3 Blasting in congested areas.** When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.
- (4) **3307.4 Restricted hours.** Surface-blasting operations shall only be conducted during daylight hours between sunrise and sunset. Other blasting shall be performed during daylight hours unless otherwise approved by the fire code official.
- (5) **3307.5 Utility notification.** Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notice.

Exception: In an emergency situation, the time limit shall not apply when approved.

- (6) **3307.6 Electric detonator precautions.** Precautions shall be taken to prevent accidental discharge of electric detonators from currents induced by radar and radio transmitters, lightning, adjacent power lines, dust and snow storms, or other sources of extraneous electricity.
- (7) **3307.7 Nonelectric detonator precautions.** Precautions shall be taken to prevent accidental initiation of nonelectric detonators from stray currents induced by lightning or static electricity.
- (8) **3307.8 Blasting area security.** During the time that holes are being loaded or are loaded with explosive materials, blasting agents or detonators, only authorized persons engaged in drilling and loading operations or otherwise authorized to enter the site shall be allowed at the blast site. The blast site shall be guarded or barricaded and posted. Blast site security shall be maintained until after the post-blast inspection has been completed.
- (9) **3307.9 Drill holes.** Holes drilled for the loading of explosive charges shall be made and loaded in accordance with NFPA 495 *as listed in rule 1301:7-7-47 of the Administrative Code.*
- (10) **3307.10 Removal of excess explosive materials.** After loading for a blast is completed and before firing, excess explosive materials shall be removed from the area and returned to the proper storage facilities.
- (11) **3307.11 Initiation means.** The initiation of blasts shall be by means conforming to the provisions of NFPA 495 *as listed in rule 1301:7-7-47 of the Administrative Code.*
- (12) **3307.12 Connections.** The blaster shall supervise the connecting of the blastholes and the connection of the loadline to the power source or initiation point. Connections shall be made progressively from the blasthole back to the initiation point.

Blasting lead lines shall remain shunted (shorted) and shall not be connected to the blasting machine or other source of current until the blast is to be fired.
- (13) **3307.13 Firing control.** No blast shall be fired until the blaster has made certain that all surplus explosive materials are in a safe place in accordance with *paragraph (G)(10)(3307.10) of this rule*, all persons and equipment are at a safe distance or under sufficient cover and that an adequate warning signal has been given.
- (14) **3307.14 Post-blast procedures.** After the blast, the following procedures shall be observed.

- (a) No person shall return to the blast area until allowed to do so by the blaster in charge.
 - (b) The blaster shall allow sufficient time for smoke and fumes to dissipate and for dust to settle before returning to or approaching the blast area.
 - (c) The blaster shall inspect the entire blast site for misfires before allowing other personnel to return to the blast area.
- (15) **3307.15 Misfires.** Where a misfire is suspected, all initiating circuits shall be traced and a search made for unexploded charges. Where a misfire is found, the blaster shall provide proper safeguards for excluding all personnel from the blast area. Misfires shall be reported to the blasting supervisor immediately. Misfires shall be handled under the direction of the person in charge of the blasting operation in accordance with NFPA 495 as listed in rule 1301:7-7-47 of the Administrative Code.

(H) **Section 3308 Fireworks exhibition**

- (1) **3308.1 Permit.** *This paragraph applies to any exhibition of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). No 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335) or 1.4G fireworks (UN0336) may be displayed or otherwise discharged indoors.*

A permit shall be obtained from the local fire official and law enforcement officer of the jurisdiction for any outdoor exhibition of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432) fireworks and any indoor exhibition of 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432) pursuant to the applicable provisions of section 3743.54 of the Revised Code. The permit shall bear the signatures of the fire official and law enforcement official having jurisdiction and the licensed exhibitor applying to conduct the fireworks exhibition. The permit shall identify the certified fire safety inspector, fire chief, or fire prevention officer who will be present before, during, and after the fireworks exhibition, where appropriate.

- (a) **3308.1.1 Permit form.** *The form for exhibition permit as prescribed by the state fire marshal shall be legibly and fully completed by the licensed exhibitor to clearly indicate the circumstances of the public fireworks exhibition the exhibitor wishes to conduct.*
- (b) **3308.1.2 Approval.** *Before any fireworks exhibition permit issued under this rule is considered to be a valid permit to allow the licensed exhibitor*

to acquire fireworks and conduct a fireworks exhibition, the permit must be signed and dated by the local officials having jurisdiction.

- (2) **3308.2 Permit approval.** *A fireworks exhibition permit should be obtained from such local officials at least five days in advance of the fireworks exhibition. Failure to obtain the exhibition permit prior to five days in advance of the fireworks exhibition may result in denial of the approval required to conduct the fireworks exhibition.*
- (3) **3308.3 Fee.** *When the legislative authority of the political subdivision has prescribed a fee for the issuance of a permit for a fireworks exhibition, the fire official and law enforcement officer shall not issue such permit until the exhibitor pays the requisite fee and meets the financial responsibility requirements of paragraph (A)(2)(d)(ii)(3301.2.4.2) of this rule.*
- (4) **3308.4 Inspection of site.** *The fire chief or fire prevention officer of the authority having jurisdiction shall inspect the premises where the fireworks exhibition is to take place and determine whether the fireworks exhibition is in compliance with Chapter 3743. of the Revised Code and NFPA 1123 (Chapter 5, site selection) and the applicable portions of NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code. The radius of separation distance between all mortars, racks or other points of fireworks discharge and any members of the public shall be measured, regardless of obstruction or other topographical features, as a direct point to point line of sight measurement. All such separation distances shall be measured from the same horizontal plane of elevation between the fireworks discharge point and members of the public. No members of the public shall, regardless of their relative difference in elevation from the horizontal plane of measurement, be permitted within the required radius of separation. For the purposes of this paragraph, the radius of separation extends infinitely above and below the horizontal plane of measurement. The inspection shall be conducted prior to the issuance of the permit for a fireworks exhibition.*
- (5) **3308.5 Inspection checklist.** *At the time of the required site inspection, the fire chief or fire prevention officer, shall complete the required detailed inspection checklist as prescribed by the state fire marshal and set forth in the appendix to this rule. If the exhibition is to be inspected is an outdoor exhibition, the fire chief or fire prevention officer shall complete the detailed inspection checklist, in consultation with a police chief or other similar chief law enforcement officer of a municipal corporation, township, or township police district or with a designee of such a police chief or other similar chief law enforcement officer. No exhibition of fireworks shall occur in this state until the licensed exhibitor possesses a copy of the appropriate checklist signed by the fire official and the licensed exhibitor.*
- (6) **3308.6 Exhibitor's license requirement.** *No permit for a fireworks exhibition shall be granted unless the applicant is in possession of a valid license to exhibit fireworks issued by the state fire marshal. Each applicant for a permit shall show*

the applicant's license as an exhibitor of fireworks to the fire chief or fire prevention officer and, upon request to the police chief or other similar law enforcement officer.

(7) **3308.7** *Fireworks exhibition permit application detailed information required.*

(a) **3308.7.1** *When an Ohio licensed exhibitor applies for the permit required by paragraph (H)(1)(3308.1) of this rule, the licensed exhibitor shall submit all of the following information to the local officials having jurisdiction over the exhibition. Such information shall include but not be limited to:*

(i) **3308.7.1.1** *The name of the organization sponsoring the fireworks exhibition together with the names of persons actually in charge of the fireworks exhibition.*

(ii) **3308.7.1.2** *The date and time of day when the fireworks exhibition is to be held.*

(iii) **3308.7.1.3** *The exact location planned for the fireworks exhibition.*

(iv) **3308.7.1.4** *The name and license number of the fireworks exhibitor who is to supervise the discharge of fireworks and of all personnel assisting within the discharge perimeter.*

(v) **3308.7.1.5** *The class of fireworks to be discharged with the number of set pieces and shells (specify single- or multiple-break), including experimental rockets or missiles.*

(a) **3308.7.1.5.1** *For the indoor exhibition of fireworks, the requirements for pyrotechnic product information in accordance with Chapter 7 of NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.*

(vi) **3308.7.1.6** *The manner and place of storage of all fireworks prior to and during the fireworks exhibition for all fireworks storage shall be in accordance with paragraph (J)(1)(3310.1) of this rule.*

(vii) **3308.7.1.7** *A diagram of the premises on which the fireworks exhibition is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, highways, railroads, or other inhabited structures within one thousand feet of the discharge and potential landing site. The diagram shall also show the line barriers behind which the audience will be restrained.*

- (a) **3308.7.1.7.1** *For the indoor exhibition of fireworks, the diagram must include:*
- (i) *The interior of the structure to be used for the exhibition and the layout of all devices to be used at the exhibition.*
 - (ii) *A description of the direction the devices shall be fired and the fallout radius for each device.*
 - (iii) *The lines behind which the audience shall be restrained.*
- (b) **3308.7.1.7.2** *For the indoor exhibition of fireworks, certifications that the set, scenery and rigging materials are treated with appropriate flame retardant.*
- (viii) **3308.7.1.8** *Proof that general liability insurance or indemnity bond issued by a company licensed to provide such coverages in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the authority having jurisdiction, is in force for the applicant and includes acts of all employees.*
- (ix) **3308.7.1.9** *A copy of each exhibitor's license and proof of assistant's registration for all individuals proposed to operate within the discharge perimeter.*
- (x) **3308.7.1.10** *The name and license number of the fireworks manufacturer, wholesaler or out-of-state shipper who supplied all items in the fireworks exhibition.*
- (b) **3308.7.2** *The licensed exhibitor reflected on the fireworks exhibition permit at the time of the fireworks exhibition shall be responsible for compliance with the provisions under which the fireworks exhibition permit was granted.*
- (c) **3308.7.3** *A copy of the issued permit and the completed inspection checklist shall be sent to the state fire marshal by the fire official no later than five days after the date of the fireworks exhibition. In the event of any incident resulting in an investigation or other inquiry by the state fire marshal or other authority having jurisdiction, the completed permit and the completed inspection checklist shall be made immediately available to the state fire marshal or other authority having jurisdiction upon request.*

- (8) **3308.8 Permit, denial and revocation.** *The local fire official and, for the outdoor exhibition of fireworks a law enforcement officer of the jurisdiction may deny or revoke a fireworks exhibition permit for any of the following:*
- (a) **3308.8.1** *The applicant/exhibitor does not possess a valid exhibitor's license issued by the state fire marshal.*
 - (b) **3308.8.2** *The site on which the fireworks exhibition is to take place does not conform to the applicable rules.*
 - (c) **3308.8.3** *The applicant has failed to pay the permit fee or provide the required information.*
 - (d) **3308.8.4** *The applicant has failed to provide the required indemnity bond or proof of insurance.*
 - (e) **3308.8.5** *The exhibitor has failed to postpone a fireworks exhibition when so ordered due to unsafe conditions or operations, inclement weather, wind conditions, unsafe spectator conditions, or any other condition in violation of this rule.*
 - (f) **3308.8.6** *The exhibitor has failed to store the fireworks in a safe manner prior to or during the fireworks exhibition or is firing the fireworks exhibition in an unsafe manner.*
 - (g) **3308.8.7** *The licensed exhibitor present at the fireworks exhibition is not the licensed exhibitor that was designated to be present pursuant to paragraph (H)(7)(a)(iv)(3308.7.1.4) of this rule. The authority having jurisdiction is authorized to approve a substitution of another licensed exhibitor under extenuating circumstances prior to the fireworks exhibition provided that the substitute licensed exhibitor:*
 - (i) **3308.8.7.1** *Demonstrates to the authority having jurisdiction possession of a valid fireworks exhibitors license;*
 - (ii) **3308.8.7.2** *Signs the fireworks exhibition permit and thereby accepts the full responsibility and liability for conducting the fireworks exhibition as initially approved;*
 - (iii) **3308.8.7.3** *Produces proof that general liability insurance or indemnity bond issued by a company licensed to provide such coverages in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the authority having jurisdiction, is in force for the applicant and includes acts of all employees;*

- (iv) **3308.8.7.4** *Demonstrates to the authority having jurisdiction that they are authorized by the initial exhibitor to conduct the fireworks exhibition;*
 - (v) **3308.8.7.5** *Follows the initially approved conditions of the fireworks exhibition permit;*
 - (vi) **3308.8.7.6** *Conducts the fireworks exhibition in accordance with the requirements of this rule.*
- (9) **3308.9 Ceasing operations.** *Operations shall immediately cease and the fireworks exhibition shall be postponed when so ordered by the authority having jurisdiction or the licensed fireworks exhibitor due to unsafe conditions or operations, inclement weather, wind conditions, unsafe spectator conditions, or any other condition in violation of this rule. The orders to cease operations, postpone the fireworks exhibition and the revocation of the fireworks exhibition permit may be communicated verbally by the authority having jurisdiction. When so ordered or when the fireworks exhibition permit has been revoked, the exhibitor shall cease firing of the fireworks exhibition immediately. The exhibitor may reapply for a new permit for the fireworks exhibition when the fire official and, for an outdoor exhibition, a law enforcement officer are satisfied that all rules, conditions, and operations are safe or have been complied with.*
- (10) **3308.10 Safety requirements.** *All fireworks exhibitions shall be conducted in accordance with the following as applicable to the type of exhibition:*
- (a) **3308.10.1 Mortars.** *All mortars used in a fireworks exhibition that are greater than or equal to eight inches in diameter shall be equipped with electronic ignition equipment in accordance with NFPA 1123 as listed in rule 1301:7-7-47 of the Administrative Code.*
 - (b) **3308.10.2 Standard of stability.** *All fireworks mortars and mortar racks used at a fireworks exhibition shall conform to the requirements of NFPA 1123 as listed in rule 1301:7-7-47 of the Administrative Code and this paragraph to ensure stability.*
 - (i) **3308.10.2.1** *All mortar racks shall be securely positioned in accordance with the requirements of NFPA 1123 as listed in rule 1301:7-7-47 of the Administrative Code. The methods used to securely position the mortar rack shall not include the use of items such as plastic ties, string, twine, tape, or any other material that may easily break, dislodge, ignite, or otherwise permit the repositioning of the mortar rack.*
 - (ii) **3308.10.2.2** *All mortars, bundles, box items, cakes, candle placements, and mortar racks shall be inherently stable or be*

properly secured and braced to prevent repositioning. It is not acceptable to create inherent stability of mortar racks only by connection to other mortar racks.

