



ORDINANCE 2022-29

AN ORDINANCE AMENDING THE CITY OF POWELL FIRE PREVENTION CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Powell previously adopted Resolution 2022-17, which placed a temporary moratorium on the sale of fireworks within the City and identified the potential need to amend or otherwise revise the City's Fire Prevent Code; and

WHEREAS, the City has had an opportunity to review the Fire Prevention Code in its entirety and has indeed identified a need to update the same, including addressing changes to the regulation of fireworks.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:

Section 1: The City of Powell Council hereby amends Part Fifteen of the Codified Ordinances, which is known as the Fire Prevention Code, consistent with the changes provided in the attached Exhibit A.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: This Ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety, and general welfare of the City, and for the specific reason to address safety concerns related to fire and fireworks issues.

[Signature] 10-4-22
Daniel Swartwout Mayor Date

[Signature] 10-5-22
Amy Deere City Clerk Date

EFFECTIVE DATE: November 4, 2022

This legislation has been posted in accordance with the City Charter on this date. [Signature] City Clerk



PART FIFTEEN FIRE PREVENTION CODE

CHAPTER 1501 FIRE PREVENTION CODE¹

Sections:

1501.01 ADOPTION.

The 2017 Ohio Fire Code, which incorporates the 2015 International Fire Code (“Fire Prevention Code”), including any changes, amendments, or updates thereto, shall apply and be in force in the City for the control of buildings and structures as herein provided.

(Ord. No. 97-51, 12-2-1997)

1501.02 ENFORCEMENT.

For the purposes of enforcing the Fire Prevention Code and the fire prevention measures of the Building Code, the Chief of Liberty Township Fire Department and his designated Fire Prevention Officers are hereby designated Fire Prevention Officers within the City of Powell.

(Ord. No. 97-51, 12-2-1997)

CHAPTER 1511 OPEN BURNING²

Sections:

¹Editor's note(s)—See sectional histories for similar state law

State law reference(s)—Appeals of orders, O.R.C. § 119.12; State certification of firefighters, O.R.C. §§ 737.08, 737.22, 3737.33; State certification of Fire Safety Inspectors, O.R.C. §§ 3737.01(C), 3737.34; Fire investigation, O.R.C. §§ 737.27, 3737.24 et seq.; Entry and Inspection, O.R.C. §§ 737.34 et seq., 3737.14, 3737.41, 3737.42; Common Pleas Court jurisdiction, O.R.C. §§ 3737.44(A), 3737.51(H); Ohio Fire Code, O.R.C. §§ 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.; Fire extinguishing and alarm systems in rest and nursing homes, O.R.C. § 3721.071; Self-service filling stations, O.R.C. § 3741.14; Fireworks, O.R.C. §§ 3743.27, 3743.32 et seq.

²Editor's note(s)—See sectional histories for similar state law

State law reference(s)—Air pollution control, O.R.C. Ch. 3704; Permit to burn construction debris, O.R.C. § 3704.11(C); Spreading fire through negligence, O.R.C. § 3737.62; Open burning, OAC Ch. 3745

1511.01 DEFINITIONS.

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

Agricultural waste means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings (including dismantled/fallen barns); garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

Economic poisons include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.

Garbage means any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

Landscape waste means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

Land clearing waste means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

Ohio EPA means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to O.R.C. § 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.

Open burning means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Ohio Administrative Code 3745-17-09, 3745-17-10 and 1301:7-7-02.

Residential waste means any waste material, including landscape waste, generated on the property of a one-, two- or three-family residence as a result of residential activities, but not including garbage, rubber, grease, asphalt, liquid petroleum products, or plastics.

Restricted area means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.

Unrestricted area means all areas outside the boundaries of a restricted area as defined in this section hereof.

State law reference(s)—(OAC 3745-19-01)

Bonfire have the same meaning as in O.A.C. 1301:7-7-02.

Recreational fire have the same meaning as in O.A.C. 1301:7-7-02.

State law reference(