(iii) **3308.10.2.3** *All mortar racks shall be individually secured by one or more approved method. Approved methods include but are not limited to: utilizing steel stakes, sturdy wood stakes, or spikes securely attached to the rack frame with approved materials; utilizing sand bags of sufficient quantity and height placed on each side of and in direct contact with the rack frame; utilizing wood or steel feet of sufficient length, strength, and durability, securely attached in a perpendicular orientation to the ends of the rack frame; utilizing sideboards securely mounted in a perpendicular orientation to both ends of the rack frame; or by the construction of A-frame braces of sufficient strength and durability securely attached to both ends of the rack frame.*

(iv) **3308.10.2.4** *The stability of all mortars, bundles, box items, cakes, candle placements and mortar racks shall be verified by the licensed fireworks exhibitor and fire official immediately prior to the fireworks exhibition. Each such item shall be individually addressed in an appropriate manner to ensure its integrity and stability prior to providing affirmative documentation of such stability on the required inspection checklist.*

(c) **3308.10.3** *Exhibition site activity. Each licensed exhibitor shall display prominently upon their person any visible identification required by the fire code official at all times when within the discharge perimeter or otherwise at the exhibition site. Each licensed exhibitor shall make their exhibitor license available for review to any fire or law enforcement officer upon request.*

(i) **3308.10.3.1** *Discharge perimeter for an outdoor exhibition. Only fire officials, licensed fireworks exhibitors or persons who are employees of licensed exhibitors of fireworks and who are registered with the state fire marshal under section 3743.56 of the Revised Code shall be permitted within the discharge perimeter during a fireworks exhibition.*

(ii) **3308.10.3.2** *Fall out area for an indoor exhibition. Only fire officials, licensed fireworks exhibitors, or persons who are employees of licensed exhibitors of fireworks and who are registered with the state fire marshal under section 3743.56 of the Revised Code shall be permitted within the fall out area during a fireworks exhibition. If approved by the fire official, persons associated with a theatrical or other similar performance related*

to the exhibition may also be permitted within the fall out area during an indoor fireworks exhibition.

- (d) **3308.10.4 Inspection.** *An inspection of all affected premises shall be conducted immediately following a fireworks exhibition for purposes of locating and disposing of defective or unexploded fireworks. If an outdoor fireworks exhibition is conducted at night, an inspection shall also be conducted at sunrise the following morning.*
- (e) **3308.10.5 Fire official.** *The governing authority having jurisdiction in the location where an outdoor 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 outdoor fireworks exhibition. The fire safety inspector, fire chief or fire prevention officer, shall complete the detailed inspection checklist as prescribed by the state fire marshal and set forth in the appendix of this rule. If the exhibition to be inspected is an outdoor exhibition, the fire chief or fire prevention officer shall complete the detailed inspection checklist, in consultation with a police chief or other similar chief law enforcement officer of a municipal corporation, township, or township police district or with a designee of such a police chief or other similar chief law enforcement officer.*
- (f) **3308.10.6 Assistants.** *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 state fire marshal under section 3743.56 of the Revised Code.*
- (g) **3308.10.7** *Unless otherwise specifically directed by this rule, the Administrative Code, or the Revised Code, all fireworks used in any type of exhibit shall be used in accordance with the instructions provided by the manufacturer.*

(I) **Section 3309 Shipping and transportation**

- (1) **3309.1 General.** *As used in this paragraph, “fireworks” includes 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). All fireworks transported on the highways in this state and all wholesale and commercial sales of fireworks shall be packaged, shipped, placarded, and transported in accordance with DOTn regulations applicable to the transportation, and the offering for transportation, of hazardous materials and NFPA 1123, 1124 and 1126 as listed in rule 1301:7-7-47 of the Administrative Code. All fireworks otherwise transported into or through this state shall be transported in accordance with applicable law. For purposes of this paragraph, “wholesale and commercial sales” includes all sales for resale and any nonretail sale made in furtherance of a commercial enterprise.*

For purposes of enforcement of these regulations under section 4905.83 of the Revised Code, any sales transaction exceeding one thousand pounds shall be presumed to be a wholesale or commercial sale.

- (2) **3309.2 Interstate shipment of fireworks.** *No person shall ship fireworks into this state by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under section 3743.40 of the Revised Code, and the fireworks are shipped directly to the holder of a license issued under section 3743.03 or 3743.16 of the Revised Code or to the holder of a license issued under section 3743.51 of the Revised Code who possesses a valid exhibition permit issued in accordance with section 3743.54 of the Revised Code and the fireworks being shipped are to be used at that specifically permitted exhibition.*
- (3) **3309.3 Intrastate shipment of fireworks.** *No person shall ship fireworks within this state by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under section 3743.03 or 3743.16 of the Revised Code or to the holder of a license issued under section 3743.51 of the Revised Code who possesses a valid exhibition permit issued in accordance with section 3743.54 of the Revised Code and the fireworks being shipped are to be used at that specifically permitted exhibition.*

(J) **Section 3310 Storage of fireworks at exhibition site**

- (1) **3310.1 Storage.** *The storage of fireworks at the exhibition site shall comply with the requirements of this paragraph and NFPA 1123 and NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code. All fireworks to be used at a fireworks exhibition shall be stored in an approved magazine at the exhibition site until immediately prior to their use. Such magazine shall be located in an area approved by the local fire official and shall meet the table of distances requirements of this rule. Magazines shall be constructed in accordance with this rule. No fireworks may be acquired or stored by an exhibitor until the permit for the specific exhibition that the fireworks will be used at has been issued. Such storage shall not exceed a period of seventy-two hours prior to the start of the fireworks exhibition as provided for in the approved permit unless all of the following apply:*
 - (a) *The fire code official having jurisdiction over the exhibition approves the extended time period for storage as part of the exhibition permit.*
 - (b) *All fireworks are stored at the exhibition site as that site is described in the permit.*
 - (c) *The fireworks stored at the exhibition site in accordance with this rule shall only be those fireworks approved by the fire code official having jurisdiction as necessary for the specific exhibition listed in the exhibition permit that describes the extended storage period.*

- (d) *The extended time period for storage shall not exceed a maximum of fourteen days.*
- (2) **3310.2 Supervision and weather protection.** Beginning as soon as fireworks have been delivered to the *exhibition* site, they shall not be left unattended.
- (3) **3310.3 Weather protection.** Fireworks shall be kept dry after delivery to the *exhibition* site.
- (4) **3310.4 Inspection.** *Fireworks* shall be inspected by the operator or assistants after delivery to the *exhibition* site. *Fireworks* 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 exhibition*, damaged, deteriorated or dud *fireworks* shall either be returned to the supplier or destroyed in accordance with the supplier's instructions and *paragraph (D)(10)(3304.10) of this rule.*

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

- (5) **3310.5 Sorting and separation.** After delivery to the *exhibition* site and prior to the *fireworks exhibition*, all *aerial* shells shall be separated according to size and their designation as salutes.

Exception: For electrically fired *fireworks exhibitions*, or *exhibitions* 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.

- (6) **3310.6 Ready boxes.** Fireworks that will be temporarily stored at the site during the *fireworks exhibition* 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 exhibitions*, or *exhibitions* 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.

(K) Section 3311 Flame effects permit

- (1) **3311.1 Scope.** *This paragraph shall apply to the following:*

For copyright claim information, please see the notice attached to the last page of this rule.

- (a) *Use of flame effects for entertainment, exhibition, demonstration or simulation before an audience;*
- (b) *Design, fabrication, installation, testing, control, operation, and maintenance of equipment, materials, procedures, and systems used to produce flame effects;*
- (c) *Rehearsal, videotaping, audio taping, or filming of any television, radio, or movie production if such production is before an audience and includes the use of flame effects;*
- (d) *Rehearsal of any production incorporating flame effects intended to be presented before an audience;*
- (e) *Storage and holding at a venue where flammable and combustible materials are used to create flame effects;*

This rule shall not apply to:

- (a) *Flame effects produced solely by pyrotechnic special effects devices;*
 - (b) *Use of pyrotechnic special effects;*
 - (c) *Storage of flammable solids, liquids, and gases not to be used to create flame effects;*
 - (d) *Manufacture, off-site storage, and transportation of materials and equipment used to produce flame effects;*
 - (e) *Use of flame effects in fire training, except where there is an audience that is not part of the training;*
 - (f) *Manufacture, transportation, storage, sale, or use of model or high-power rocket motors;*
 - (g) *Traditional non-theatrical public display of flames such as the following:*
 - (i) *Use of lighted candles in restaurants or religious services;*
 - (ii) *Fireplace in areas open to the public;*
 - (iii) *Restaurant cooking visible to the patrons;*
 - (iv) *Listed Group II flame effects.*
 - (h) *Use of motor vehicles in races or sanctioned competitive sporting events.*
- (2) **3311.2 Permit.** *A permit shall be obtained from the local fire code official of the jurisdiction for the use of indoor and outdoor flame effects as set forth in paragraph (K)(1)(3311.1) of this rule at least five days in advance of the production, exhibition, demonstration, or simulation using the flame*

For copyright claim information, please see the notice attached to the last page of this rule.

effects. Failure to obtain a permit prior to five days in advance of the production or non-compliance with the requirements of this rule and NFPA 160 as listed in rule 1301:7-7-47 of the Administrative Code may, in the discretion of the local fire code official, result in denial or revocation of the permit.

Before any flame effects exhibition permit issued under this rule is considered to be a valid permit to allow the licensed flame effects exhibitor to conduct a flame effects exhibition, the permit, upon approval, must be signed and dated by the local fire code official having jurisdiction. As required by the local fire code official to confirm compliance with this paragraph, receipt of the permit and/or any conditions associated thereto, the flame effects exhibitor shall sign and date the permit application, the permit and/or any other required documentation.

When a permit is required by this rule, a local fire code official shall be present during the production, exhibition, demonstration, or simulation using flame effects.

Exception: *When issuing a permit for a group I or group II flame effects production, exhibition, demonstration, or simulation using flame effects, the local fire code official may determine that a local fire code official need not be present during such an exhibition.*

If a permit is required by this rule, the permit shall identify the local fire code official who will be present before, during, and after the flame effects exhibition.

If any portion of the fire protection or life safety systems of a structure are interrupted during the operation of flame effects, a local fire code official must grant a prior approval of and be present during such interruptions.

Any performance adding flame effects different from the performance described in the permittee's plan shall require approval by the local fire code official having jurisdiction.

- (3) **3311.3 Permit form.** *The application form for exhibition permit as prescribed by the state fire marshal shall be legibly and fully completed by the licensed flame effects exhibitor to clearly indicate the circumstances and class of the flame effects exhibition the flame effects exhibitor wishes to conduct.*
- (4) **3311.4 Flame effects use plan.** *Before the performance of any production, the permit applicant shall submit a plan for the use of flame effects to the local fire code official. The plan shall be made in writing in such form as is acceptable to the local fire code official and shall demonstrate compliance with this rule and NFPA 160 listed in rule 1301:7-7-47 of the Administrative Code. The plan shall include but is not limited to the following:*
 - (a) *The name of the person, group, or organization sponsoring the production;*
 - (b) *The date and time of day of the production;*
 - (c) *The exact location of the production;*

- (d) *The name of the flame effects exhibitor and proof of valid flame effects exhibitor license issued by the state fire marshal;*
- (e) *The number, names, and ages of all assistants that will be present;*
- (f) *The qualifications and experience of the flame effects exhibitor;*
- (g) *The flame effects classification and design criteria in accordance with NFPA 160 listed in rule 1301:7-7-47 of the Administrative Code;*
- (h) *A diagram of the site indicating the location of all flame effects devices, the areas effected by each device, location of the audience and separation distances, means of egress, and information on all fuels and ventilation for each effect;*
- (i) *A narrative description of the flame effects, controls, and control sequences of all devices, and emergency response procedures;*
- (j) *If applicable, a valid Material Safety Data Sheet (MSDS) for each fuel utilized;*
- (k) *Documentation that the set, scenery, and rigging materials are treated with appropriate flame retardant.*

After a permit has been granted, the permittee shall keep the plan available at the site for safety inspectors or other designated agents of each authority having jurisdiction.

- (5) **3311.5 Fee.** *When the legislative authority of the political subdivision has prescribed a fee for the issuance of a permit for a flame effects exhibition, the local fire code official shall not issue such permit until the flame effects exhibitor pays the requisite fees as required by the local legislative enactment setting forth such fee.*
- (6) **3311.6 Inspection of site.** *Prior to issuance, the local fire code official having jurisdiction shall inspect the premises where the flame effects exhibition is to take place and determine whether the exhibition, demonstration, or simulation using flame effects is in compliance with this rule, Chapter 3743 of the Revised Code, and NFPA 160 (Annex C, Inspection Guidelines) listed in rule 1301:7-7-47 of the Administrative Code.*
- (7) **3311.7 Inspection checklist.** *At the time of the required site inspection, the local fire code official having jurisdiction shall complete the required detailed inspection checklist as prescribed by the state fire marshal. No production, exhibition, demonstration, or simulation using flame effects shall occur in this state until the licensed flame effects exhibitor possesses a copy of the appropriate checklist signed by the local fire code official.*
- (8) **3311.8 Requirements to exhibit flame effects.** *No person shall engage in the production, exhibition, demonstration, or simulation using flame effects unless the person obtains a permit in accordance with this rule. No permit for a flame effects exhibition shall be granted unless the applicant is in possession of a valid flame effects exhibitor's license in accordance with OFC*

3319 to exhibit, demonstrate, or simulate using flame effects. Each applicant for a permit shall show the applicant's license as a flame effects exhibitor's license to the local fire code official and, upon request, to the police chief or other similar law enforcement officer.

- (9) **3311.9 Permit, denial and revocation.** *The local fire code official may deny or revoke a flame effects exhibition permit for any of the following:*
- (a) *The applicant/exhibitor does not possess a valid flame effects exhibitor's license issued by the state fire marshal.*
 - (b) *The site on which the flame effects exhibition is to take place does not conform to the applicable rules.*
 - (c) *The applicant has failed to pay the permit fee or provide the required information.*
 - (d) *The applicant has failed to provide the required indemnity bond or proof of insurance, if such indemnity bond or proof of insurance is required by the local fire code official at the local fire code official's discretion.*
 - (e) *The flames effects exhibitor has failed to postpone a flame effects exhibition when so ordered due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this rule.*
 - (f) *The flames effects exhibitor has failed to store the flame effects in a safe manner prior to or during the flame effects exhibition or is firing the flame effects exhibition in an unsafe manner.*
 - (g) *The licensed flames effects exhibitor present at the flame effects exhibition is not the licensed flame effects exhibitor that was designated to be present pursuant to paragraph (K)(2)(3311.2) and (K)(4)(3311.4) of this rule. The local fire code official is authorized to approve a substitution of another licensed flame effects exhibitor under extenuating circumstances prior to the flame effects exhibition provided that the substitute licensed flame effects exhibitor:*
 - (i) *Demonstrates to the local fire code official possession of a valid flame effects exhibitor's license;*
 - (ii) *Signs the flame effects exhibition permit and thereby accepts the full responsibility and liability for conducting the flame effects exhibition as initially approved;*
 - (iii) *If required by the local fire code official, produces proof that general liability insurance or indemnity bond issued by a company licensed to provide such coverage in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the local*

fire code official, is in force for the applicant and includes acts of all employees;

- (iv) *Demonstrates to the local fire official that they are authorized by the initial flame effects exhibitor to conduct the flame effects exhibition;*
 - (v) *Follows the initially approved conditions of the flame effects exhibition permit;*
 - (vi) *Conducts the flame effects exhibition in accordance with the requirements of this rule.*
 - (h) *The licensed flame effects exhibitor failed to produce, exhibit, demonstrate, or simulate using flame effects in accordance with this rule or otherwise failed to comply with the requirements set forth in this rule.*
- (10) **3311.10 Ceasing operations.** *Operations shall immediately cease and the flame effects exhibition shall be postponed by the licensed flame effects exhibitor when so ordered by the local fire code official or due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this rule.*
- The local fire code official shall order the immediate cessation of the flame effects exhibition due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this rule. The orders to cease operations, postpone the flame effects exhibition and the revocation of the flame effects exhibition permit may be communicated verbally by the local fire code official. When so ordered or when the flame effects exhibition permit has been revoked, the flame effects exhibitor shall cease the flame effects exhibition immediately. The flame effects exhibitor may reapply for a new permit for the flame effects exhibition when the local fire code official is satisfied that all rules, conditions, and operations are safe or have been complied with.*
- (11) **3311.11 General.** *All flame effects control systems shall be designed and installed to prevent accidental firing and unintentional release of fuel.*
- (12) **3311.12 Holding Areas, quantity, use, operation, design, and control of flame effects.**
- (a) **3312.12.1 General** *All flame effect materials and devices not connected for use shall be stored in accordance with applicable codes and standards and any state and local regulations.*
 - (b) **3312.12.2 Holding areas** *All flammable flame effect materials and loaded devices that have been removed from storage areas in anticipation of use shall be stored in a holding area acceptable to the local fire code official.*
 - (c) **3312.12.3 Quantity limitations.** *The maximum quantity of flammable flame effect materials and loaded devices stored in a holding area shall be that quantity used in one day.*

Quantities of flammable flame effect materials and devices in excess of those used in one day shall be permitted to be stored in holding areas with the approval of the local fire official.

Flammable flame effect materials and loaded devices in holding areas shall be secured or supervised continuously by an attendant trained in emergency response procedures.

All flame effects and flame effects exhibitors shall comply with NFPA 160 and the NFPA 160 annexes as listed in rule 1301:7-7-47 of the Administrative Code.

- (13) **3311.13 Insurance.** *The local fire code official having jurisdiction may require the applicant to maintain valid general liability insurance or an indemnity bond in force for the applicant and includes acts of all employees that is issued by a company licensed to provide such coverage in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the local fire official.*
- (14) **3311.14 Documentation.**
- (a) **3311.14.1 General** *All flame effects devices and materials shall have drawings, manuals, or written descriptions to describe the type of item and performance specifications of the flame effects created. This documentation shall be on site and available to the local fire official.*
- (15) **3311.15 Operating procedures** *All flame effects shall have written operating instructions including start-up, show operations normal shutdown procedures, and emergency shutdown procedures. Operating instructions shall be available to the operator.*
- (L) **Section 3312 Operational requirements**
- (1) **3312.1** *All licensed manufacturers, wholesalers, shippers, and fireworks exhibitors shall comply with the applicable requirements listed in this rule, the building code, NFPA 1123, NFPA 1124 and NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code, relating to operation, record keeping and reporting, site security, separation distances, heating, lighting, electrical equipment, smoking regulations, fire and explosion prevention, fire protection and emergency procedures, transportation, and operations of fireworks exhibits.*
- (a) **3312.1.1** *All manufacturing or processing of fireworks must be in accordance with Chapter 3743. of the Revised Code, the applicable provisions of NFPA 1123, NFPA 1124 and NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code and, to the extent not addressed by the Revised Code or NFPA 1123, NFPA 1124 and NFPA 1126 as listed*

in rule 1301:7-7-47 of the Administrative Code, in accordance with paragraph (E)(3305) of this rule.

- (2) **3312.2 Licensed manufacturers and licensed wholesalers need not comply with any requirements of paragraph (M)(3313) of this rule which concern the distance requirements of division (G) of section 3743.06 or division (H) of section 3743.19 of the Revised Code if the buildings were erected on or before May 30, 1986 and were occupied by a licensee with a license for that location prior to December 1, 1990.**
- (3) **3312.3 Continuing education.** *Each licensed manufacturer, wholesaler, or exhibitor shall comply with the applicable continuing education requirements as follows:*
- (a) **3312.3.1 Manufacturer.** *Each licensed manufacturer of fireworks that possesses fireworks for sale and sells fireworks under division (C) of section 3743.04 of the Revised Code, or a designee of the manufacturer, whose identity is provided to the state fire marshal by the manufacturer, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed manufacturer or the manufacturer's designee who attends a required program, within one year after attending the program, shall conduct in-service training for other employees of the licensed manufacturer regarding the information obtained in the program. A licensed manufacturer shall provide the state fire marshal with notice of the date, time, and place of all in-service training. The state fire marshal shall establish the subjects to be taught, the length of the classes, and the standards for approval, and the time periods for notification by the licensee to the state fire marshal of any in-service training.*
- (b) **3312.3.2 Wholesaler.** *Each licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal shall conduct it. A licensed wholesaler or the wholesaler's designee who attends a required program, within one year after attending the program, shall conduct in-service training for other employees of the licensed wholesaler regarding the information obtained in the program. A licensed wholesaler shall provide the state fire marshal with notice of the date, time, and place of all in-service training. The state fire marshal shall establish the subjects to be taught, the length of the classes, and the standards for approval, and the time periods for notification by the licensee to the state fire marshal of any in-service training.*

- (c) **3312.3.3 Exhibitor.** *Each licensed exhibitor of fireworks or a designee of the exhibitor, whose identity is provided to the state fire marshal by the exhibitor, shall attend a continuing education program consisting of not less than six hours of instruction once every three years. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed exhibitor or the exhibitor's designee who attends a required program shall within one year after attending the program, and on an annual basis during the following two years, may conduct in-service training for other employees of the licensee regarding the information obtained in the program. After each in-service training, the licensed exhibitor shall provide a roster to the state fire marshal's office listing all those that attended the in-service training. A licensed exhibitor shall provide the state fire marshal with certified proof of full compliance with all applicable annual training requirements of the United States Department of Transportation and of the Occupational Safety and Health Administration. A licensed exhibitor shall provide the state fire marshal with notice of the date, time, and place of all in-service training not less than thirty days prior to an in-service training event. An individual exhibitor who has no employees shall not fulfill continuing education requirements through a designee. An exhibitor who fulfills the continuing education requirements through a designee shall provide the identity and exhibitor license number of the designee to the state fire marshal prior to the training program. Each licensed exhibitor shall provide documentation evidencing compliance with the continuing education requirements in the manner prescribed in the license renewal application material.*
- (d) **3312.3.4 Records.** *All records documenting the completion of the continuing education required by this rule shall be maintained for a period of three years and shall be available for inspection by the state fire marshal or his/her designee when requested.*

(M) Section 3313 Testing of fireworks for classification

- (1) **3313.1 Suspect fireworks.** *If there is reason to believe that the explosive composition or the pyrotechnic mixture of a particular fireworks device of the manufacturer, wholesaler, shipper, or exhibitor does not meet the DOTn classification regulations, such person shall furnish a random sampling of such fireworks device to the state fire marshal for testing to determine compliance of the device with DOTn classification regulations.*
- (a) *Fireworks shall be evaluated and tested by the state fire marshal by written request or by seizure.*

- (b) *The classification test shall not be construed as conferring classification to any other item, nor shall the trade name of any item be changed without notifying the state fire marshal thirty days prior to such change.*
- (c) *Fireworks or pyrotechnic devices that have not been classified by DOTn classification standards shall not be used, stored, or sold for use within this state.*
- (2) **3313.2 Fee.** *Fireworks or pyrotechnic devices that are submitted to the state fire marshal for classification by licensed manufacturers, wholesalers, shippers, or exhibitors shall be accompanied by a fee of twenty dollars for each item.*
- (3) **3313.3 Submission of live samples.** *When required by the state fire marshal, live samples shall be submitted to the state fire marshal for testing. The number of samples necessary shall be determined by the state fire marshal, but in no case shall the number of samples be less than ten.*
- (4) **3313.4** *No person, other than the state fire marshal, a licensed manufacturer, licensed wholesaler or a licensed exhibitor pursuant to a properly issued exhibition permit, shall test fireworks. All testing of fireworks shall be in accordance with Chapter 3743. of the Revised Code, this rule and, to the extent not addressed by the Revised Code or this rule, in accordance with the applicable provisions of NFPA 1123, NFPA 1124 and NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.*

(N) **Section 3314 Fireworks categories and labeling**

- (1) **3314.1** *Pursuant to Chapter 3743. of the Revised Code, including section 3743.05 of the Revised Code, the state fire marshal establishes the following fireworks categories and uses:*
 - (a) **3314.1.1 Manufacturing.** *A licensed manufacturer of fireworks may manufacture or process only the following categories of fireworks in accordance with Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).*
 - (b) **3314.1.2 Sales and other operations.** *In accordance with Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code, a licensed manufacturer may offer for sale and sell at wholesale or retail fireworks if manufactured by the licensee or fireworks manufactured by another, and may conduct other fireworks*

related activities on its licensed premises, for only the following categories of fireworks: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

In accordance with Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code, a licensed wholesaler may offer for sale and sell fireworks at wholesale or retail, and may conduct other fireworks related activities on its licensed premises, for only the following categories of fireworks: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

(c) **3314.1.3 Acquisition of fireworks.**

- (i) **3314.1.3.1** *Out of state residents acquiring and taking possession of fireworks while such persons are in Ohio may obtain only the following category of fireworks from a licensed manufacturer or licensed wholesaler in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code: 1.4G fireworks (UN0336).*
- (ii) **3314.1.3.2** *Out of state persons acquiring fireworks while such persons are not located in Ohio may obtain the following categories of fireworks from a licensed manufacturer or licensed wholesaler in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).*
- (iii) **3314.1.3.3** *Ohio residents acquiring and taking possession of fireworks while such persons are in Ohio may obtain only the following category of fireworks in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code: 1.4G fireworks (UN0336).*

- (iv) **3314.1.3.4** *Licensed manufacturers and licensed wholesalers may acquire, in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code, the following categories of fireworks from other licensed manufacturers and licensed wholesalers or licensed out of state shippers: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).*
- (v) **3314.1.3.5** *A licensed exhibitor of fireworks may acquire, in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code, only the following categories of fireworks for a properly permitted exhibition only from a licensed manufacturer, a licensed wholesaler or, if such fireworks are shipped directly to an exhibition site, from a licensed out of state shipper:*
- (a) **3314.1.3.5.1** *For an outdoor display exhibition: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).*
- (b) **3314.1.3.5.2** *For an indoor display exhibition: 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).*
- (d) **3314.1.4** *Ignition, discharge and display of fireworks. Other than the testing of fireworks described in paragraph (M)(3313) of this rule, only a licensed exhibitor acting in accordance with a properly issued exhibition permit and in accordance with the federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code, may ignite, discharge or display only the following categories of fireworks:*
- (i) **3314.1.4.1 for an outdoor display exhibition.** *1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks*

(UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

(ii) **3314.1.4.2 For an indoor display exhibition.** 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

(e) **3314.1.5 Shipping into Ohio.** Only the following categories of fireworks may be shipped into Ohio:

(i) **3314.1.5.1 Directly to a licensed manufacturer or a licensed wholesaler.** 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

(ii) **3314.1.5.2 Directly to a licensed exhibitor at the site of a properly permitted outdoor exhibition for such exhibitor.** 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

(iii) **3314.1.5.3 Directly to a licensed exhibitor at the site of a properly permitted indoor exhibition for such exhibitor.** 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

All such shipments must be in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.

(f) **3314.1.6 Possession, transportation and storage of fireworks.** The possession, transportation and storage of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) shall be in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.

No other types of fireworks may be manufactured, sold, purchased, shipped, transported, possessed, ignited, displayed, stored or otherwise used in Ohio.

- (2) **3314.2 Fireworks labeling.** *All fireworks manufactured, sold, shipped, transported, or displayed in this state shall be labeled in accordance with the CPSC regulations and other applicable laws, rules or regulations, including regulations promulgated by the United States Department of Transportation.*
- (3) **3314.3 Sales.** *A licensed manufacturer or wholesaler shall only sell fireworks that meet the standards set by the consumer product safety commission or by the American fireworks standard laboratories or that have received an EX number from the United States Department of Transportation.*

(O) Section 3315 General requirements for licensure application and license

- (1) **3315.1 License fee.**
 - (a) **3315.1.1** *Every license fee required in accordance with this rule shall be paid with cash or by money order, postal note, cashier's check, credit card, certified check or personal check payable to the "Treasurer, State of Ohio".*
 - (b) **3315.1.2** *Every required license fee shall be paid at or mailed to the "Division of State Fire Marshal," at the address specified on the application material.*
- (2) **3315.2 Expired license.** *Renewal applications received after the required submittal dates shall be considered new applications and shall meet the examination requirement of paragraph (S)(7)(3319.7) of this rule.*
- (3) **3315.3 Duplicate license.** *In the event that a valid license is lost or accidentally destroyed, an application for a duplicate license shall be made in writing to the state fire marshal. The application for a duplicate license shall be accompanied by a ten-dollar fee.*
- (4) **3315.4 Misuse of license.** *No person who has been issued a manufacturer's or wholesaler's license shall give or permit any other person to use such license in violation of division (D) of section 3743.04 and division (D) of section 3743.17 of the Revised Code. No person who has been issued a shipping permit shall give or permit any other person to use such permit in violation of division (F) of section 3743.40 of the Revised Code. No person who has been issued an exhibitor's license shall give or permit any other person to use such license in violation of division (B) of section 3743.52 of the Revised Code. Any license or permit is not transferable or assignable to any other holder at the same location without the*

written permission of the state fire marshal, nor shall any license be extended beyond the dates set out therein.

Exception: A permit for a fireworks exhibition may be transferred to a substitute licensed exhibitor as provided for in paragraph (H)(8)(g)(3308.8.7) of this rule.

- (5) **3315.5 Forfeiture of fee.** When a license has been denied, revoked or suspended pursuant to this rule and Chapter 119. of the Revised Code, the fee for such license shall be forfeited and deposited into the state fire marshal's rotary fund and applied as a fee for license processing.
- (6) **3315.6 Issuance, denial or revocation.** The state fire marshal shall not issue an initial license, permit or registration authorized by Chapter 3743. of the Revised Code, if the applicant for the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleaded guilty to, after June 30, 1997, a felony under the laws of this state, another state, or the United States.
- (7) **3315.7 Investigation.** Upon receipt of an application and the required accompanying matter, the state fire marshal shall forward to the superintendent of the bureau of criminal identification and investigation a request that the bureau conduct an investigation of the applicant and, if applicable, additional individuals who hold, own, or control five per cent or greater beneficial or equity interest in the applicant, to determine whether the applicant or the additional associated individuals have been convicted of or pled guilty to a felony under the laws of this state, another state, or the United States. If the applicant for initial licensure has resided in this state for less than five continuous years immediately prior to the date the applicant submits an initial application, the superintendent also shall request that the Federal Bureau of Investigation conduct an investigation of the applicant and, if applicable, additional individuals who hold, own or control a five per cent or greater beneficial or equity interest in the applicant, to determine whether the applicant or the additional associated individuals have been convicted of or pled guilty to a felony under the laws of this state, another state, or the United States. The superintendent shall forward the results of the investigation to the state fire marshal and may charge a reasonable fee for providing the results. The state fire marshal shall also assess the applicant any fee charged by the superintendent for the results to the applicant.
- (8) **3315.8 License status.** The state fire marshal shall not place the license of a manufacturer or wholesaler in a temporarily inactive status while the holder of the license is attempting to qualify to retain the license.
- (9) **3315.9 Geographic transfer of license.** Upon application by a licensed wholesaler of fireworks, a wholesaler license may be transferred from one

geographic location to another within the same municipal corporation or within the unincorporated area of the same township, but only if all of the following apply:

- (a) *The identity of the holder of the license remains the same in the new location.*
 - (b) *The former location is closed prior to the opening of the new location and no fireworks business of any kind is conducted at the former location after the transfer of the license.*
 - (c) *The new location has received a local certificate of zoning compliance and a local certificate of occupancy, and otherwise is in compliance with all local building regulations.*
 - (d) *Every building or structure at the new location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structures located on the licensed premises in accordance with the distances specified in NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code.*
 - (e) *Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the license has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States after July 1, 1997.*
 - (f) *The state fire marshal approves the request for the transfer. The new locations shall comply with the requirements specified in divisions (A)(1) and (A)(2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new location is constructed, expanded, or first begins operating on and after July 1, 1997.*
- (10) **3315.10 Ownership transfer of license.** *Upon application by a licensed manufacturer or wholesaler of fireworks, a manufacturer or wholesaler license may be transferred to another person for the same particular location for which the license was issued if the assets of the manufacturer or wholesaler are transferred to that person by inheritance or by a sale approved by the state fire marshal. The state fire marshal shall not approve any transfer applications under this paragraph unless:*
- (a) *The state fire marshal receives a satisfactory application for such a transfer on a form approved by the state fire marshal.*
 - (b) *The person seeking to transfer the license is the verified owner of the license and is otherwise permitted by law to transfer its ownership interests in such license.*

- (c) *The person receiving ownership of the license meets the requirements of the Revised Code and this code for the possession of such a license.*
- (d) *The licensed premises for the particular location is inspected by the state fire marshal.*
- (e) *The license and the licensed premises are in compliance with the provisions of the Revised Code and this code.*

(P) Section 3316 Requirements for manufacturers and wholesalers

- (1) **3316.1 Application.** *Application by a manufacturer or wholesaler for an original license or a renewal license shall be made prior to the first day of October preceding the license year for which the original application or renewal application is being made. The application form shall be as prescribed by the state fire marshal. Failure to submit the application and license fee prior to the first day of October may require that the applicant wait until the following year to make another application. The original and renewal fee for a manufacturer or wholesaler license shall be two thousand seven hundred fifty dollars. The manufacturer or wholesaler license is effective for one year beginning on the first day of December. The state fire marshal shall issue or renew a license only on that date and at no other time.*
 - (a) **3316.1.1** *If an applicant has any storage locations approved in accordance with the Revised Code or this code, the applicant also shall submit a fee of one hundred dollars per storage location ~~of~~ for the inspection of each storage location.*
- (2) **3316.2 Denial or revocation of license.** *A manufacturer or wholesaler license may be denied or revoked pursuant to Chapter 119. of the Revised Code when any of the following occur:*
 - (a) **3316.2.1** *The applicant has failed to submit proof of comprehensive general liability insurance or licensee has failed to maintain the same.*
 - (b) **3316.2.2** *The applicant has failed to provide the required information on the application form provided by the state fire marshal including, but not limited to failure to include, the identification of a statutory agent if applicable or other designated agent for service of process at the time of application and prompt notification of any changes in the statutory agent.*
 - (c) **3316.2.3** *The applicant has failed to include the required fee for the license with the application.*

- (d) **3316.2.4** *The applicant withdraws his or her application prior to an investigation or inspection by the state fire marshal to determine if the license shall be issued.*
- (e) **3316.2.5** *The applicant or licensee has made a misrepresentation or filed false statements.*
- (f) **3316.2.6** *There is substantial evidence that the fireworks premises are not in full compliance with Chapters 3781. and 3791. of the Revised Code, or any applicable building or zoning regulations.*
- (g) **3316.2.7** *The state fire marshal shall revoke or deny renewal of a license or permit first issued under Chapter 3743. of the Revised Code on or after July 1, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States.*
- (h) **3316.2.8** *The licensed premises fails to comply with the requirements as set forth in paragraph (W)(3323) of this rule.*
- (i) **3316.2.9** *The applicant, licensee or premises fails to comply with the requirements or any provision of the Ohio Revised Code, Ohio Administrative Code or NFPA standards as listed in rule 1301:7-7-47 of the Administrative Code, or any order of the state fire marshal.*
- (3) **3316.3 Fireworks listing.** *Applicants for all manufacturer or wholesaler licenses shall submit with their application to the state fire marshal a complete detailed list of all types of fireworks that they intend to wholesale, sell, offer for sale, transport, process, or otherwise dispose of. The list shall contain the following information:*
- (a) **3316.3.1** *The classification of all fireworks, including 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) materials in accordance with the regulations of the U.S. Department of Transportation (DOTn 49 CFR as listed in rule 1301:7-7-47 of the Administrative Code), the type of all fireworks, and the names of each device in the inventory. Records of the amount of each type of device kept in the inventory shall be made available for inspection by the state fire marshal or his designee or fire code official upon request.*
- (4) **3316.4 Change in fireworks list.** *Applicants for a manufacturer or wholesaler license shall notify the state fire marshal in writing of any changes in content,*

construction, additions of, or deletion of any fireworks device on the submitted list. All lists shall be updated annually for license renewal.

- (5) **3316.5 Map.** All applicants for an initial manufacturer or wholesaler license, and thereafter at the discretion of the state fire marshal, shall submit a map showing the premises, all premises boundaries, building locations, building dimensions, distances between buildings, distance of the buildings from lot lines, railroads, roadways and habitable structures on adjoining properties. The map shall be sufficient to clearly delineate the boundaries, dimensions and all structures or other temporary or permanent fixtures located thereon that constitute the licensed premises. All buildings and structures shall be numbered and a list shall be attached to the map that corresponds to the building and structure number assigned to each, indicating the type of construction, date of construction (if erected after May 30, 1986) and actual use of each building and structure. Maps shall be drawn to scale by an architect, engineer or cartographer.
- (a) **3316.5.1 Boundaries of a licensed premises.** If a licensed premises consists of more than one parcel of real estate, those parcels shall be contiguous unless an exception is allowed pursuant to Chapter 3743. of the Revised Code and this rule for storage locations. The boundaries of a licensed premises, including the boundaries of an approved storage location, shall not change unless the license holder has first obtained written approval from the state fire marshal. The state fire marshal shall approve the change to such licensed premises boundaries only when the applicant clearly shows all of the following:
- (i) **3316.5.1.1** The proposed change would not be contrary to public health, safety or welfare.
- (ii) **3316.5.1.2** The proposed area of premises expansion or premises contraction shall maintain the contiguity of the approved boundaries for the licensed premises or storage location.
- (b) **3316.5.2 Applications for such change shall include the submission of all of the following items:**
- (i) **3316.5.2.1** A tax or appraisal map and/or a survey plot or other professionally prepared map.
- (ii) **3316.5.2.2** Property deeds, lease agreements, and/or other appropriate proof of ownership or control. If the applicant does not own the licensed premises in fee simple, then the applicant must submit documentation, such as a copy of the current lease or rental agreement for the property, that the conduct of fireworks sales or related activity is an approved use of the premises by the owner.

- (iii) **3316.5.2.3** *A narrative description of all properties, structures, lot lines, and boundaries of the licensed premises involved and in the proposed change thereto.*
- (iv) **3316.5.2.4** *All other relevant information requested by the state fire marshal.*
- (6) **3316.6 Ownership.** *Applicants for all manufacturer and wholesaler licenses shall submit with their application the parcel number and a copy of the deed of ownership or land contract for all of the parcels constituting the licensed premises. If the applicant does not own the licensed premises in fee simple, then the applicant must submit documentation, such as a copy of the current lease or rental agreement for the property, that the conduct of fireworks sales or related activity is an approved use of the premises by the owner.*
- (7) **3316.7 Signature.** *The application for a manufacturer or wholesaler license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by each partner of the partnership. If the application is made by a corporation, it shall be signed by the president of the corporation. The original or a certified copy of the articles of incorporation filed with the office of the secretary of state, stating each officer and statutory agent by name, and the letter of good standing shall be included with the application. Any change in the name of the identified officers of a corporation or the name of the identified statutory agent if applicable or other designated agent for service of process for each manufacturer or wholesaler that occurs during the licensure period shall be immediately submitted in writing to the state fire marshal.*
- (8) **3316.8 Magazine.** *For a manufacturer of fireworks license, each fireworks plant shall have at least one Class 1 magazine that is approved by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury and that is otherwise in conformity with federal law. Such approval shall be evidenced only by a license issued by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury.*

Exception: *This requirement does not apply to fireworks plants existing on or before August 3, 1931.*

(Q) Section 3317 Fingerprint and insurance requirements for manufacturers and wholesalers of fireworks

- (1) **3317.1** *Each manufacturer or wholesaler of fireworks shall submit with each application for licensure one set of the applicant's fingerprints and a set of fingerprints of any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the applicant for the license. The state fire marshal shall retain the fingerprints or similar identifying information submitted*

with each licensure application. On renewal, the applicant must submit fingerprints or similar identifying information for all new owners or shareholders of five per cent or more of the beneficial interest of the license. Persons who have previous fingerprint sets or similar identifying information on file with the state fire marshal shall resubmit new fingerprint sets or updated similar identifying information no later than thirty-six months from the date the previous fingerprint set or similar identifying information was submitted.

- (2) **3317.2** Each applicant for a fireworks wholesaler license shall submit proof of comprehensive general liability insurance coverage, specifically including fire and smoke casualty on premises, in an amount not less than one million dollars for each occurrence for bodily injury liability and wrongful death at its business location. Proof of such insurance shall be submitted together with proof of coverage in an amount not less than one million dollars for products liability on all inventory located at the business location. All applicants shall submit evidence of comprehensive general liability insurance coverage verified by the insurer and certified as to its provision of the minimum coverage required. The insurer who issued such insurance policy shall comply with all applicable Ohio laws or all applicable laws of the state where the insurer is located.
- (3) **3317.3** Each applicant for a fireworks manufacturer license shall submit proof of comprehensive general liability insurance coverage, specifically including fire and smoke casualty on premises and products, in an amount not less than one million dollars for each occurrence for bodily injury liability and wrongful death liability at the fireworks plant. All applicants shall submit evidence of comprehensive general liability insurance coverage verified by the insurer and certified as to its provision of the minimum coverage required. The insurer who issued such insurance policy shall comply with all applicable Ohio laws or all applicable laws of the state where the insurer is located.
- (4) **3317.4** In the event of a fire or explosion, any person who is injured or suffers property damage shall immediately notify the state fire marshal in writing of any claim against a manufacturer or wholesaler of fireworks.
- (5) **3317.5** The manufacturer or wholesaler shall notify the state fire marshal in writing at least fifteen days in advance of the expiration date, maturity date, or termination date of a liability insurance policy. The manufacturer or wholesaler shall surrender his license to the state fire marshal upon expiration, termination or cancellation of the required insurance coverage.
- (6) **3317.6** A licensed wholesaler or manufacturer shall maintain comprehensive general liability insurance coverage in the amount and type specified in Chapter 3743. of the Revised Code at all times. Each policy of insurance shall contain a provision requiring the insurer to give not less than fifteen days prior written notice to the state fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage of any required

insurance coverage. A licensed wholesaler or manufacturer shall secure supplemental insurance in an amount and type that satisfies the requirements for coverage so that no lapse in coverage occurs at any time. A licensed wholesaler or manufacturer who secures supplemental insurance shall file evidence of the supplemental insurance with the state fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required.

- (7) **3317.7** Failure by the applicant for or holder of a manufacturer or wholesaler license to comply with any paragraph of this rule is cause for the denial, revocation, or suspension of such license pursuant to Chapter 119. of the Revised Code.

(R) Section 3318 Requirements for out-of-state shipping permit

- (1) **3318.1 Application.** Any person who wishes to ship fireworks including 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) into this state shall submit an application for a license. Application shall be made as follows:
- (a) **3318.1.1** The application shall be on the form provided by the state fire marshal and shall be accompanied by a fee of two thousand seven hundred fifty dollars.
- (b) **3318.1.2** The application shall be accompanied by a certified copy or other copy acceptable to the state fire marshal of the applicant's license or permit issued in the applicant's state of residence, authorizing the applicant to engage in the manufacture, wholesale sale, or transportation of fireworks in that state.
- (c) **3318.1.3** A statement by the applicant shall be attached to the application indicating that he understands and will abide by the rules adopted by the state fire marshal, pursuant to section 3743.58 of the Revised Code, for transporting fireworks, and that the applicant will ship all fireworks in accordance with the DOTn regulations.
- (2) **3318.2 Issuance.** The state fire marshal shall not issue an initial license or permit if the applicant for the license or permit, or any individual holding, owning, or controlling five per cent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States. The state fire marshal shall revoke or deny renewal of a license or permit first issued under Chapter 3743. of the Revised Code on or after July 1, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is

convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States.

- (3) **3318.3 Bill of lading.** *For each shipment of fireworks that is sent into this state, a copy of the bill of lading shall be submitted to the state fire marshal upon request, listing the type, amount and the destination.*
- (4) **3318.4 Possession.** *The holder of a shipping permit shall have an accurate copy of the permit in the holder's possession in this state at all times while in the course of shipping the fireworks directly into this state. A shipping permit is not transferable or assignable.*

(S) Section 3319 Requirements for an exhibitor's license

- (1) **3319.1 Categories of exhibitor licenses.** *No person shall conduct a fireworks exhibition or flame effects exhibition in this state without a license issued by the state fire marshal. There shall be three categories of exhibitor licenses:*
 - (a) *A licensed exhibitor of outdoor/indoor fireworks (Type I).*
 - (b) *A licensed exhibitor of indoor fireworks (Type II).*
 - (c) *A licensed exhibitor of flame effects (Type III).*
- (2) **3319.2 Application.** *Any person who wishes to be an exhibitor of indoor, outdoor, theatrical, or special effects fireworks or flame effects in this state shall submit an application as prescribed by the state fire marshal for an annual license and a license fee of fifty dollars.*
 - (a) **3319.1.1** *Applicants for a new exhibitor's license or a renewal of an existing license shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual's civilian background check.*
- (3) **3319.3 Applicant.** *An applicant for an exhibitor license shall be at least twenty-one years of age and shall submit proof of age satisfactory to the state fire marshal. The applicant shall be in compliance with Chapter 4123. of the Revised Code.*
- (4) **3319.4 Application period.**
 - (a) **3319.4.1 New applications.** *All applications for new exhibitor licenses shall be submitted and received in the office of the state fire marshal thirty days in advance of the requested examination. All applications shall be accompanied by a picture identification. The applicant shall designate the*

appropriate classification of licensed exhibitor on the application material submitted to the state fire marshal.

(i) **3319.4.1.1 Licensed exhibitor of indoor/outdoor fireworks (Type I).** *Any individual who applies to be examined and licensed in the classification of a Type I fireworks exhibitor shall only be authorized to conduct the following fireworks exhibitions:*

(a) **3319.4.1.1.1** *An outdoor display exhibition of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) in accordance with the provisions of Chapter 3743. of the Revised Code, this rule and NFPA 1123 and the applicable requirements of NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.*

(b) **3319.4.1.1.2** *An indoor display exhibition of 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) in accordance with NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.*

(ii) **3319.4.1.2 Licensed exhibitor of indoor fireworks (Type II).** *Any individual who applies to be examined and licensed as an exhibitor of indoor fireworks shall only be authorized to use 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) before a proximate audience in accordance with the provisions of Chapter 3743. of the Revised Code, this rule and NFPA 1126 as listed in rule 1301:7-7-47 of the Administrative Code.*

(iii) **3319.4.1.3 Flame effects exhibitor.** *Any individual who applies to be examined and licensed in the classification of a flame effects exhibitor shall only be authorized to operate flame effects before an audience in accordance with the provisions of this rule and NFPA 160 as listed in rule 1301:7-7-47 of the Administrative Code.*

(b) **3319.4.2 Renewal applications.** *All applications for renewal of an exhibitor license shall be actually received in the office of the state fire marshal no later than the expiration date. Renewal applications actually received after the above required submittal dates shall be considered new applications and shall meet the examination requirement of paragraph (T)(7)(3320.8) of this rule. The state fire marshal shall revoke or deny the*

renewal of a license or permit issued under Chapter 3743. of the Revised Code after July 1, 1997.

- (i) **3319.4.2.1** *The holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States.*
 - (ii) **3319.4.2.2** *The licensed exhibitor failed to provide the information required by the application form prescribed by the state fire marshal.*
 - (iii) **3319.4.2.3** *The application materials were not accompanied by the requisite fee.*
 - (iv) **3319.4.2.4** *The exhibitor is not twenty-one years of age.*
 - (v) **3319.4.2.5** *The application for renewal of an exhibitor license is not actually received in the office of the state fire marshal by the expiration date.*
 - (vi) **3319.4.2.6** *The application for the renewal is not accompanied by the documentation evidencing compliance with the continuing education requirements in accordance with paragraph (M)(3)(c)(3313.3.3) of this rule.*
- (5) **3319.5 Fees for application.** *Application fees for exhibitors are nonrefundable. The application fee is forfeited to the state fire marshal when the applicant fails to meet the requirements of Chapter 3743. of the Revised Code or the "Ohio Fire Code," when an applicant fails to achieve a passing grade on any examination, or when an applicant fails to reapply for a repeat examination. The fee under such circumstances shall be deemed necessary for the processing of the application, and the administering of the examination of the applicant. Said fee shall be deposited into the state fire marshal's rotary fund. The state fire marshal shall also assess the applicant any fee charged by the superintendent of the bureau of criminal identification and investigation for the results of a background check.*
- (6) **3319.6 Qualification requirements.** *Every applicant for a new exhibitor license shall submit with his application one of the following or such applicant shall be denied an exhibitor license pursuant to Chapter 119. of the Revised Code:*
- (a) **3319.6.1** *Written documentation of the applicant's proficiency in handling and discharging fireworks, and that the applicant is capable of handling the responsibilities associated with exhibitions*

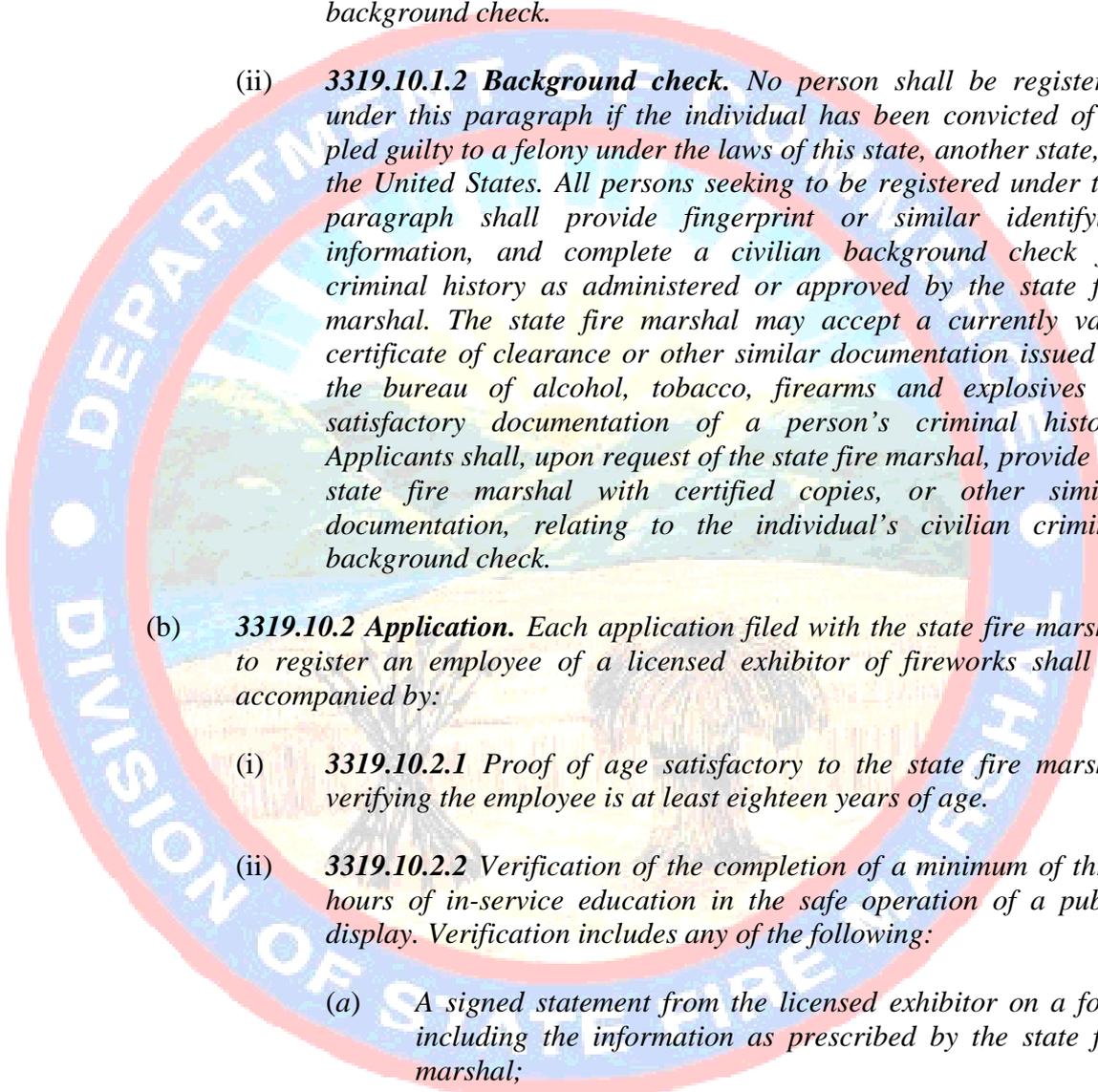
as prescribed by paragraph (H)(3308) of this rule, in a manner that emphasizes the safety and security of the public. The above documentation shall be endorsed by the signature of a licensed exhibitor, manufacturer or wholesaler of fireworks in Ohio. If an endorsement signature of a licensed exhibitor, manufacturer or wholesaler in Ohio is not provided, the state fire marshal may require additional documentation demonstrating that the applicant has safely conducted as appropriate, 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) and flame effects exhibitions in Ohio, indicating the date, location, and type of exhibition.

- (b) **3319.6.2** A certified copy or other copy acceptable to the state fire marshal of a valid license issued by another state authorizing the fireworks exhibitor to conduct all types of fireworks exhibitions and discharging any and all types as appropriate, 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) and flame effects in that state.
- (c) **3319.6.3** Written documentation demonstrating competency by experience or training in the operation of flame effects.
- (7) **3319.7 Examination requirements.** Every applicant for a new exhibitor license shall take and pass a written examination administered by the state fire marshal prior to the issuance of the license. If an applicant has been notified of a scheduled examination and fails to appear without just cause in writing, such applicant shall be denied an exhibitor license pursuant to Chapter 119. of the Revised Code.
- (a) **3319.7.1** The state fire marshal shall not issue an initial license or permit under Chapter 3743. of the Revised Code if the applicant for the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States.
- (8) **3319.8 Examination.** The written examination required by this rule for a fireworks exhibitor license shall consist of questions pertaining to laws relating to fireworks, rules relating to fireworks, and relevant safety practices and procedures. The written examination for a flame effect exhibitor license shall consist of questions relating to the proper operation of flame effects before an audience and relevant safety practices and procedures.

- (a) **3319.8.1** *To satisfactorily pass the written examination, the applicant must obtain a minimum grade of seventy per cent or such applicant shall be denied an exhibitor license pursuant to Chapter 119. of the Revised Code.*
- (b) **3319.8.2** *Any applicant who has failed the examination may reapply and take another examination not less than thirty days after the date of the previous examination.*
- (c) **3319.8.3** *Any applicant who has failed the repeat examination may reapply and take another examination not less than ninety days from the date of the previous examination.*
- (d) **3319.8.4** *Applicants reapplying to take a repeat examination shall file a new application and a license fee as required in paragraph (T)(1)(3320.1) of this rule.*
- (9) **3319.9 Location of examination.** *The examination required by this rule shall be administered at locations, dates, and times as designated by the state fire marshal.*
- (10) **3319.10 Employee registration.** *Each fireworks exhibitor licensed under section 3743.51 of the Revised Code shall register with the state fire marshal all employees who assist the licensed exhibitor in conducting fireworks exhibitions unless such employees have already been registered by another licensed exhibitor. The employees must be registered with the state fire marshal at least fourteen days prior to assisting the licensed exhibitor in conducting a fireworks exhibition. Individuals involved only in the setup or clean up of the discharge site before or after the exhibition and do not handle 1.3G fireworks, are not required to be registered. The state fire marshal shall maintain a record of licensed exhibitors and registered employees and make it available, upon request, to any law enforcement agency. A licensed exhibitor shall file an application, on a form prescribed by the state fire marshal, to register a new employee not later than seven days after the date on which the employee is hired unless the employee is already registered.*

Exception: *Any individual that is a valid Ohio licensed exhibitor of fireworks pursuant to the provisions of this rule who wishes to act as an employee of another properly licensed exhibitor is not required to be registered pursuant to this paragraph.*

- (a) **3319.10.1 Registration requirements.** *The state fire marshal shall not register a person under this paragraph unless the following requirements have been satisfied.*

- 
- (i) **3319.10.1.1 Registration fee.** Each application to register an employee of a licensed exhibitor of fireworks, regardless of time of registration as provided for in paragraph (T)(9)(f)(i)(3320.9.6.1) of this rule shall be accompanied by a nonrefundable registration fee of twenty-five dollars. The state fire marshal shall also assess the applicant any fee charged by the superintendent of the bureau of criminal identification and investigation for the results of a background check.
- (ii) **3319.10.1.2 Background check.** No person shall be registered under this paragraph if the individual has been convicted of or pled guilty to a felony under the laws of this state, another state, or the United States. All persons seeking to be registered under this paragraph shall provide fingerprint or similar identifying information, and complete a civilian background check for criminal history as administered or approved by the state fire marshal. The state fire marshal may accept a currently valid certificate of clearance or other similar documentation issued by the bureau of alcohol, tobacco, firearms and explosives as satisfactory documentation of a person's criminal history. Applicants shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual's civilian criminal background check.
- (b) **3319.10.2 Application.** Each application filed with the state fire marshal to register an employee of a licensed exhibitor of fireworks shall be accompanied by:
- (i) **3319.10.2.1 Proof of age satisfactory to the state fire marshal** verifying the employee is at least eighteen years of age.
- (ii) **3319.10.2.2 Verification of the completion of a minimum of three hours of in-service education in the safe operation of a public display.** Verification includes any of the following:
- (a) A signed statement from the licensed exhibitor on a form including the information as prescribed by the state fire marshal;
- (b) Any other information as requested by the state fire marshal.
- (iii) **3319.10.2.3 Documentation of the completed civilian background check as required by this rule.**

- (c) **3319.10.3 Qualification requirements.** *The application for employee registration shall be denied by the state fire marshal when any of the following occur:*
- (i) **3319.10.3.1** *The licensed fireworks exhibitor fails to provide the information required by the application form prescribed by the state fire marshal or as otherwise required by this paragraph;*
 - (ii) **3319.10.3.2** *The application materials were not accompanied by the requisite fee;*
 - (iii) **3319.10.3.3** *The employee to be registered is not eighteen years of age;*
 - (iv) **3319.10.3.4** *The employee to be registered has been convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States.*
- (d) **3319.10.4 Effective dates of registration.** *Employee registrations under this rule shall not be effective until the proper issuance of documentation by the state fire marshal.*
- (e) **3319.10.5 Proof of registration.** *Each registered assistant shall carry the proof of registration issued by the state fire marshal while assisting the licensed exhibitor in conducting a fireworks exhibition and shall make it available to any fire or law enforcement official upon request.*
- (i) **3319.10.5.1** *Each registered assistant shall display prominently upon their person any visible identification required by the fire code official at all times when within the discharge perimeter.*
- (f) **3319.10.6 Registration expiration.** *After the effective date of this rule, each registration shall be for a period of one year unless otherwise provided for in this paragraph.*
- (i) **3319.10.6.1** *The registration of an employee may occur at any of the following times:*
 - (a) **3319.10.6.1.1** *In conjunction with an initial exhibitor application;*
 - (b) **3319.10.6.1.2** *Initial employee registration in accordance with paragraph (S)(9)(3319.9) of this rule;*
 - (c) **3319.10.6.1.3** *An application for exhibitor renewal in accordance with paragraph (S)(3)(b)(3319.3.2) of this rule.*

- (ii) **3319.10.6.2** *If the time of employee registration occurs pursuant to paragraph (S)(9)(f)(i)(b)(3319.9.6.1.2) of this rule, the period of such employee's registration shall be limited to a period no longer than the remaining portion of the registering exhibitor's license.*
- (iii) **3319.10.6.3** *Each application for registration shall be prescribed by the state fire marshal and accompanied by the registration fees, proof of age, and verification of in-service education as required for initial registration in accordance with this paragraph. Any such subsequent registration may be denied pursuant to paragraph (S)(9)(c)(3319.9.3) of this rule.*
- (g) **3319.10.7** *Any change in employee registration information submitted to the state fire marshal other than during the exhibitor's renewal application period described in paragraph (S)(9)(f)(3319.9.6) of this rule shall be accompanied by a fee equivalent to the registration fees prescribed in paragraph (S)(9)(a)(3319.9.1) of this rule.*

(T) Section 3320 Fire safety requirements in buildings

- (1) **3320.1 General.** *The layout, arrangement and construction of buildings and structures in which fireworks are manufactured, processed, stored, and offered for sale, shall comply with the applicable requirements of the "Ohio Building Code" as listed in rule 1301:7-7-47 of the Administrative Code, for the appropriate high hazard occupancy use group classification, and shall be provided with fire protection, fire extinguishing equipment and explosion relief venting as required by the "Ohio Building Code" as listed in rule 1301:7-7-47 of the Administrative Code.*
 - (a) **3320.1.1** *Buildings and structures and their service equipment shall be maintained and operated as required by this rule, NFPA 1123 and NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code.*
 - (b) **3320.1.2** *In addition to the provisions of this paragraph, fireworks retail and representative sales showrooms shall comply with paragraph (U)(3321) of this rule.*
- (2) **3320.2** *If, during the effective period of its licensure, a licensed manufacturer or wholesaler wishes to perform any construction, locate or relocate any buildings or structures, or make any structural change or renovation, on the licensed premises, the state fire marshal and the building code official shall be notified in writing.*
 - (a) **3320.2.1** *The state fire marshal may require the submission of documentation, including, but not limited to, plans covering the proposed*

construction or structural change, location or relocation or renovation or change in manufacturing, if the state fire marshal determines such documentation is necessary for evaluation purposes prior to the issuance of a preliminary authorization for construction.

- (b) **3320.2.2** *Upon receipt of the notification and additional documentation required by the state fire marshal, the state fire marshal shall issue a preliminary authorization for construction and shall inspect the premises to determine if the proposed construction or structural change, location or relocation, or renovation or change in manufacturing is in accordance with Chapter 3743. of the Revised Code and the rules adopted by the state fire marshal.*
- (i) **3320.2.2.1** *When the licensee submits construction documents and preliminary authorization for construction to the building official having jurisdiction and obtains a set of construction documents approved by the building official, a copy of such approved documents shall be submitted to the state fire marshal by the licensee.*
- (c) **3320.2.3** *Upon the inspection and a review of the submitted documentation, if the state fire marshal determines that the construction, location, relocation, structural change or renovation or change in manufacturing conforms to Chapter 3743. of the Revised Code and the rules adopted by the state fire marshal, the state fire marshal shall issue a final written authorization for the construction, location, relocation, structural change or renovation or change in manufacturing.*
- (d) **3320.2.4** *No construction, relocation, structural change or renovation shall commence until the licensee has received the final written authorization issued by the state fire marshal.*
- (3) **3320.3 Building requirements.** *For every structure on a licensed premises, each required means of egress shall be accessible in accordance with the building code as listed in rule 1301:7-7-47 of the Administrative Code and any newly installed or modified exit door assembly shall be provided with panic hardware.*
- (4) **3320.4 Separation distances.** *Each structure on a licensed premises shall comply with the separation distance requirements of NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code.*
- (a) **3320.4.1** *A building used by a licensed manufacturer or licensed wholesaler need not comply with any requirements of paragraph (U)(3321) of this rule which concern the structure of a building or with the distance requirements of division (G) of section 3743.06 or division (H) of section 3743.19 of the Revised Code if the building was erected on*

or before May 30, 1986, and was legally being used for fireworks activities under authority of a valid license issued by the state fire marshal as of December 1, 1990, pursuant to sections 3743.03, 3743.04, 3743.16, and 3743.17 of the Revised Code.

- (5) **3320.5 Safety requirements.** *Each structure on a licensed premises shall have and maintain floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and the superintendent of the division of industrial compliance that are submitted under seal as required by section 3791.04 of the Revised Code.*
- (6) **3320.6 Smoking.** *Smoking or the carrying of pipes, cigarettes, or cigars, matches, lighters, other flame-producing items, or open flame on, or the carrying of a concealed source of ignition into, the premises of a wholesaler or fireworks plant is prohibited, except that a wholesaler or manufacturer may permit smoking on a licensed premises only in specified lunchrooms and/or restrooms in buildings and other structures in which no manufacturing, handling, sales, or storage of fireworks takes place. "No Smoking" signs shall be posted on the premises as required by the state fire marshal.*
- (7) **3320.7 Doors.** *All exit doors of all buildings on the licensed premises shall swing outward.*

(U) Section 3321 Fireworks storage

- (1) **3321.1** *All fireworks and pyrotechnic devices shall be stored and maintained in compliance with the provisions of the Revised Code, paragraphs (T)(1)(3320.1) and (U)(3321) of this rule and in accordance with the provisions of NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code. To the extent not addressed by the Revised Code, paragraphs (T)(1)(3320.1) and (U)(3321) of this rule and NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code, fireworks storage must also be in accordance with paragraph (D)(3304) of this rule. All licensed manufacturer and wholesalers shall store fireworks only on the licensed premises or on an approved storage location that is part of a licensed premises.*
- (2) **3321.2** *"1.3G" fireworks, black powder, and other raw bulk explosive materials shall be stored in magazines in accordance with the provisions of this rule.*
- (3) **3321.3 Trailers and magazines for the storage of fireworks.** *Fireworks may be stored in trailers if the trailers are properly enclosed, secured, placarded, and grounded and are separated from any structure to which the public is admitted by a distance that will allow fire-fighting equipment to have full access to the structures on the licensed premises in accordance with rule 1301:7-7-05 of the Administrative Code or as approved in writing by the local fire code official. In no instance shall trailers used for the storage of fireworks be located at a distance*

less than the minimum separation distances specified in NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks. Members of the public shall be prohibited from access to the contents of any storage trailers at all times. Trailers and magazines used for the storage of fireworks shall be completely enclosed with an approved steel chain link fence or similar barrier at least 6 feet high. The state fire marshal shall approve the installation and location of such fences or similar barriers. The installation and location of such fences or similar barriers shall properly maintain the required fire department access and properly prohibit unauthorized public access. Such fences or similar barriers shall be separated from all storage trailers and magazines containing fireworks by at least 10 feet and shall have a gate that is locked and secured against unauthorized entry.

- (a) **3321.3.1** The storage of any 1.3G fireworks in semi-trailers is limited to the normal loading and unloading of shipments of fireworks that have been shipped in accordance with DOTn regulations.

Exception: Semi-trailers which have been converted to a magazine approved for the storage of explosive materials.

- (b) **3321.3.2** Fireworks may be stored in trailers at approved storage locations only in accordance with the provisions of sections 3743.04 (J) and 3743.17 (H) of the Revised Code and this rule.

(V) **Section 3322 Fireworks showrooms**

(1) **3322.1 General requirements.**

- (a) **3322.1.1 Applicability limitations.** The provisions of paragraph (U)(3322) of this rule concerning the structure of the buildings used on a licensed premises or with the distance requirements of division (G) of section 3743.06 or division (H) of section 3743.19 of the Revised Code does not apply to buildings that were erected on or before May 30, 1986 and were occupied by a licensed manufacturer or wholesaler with a license for that location prior to December 1, 1990.
- (b) **3322.1.2 Safety provisions.** The safety requirements established in division (C) of section 3743.25 of the Revised Code and paragraph (T)(3320) of this rule are not subject to any variance, waiver or exclusion pursuant to Chapter 3743. of the Revised Code or any applicable building code.

- (c) **3322.1.3 Number of sales structures.** Each licensed premises shall only contain one sales structure.
- (d) **3322.1.4 Public access.** The only structures, or portions thereof, on a licensed premises that the public may enter are approved retail sales or representative sample showrooms meeting the provisions of this rule. The public is prohibited from accessing any other structures, buildings, magazines or storage trailers on the licensed premises.
- (e) **3322.1.5 Age limitations.** No person shall sell 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.
- (f) **3322.1.6 Safety officer.** A uniformed safety officer shall be present at all times that any fireworks building is open to the public during the period commencing fourteen days before, and ending two days after, each fourth of July. The officer shall be highly visible, stationed at the showroom entrance, and shall enforce the provisions of Chapter 3743. of the Revised Code and any applicable fire and building codes, including but not limited to maximum occupancy load and no smoking regulations to the extent the officer is authorized by law, and be one of the following:
- (i) A deputy sheriff;
 - (ii) A law enforcement officer of a municipal corporation, township, or township or joint township police district;
 - (iii) A private uniformed security guard registered under section 4749.06 of the Revised Code.
- (g) **3322.1.7 Fuses.** If any fireworks item is removed from its original package or is manufactured with any fuse other than a safety fuse approved by the consumer product safety commission, then the item shall be covered completely by repackaging or bagging or it shall otherwise be covered so as to prevent ignition prior to sale.
- (h) **3322.1.8 Location requirements.** All retail sales and representative sample showrooms shall be located on grade level only.
- (i) **3322.1.9 Occupant load.** A sufficiently sized and legible copy of the approved maximum occupant load shall be prominently posted within

every retail sales or representative sales showroom structure near the main entrance.

(2) **3322.2 Construction and maintenance requirements.**

(a) **3322.2.1 General.**

(i) **3322.2.1.1 Awnings and tents.** *Awnings and tents shall not be used as facilities for the sale or storage of fireworks. An awning or tent attached to a retail sales or representative sample showroom may be used for storing nonflammable shopping convenience items such as shopping carts or baskets or for providing a shaded area for patrons waiting to enter the public sales area.*

(ii) **3322.2.1.2 Fire protection systems.** *Each fire alarm, fire detection, smoke control, fire suppression or other fire protection system installed in each building on the licensed premises shall be inspected, tested and maintained in an operable condition in accordance with the requirements of the Revised Code and the building code as listed in rule 1301:7-7-47 and this code.*

(a) *If any fire alarm, fire detection, smoke control or other fire protection system, or critical component of any such systems, is not functioning or has been turned off for repair or maintenance, the building shall be closed to members of the public unless the state fire marshal approves a fire watch while the system is being repaired or maintained.*

(b) *Suppression system. A fire suppression system as defined in section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the state fire marshal, that the facility is closed to all public access during the winter months, or maintenance of the system. If any repair or maintenance is necessary during the times when the facility is open for public access and business as approved by the state fire marshal, the licensee shall notify in advance the state fire marshal, the appropriate insurance company and fire chief or fire prevention officer regarding the nature of the maintenance or repair and the time when it will be performed.*

(c) *If any fire suppression system as defined in section 3781.108 of the Revised Code is not functioning or has been turned off for repair or maintenance, the fireworks wholesale showroom shall be closed to members of the*

public unless the state fire marshal approves a fire watch while the system is being repaired or maintained.

(iii) **3322.2.1.3 Separation.** *All fireworks sales structures shall be separated by construction or distance from the storage facilities. Storage areas for fireworks that are in the same building where fireworks are displayed and sold to the public shall be separated from the areas to which the public has access by an appropriately rated fire wall in accordance with the building code as listed in rule 1301:7-7-47 of the Administrative Code. If the licensee installs and properly maintains a sprinkler system that utilizes early suppression fast response sprinkler heads throughout the structure and the sprinkler system is designed and installed in compliance with NFPA 13 as listed in rule 1301:7-7-47 of the Administrative Code, a fire barrier wall may be substituted for a fire wall between the areas to which the public has access and the storage portions within the structure.*

(iv) **3322.2.1.4 Storage.** *All licensed premises shall have an approved storage building, structure or magazine located on the premises as required by the provisions of this rule. A license shall not be issued to any manufacturer or wholesaler for a showroom area that does not have an approved storage building, structure or magazine that meets the provisions of this rule.*

(3) **3322.3 Retail sales showroom.**

(a) **3322.3.1 Retail sales showroom safety requirements.** *A licensed manufacturer or wholesaler shall bring retail sales showroom structures, to which the public may have access and in which employees are required to work, on all licensed premises, into compliance with the following safety requirements:*

(i) **3322.3.1.1 Fire protection systems.** *A retail sales showroom that is constructed, undergoes major alteration or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance in the department of commerce. The fire suppression system shall be a wet sprinkler system designed and installed in accordance with NFPA 13 as listed in rule 1301:7-7-47 of the Administrative Code.*

A fireworks showroom structure that exists on July 1, 1997, shall be retrofitted on or before June 1, 1998, with interlinked fire detection, smoke exhaust, and smoke evacuation systems that are

approved by the superintendent of the division of industrial compliance. If meeting these retrofitting requirements would constitute an extreme financial hardship that would force a licensee to terminate business operations, the licensee shall conduct sales only on the basis of defused representative samples in closed and covered displays within the fireworks showroom.

- (ii) **3322.3.1.2 Maximum size.** A retail sales showroom that first begins to operate on or after June 30, 1997, and to which the public has access for retail purposes shall not exceed five thousand square feet in floor area.
- (iii) **3322.3.1.3 Floor plans.** A newly constructed or existing fireworks showroom structure that existed on September 23, 2008, but that is constructed, altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent of the division of industrial compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.
- (iv) **3322.3.1.4 Egress plans.** A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent of industrial compliance, and that are submitted under seal as required by section 3791.04 of the Revised Code.
 - (a) A sufficiently sized and legible copy of the approved egress floor plan shall be prominently posted within the showroom structure near the main entrance.
 - (b) Any proposed change to the approved egress floor plan shall be submitted to the state fire marshal and superintendent of the division of industrial compliance for approval. Changes shall not be made to aisle widths, egress patterns, location or overall height of showroom fixtures or other elements of the approved egress floor plan without first obtaining the written approval of the state fire marshal and superintendent of the division of industrial compliance.

- (v) **3322.3.1.5 Occupancy load.** *The maximum occupant load for any retail sales showroom shall not exceed one occupant per sixty square feet of gross floor area. The maximum occupant load may be increased to one occupant per thirty square feet of gross floor area if both of the following conditions are satisfied:*
- (a) *A minimum of one means of egress approved by the building official and the state fire marshal is provided for each twenty-five occupants or fraction thereof.*
 - (b) *A minimum of three means of egress approved by the building official and the state fire marshal are located to provide direct access in separate directions from any point in the area served so as to minimize the possibility that adequate exit capacity would be blocked by any one fire or other emergency condition.*
- (4) **3322.4 Representative sample showroom.** *A licensed premises may contain one structure or portions thereof, to which the public may have access for the purpose of conducting sales from a representative sample showroom. All such representative sample showrooms shall be:*
- (a) **3322.4.1 Occupancy.** *Constructed, altered and maintained in accordance with the building code as listed in rule 1301:7-7-47 of the Administrative Code for a use and occupancy group that permits mercantile sales and this code and approved by the building official having jurisdiction over the subject facility via a valid certificate of occupancy and the state fire marshal for such use.*
 - (b) **3322.4.2 Notice.** *Prior to any such construction, alteration, or use of a structure, or portion thereof, for public view of product representations, the licensee shall notify the state fire marshal in writing of the intent to alter, construct or utilize a structure, or portion thereof, for public viewing of product representations and obtain authorizations for such use and for the construction of or alteration of such structures, or portions thereof, in accordance with paragraph (T)(3320.2) of this rule.*
 - (c) **3322.4.3** *Operated in accordance with the certificate of occupancy, the use group classifications and maximum occupant load requirements of the building code as listed in rule 1301:7-7-47 of the Administrative Code, this code, and the approval described in this paragraph.*
 - (d) **3322.4.4** *A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, explosives, explosive materials, fireworks, or any similar hazardous materials or substances. When the*

public has access to a representative sample showroom, such structures or portions thereof may only contain a product representation that consists of paper materials, packaging materials, catalogs, photographs or similar product depiction. The public may not access any other portions of such structures.

- (e) **3322.4.5** A representative sample showroom shall be used only for the public viewing of firework product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions.

(5) **3322.5 Sales. General.**

- (a) **3322.5.1 Sales from a licensed building.** *At no time shall a licensed manufacturer or wholesaler sell any class of fireworks outside a licensed building. A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. The sale of fireworks from a storage building or magazine is prohibited and the general public shall be prohibited from such areas.*
- (b) **3322.5.2** *The sale of fireworks from motor vehicles is prohibited.*
- (c) **3322.5.3 Sales from a representative sample showroom.** *The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample showroom structure shall not occur inside any structure on a licensed premises, but shall occur on the licensed premises.*
- (d) **3322.5.4 Retail sales.** *A retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.*

All retail sales of 1.4G fireworks by a licensed manufacturer or wholesalers shall only occur from the inside of an approved retail sales showroom or a representative sample showroom, located on a licensed premises and from no other structure or device outside a licensed building.

- (e) **3322.5.5 Wholesale sales.** *All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:*
 - (i) *The direct sale and shipment of fireworks to a person outside of this state;*

- (ii) *From an approved retail sales showroom as described in this paragraph;*
- (iii) *From a representative sample showroom as described in this paragraph;*
- (iv) *By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.*
- (v) *Any other method as described in this rule.*

(W) Section 3323 Fireworks wholesale and retail business hours

- (1) **3323.1 Waiver.** *An application from a licensed wholesaler to waive the business hour requirements of division (H) of section 3743.19 of the Revised Code shall contain all of the following information:*
 - (a) **3323.1.1** *The name, address, and license number of the wholesaler.*
 - (b) **3323.1.2** *The reason for closing the business.*
 - (c) **3323.1.3** *The exact date the business will be closed and the exact date the business will reopen.*
 - (d) **3323.1.4** *An inventory list of the fireworks that will be stored on the premises during the time that the business is closed.*
 - (e) **3323.1.5** *A name, telephone number and address where the licensed wholesaler may be contacted in the event of an emergency.*
 - (f) ~~3324.1.6~~ **3323.1.6** *The name, address and telephone number of a responsible person who shall have access and keys to all buildings on the premises.*
 - (g) **3323.1.7** *The manner in which the building(s) and site have been secured to prevent trespassing, theft, or unauthorized entry into the building(s) or structure(s).*
 - (h) **3323.1.8** *The name and signature of the local fire official and law enforcement officer who have been notified of the anticipated closing date.*
 - (i) **3323.1.9** *The name and signature of the fire and buildings officials who have been notified if the fire suppression system is to be turned off while the facility is closed.*

- (2) **3323.2** *If a licensed wholesaler is granted a waiver pursuant to this paragraph and the wholesaler reopens the premises listed in the waiver for fireworks sales prior to the expiration date of the waiver period, the licensed wholesaler shall notify in writing the state fire marshal, local fire official and the local law enforcement officer of the date the wholesaler reopens.*
- (3) **3323.3** *If a licensed wholesaler reopens pursuant to paragraph (W)(2)(3323.2) of this rule, any waiver granted to the wholesaler under this paragraph shall automatically expire.*

(X) Section 3324 Storage locations

- (1) **3324.1** *A licensed manufacturer or wholesaler may expand its licensed premises within the state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the license premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply:*
 - (a) **3324.1.1** *The licensee submits an application to the state fire marshal and an application fee of one hundred dollars per storage location for which the licensee is requesting approval.*
 - (b) **3324.1.2** *The identity of the holder of the license remains the same at the storage location.*
 - (c) **3324.1.3** *The storage location has received a valid certificate of zoning compliance as applicable and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this rule at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations.*
 - (d) **3324.1.4** *Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structure on the licensed premises in accordance with the distances specified in these rules.*
 - (e) **3324.1.5** *Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005.*

- (f) **3324.1.6** *The state fire marshal approved the application for expansion.*
- (2) **3324.2 Permitted uses of storage location.** *The storage location shall be considered part of the original licensed premises and shall use the same distinct number assigned to the original licensed premises with any additional designations as the state fire marshal deems necessary in accordance with section 3743.03 of the Revised Code.*
- (3) **3324.3** *A licensee who obtains approval for the use of a storage location in accordance with division (I) of section 3743.04 of the Revised Code shall use the storage location exclusively for the following activities, in accordance with this rule:*
- (a) **3324.3.1** *Packaging, assembling, or storing of fireworks, by a licensed manufacturer, which shall only occur in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not subject to regulation by the building code as listed in rule 1301:7-7-47 of the Administrative Code. All such storage shall be in accordance with NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code.*
- (b) **3324.3.2** *Distributing fireworks to other parcels of real estate located on the manufacturer's licensed premises, to licensed wholesalers or other licensed manufacturers in this state or to similar licensed persons located in another state or country.*
- (c) **3324.3.3** *Distributing fireworks to a licensed exhibitor of fireworks pursuant to a properly issued permit in accordance with this rule.*
- (4) **3324.4** *A licensee who obtains approval for the use of a storage location in accordance with division (G) of section 3743.17 of the Revised Code shall use the storage location exclusively for the following activities, in accordance with this rule:*
- (a) **3324.4.1** *Packaging, assembling, or storing fireworks, by a licensed wholesaler, which shall occur only in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers are not subject to regulation by the building code as listed in rule 1301:7-7-47 of the Administrative Code. All such storage shall be in accordance with NFPA 1124 as listed in rule 1301:7-7-47 of the Administrative Code.*

- (b) **3324.4.2** *Distributing fireworks to other parcels of real estate located on the manufacturer's licensed premises, to licensed wholesalers or other licensed manufacturers in this state or to similarly licensed persons located in another state or country.*
- (c) **3324.4.3** *Distributing fireworks to a licensed exhibitor of fireworks pursuant to a properly issued permit in accordance with this rule.*
- (5) **3324.5** *Limitations on sales activity at a storage location.* A licensed manufacturer or wholesaler shall not engage in any sales activity, including the retail sale of fireworks otherwise permitted under division (C)(2) or (C)(3) of section 3743.04 of the Revised Code or pursuant to section 3743.44 or 3743.45 of the Revised Code, at the storage location approved in accordance with this rule.
- (6) **3324.6** *Prohibitions against public access.* Each licensee responsible for a storage location shall prohibit public access to the storage location in accordance with this code.
- (a) **3324.6.1** *Storage locations shall be secured against unauthorized entry and safeguarded against inappropriate public access.*
- (i) **3324.6.1.1** *Manufacturer's storage locations consisting only of approved trailers or similar approved structures shall include provisions that preclude public access by providing a 6 foot high chain link fence a minimum of 10 feet from such trailer or structure that completely surrounds the trailer or similar structure in such a manner as to prohibit public access (or equivalent means) as approved by the state fire marshal.*
- (ii) **3324.6.1.2** *Storage locations consisting only of storage buildings shall include provisions that preclude public access to all storage and use areas where fireworks are stored or present within such storage buildings including but not limited to, proper separation assemblies with approved locks and security devices. All such security measures and installation of locks or devices shall be in accordance with the building code as listed in rule 1301:7-7-47 of the Administrative Code and approved by the state fire marshal.*
- (iii) **3324.6.1.3** *Storage locations consisting of buildings, structures and trailers shall include provisions that preclude public access by means of fences, proper separation assemblies, locks, security devices, or equivalent means to prevent accidental or intentional contact with the fireworks present at the storage location, in accordance with the provisions of this paragraph, the building code as listed in rule 1301:7-7-47 of the Administrative Code, and this code as approved by the state fire marshal.*

- (b) **3324.6.2** *The public shall not access a storage location unless such access is otherwise permitted by this rule.*
- (7) **3324.7** *A storage location approved by the state fire marshal in accordance with divisions (G) and (I) of section 3743.04 of the Revised Code may not be relocated for a minimum period of five years.*

(Y) Section 3325 Sale of fireworks

- (1) **3325.1 Purchaser form.** *The purchaser form for each retail or wholesale sale of fireworks to both residents and non-residents of this state shall be prescribed by the state fire marshal and provided by the seller to each purchaser. A copy of the purchaser form utilized by each seller shall be provided to the state fire marshal upon request. The form shall include, but not be limited to, the following information:*
 - (a) *The purchaser's name and address;*
 - (b) *The date of the purchase;*
 - (c) *A statement that the purchaser acknowledges that the purchaser is responsible for any illegal use of the fireworks, including any damages caused by their improper use;*
 - (d) *For a sale to a manufacturer, the name of the state and number of the purchaser's license or permit from that state or other verifying information authorizing the purchaser to manufacture;*
 - (e) *For a sale to a wholesaler, the name of the state and the number of the purchaser's license or permit from that state or other verifying information authorizing the purchaser to sell at wholesale;*
 - (f) *For a sale to an exhibitor from another state, the name of the state and the number of the purchaser's license or other verifying information authorizing the purchaser to conduct fireworks exhibitions, and, if applicable the permit information for the exhibition for which the fireworks are being purchased;*
 - (g) *For a sale at retail to an individual other than a wholesaler, manufacturer or exhibitor, the number of the purchaser's motor vehicle operator's license or other valid state issued identification card;*
 - (h) *The purchaser's signature;*

- (i) *A statement printed in bold letters indicating that knowingly making a false statement on the purchaser's form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree; and*
 - (j) *Such other information as the state fire marshal may require.*
- (2) **3325.2 Purchaser responsibilities.** *As required by the Revised Code, a purchaser of fireworks in this state shall legibly complete a firework's purchaser form, as prescribed by the state fire marshal, for each fireworks sales transaction engaged in by the purchaser in this state. The purchaser shall provide the information requested by the state fire marshal on the purchaser form provided by the seller, including, but not limited to, the purchaser's name, address, and drivers license number. The purchaser's copy of the completed purchaser form must accompany the purchased fireworks, must be attached to an invoice itemizing the quantity of fireworks purchased, and the amount of the sales transaction and must be made available upon request by a law enforcement officer or fire authority. The purchaser shall indicate on the purchaser's form whether the purchase is a retail sale or a wholesale sale. The purchaser is responsible for any illegal use of the fireworks purchased, including any damages caused by their improper or illegal use. The purchaser shall be responsible for the transportation of the fireworks so purchased directly out of this state within forty-eight hours after the time of their purchase.*
- (3) **3325.3 Manufacturer or wholesaler responsibilities.** *For each fireworks sales transaction conducted pursuant to section 3743.04 (C) or 3743.17 (C) of the Revised Code, the seller shall do the following:*
- (a) **3325.3.1** *Furnish a copy of the purchaser's form as prescribed by the state fire marshal to each purchaser for each fireworks sales transaction;*
 - (b) **3325.3.2** *Verify that the purchaser fully and legibly completes the purchaser's form;*
 - (c) **3325.3.3** *Attach to the purchaser's copy of the purchaser's form an invoice itemizing the quantity of fireworks purchased and the amount of the sales transaction;*
 - (d) **3325.3.4** *For each transaction that requires the completion of a purchaser's form, the seller shall maintain a readily identifiable record of the invoice itemizing the quantity of fireworks purchased and the amount of the sales transaction;*
 - (e) **3325.3.5** *Maintain the seller's copy of each purchaser's form and invoice for a period of three years after the date of the purchase and open to inspection by the state fire marshal or the state fire marshal's designated authority.*

Supplemental Page

“The Ohio Fire Code (“OFC”) designates and incorporates substantial portions of the ICC *INTERNATIONAL FIRE CODE/2009*, a copyrighted work owned by the International Code Council. The International Code Council, Inc., Falls Church, Virginia (“ICC”) asserts a copyright in those portions of the OFC based upon the *International Fire Code/2009*.

As an independent document, the ICC asserts that no part of the International Fire Code/2009 may be reproduced, distributed, or transmitted in any form or by any means, including, without limitation, electronic, optical, or mechanical means (by way of example, and not limitation, photocopying, or recording by or in an information storage and retrieval system) without its advance written permission. For information on permission to copy material from the IFC exceeding fair use, please contact: International Code Council, Attn: ICC General Counsel, Birmingham Regional Office, 900 Montclair Road, Birmingham, AL 35213-1206.



For copyright claim information, please see the notice attached to the last page of this rule.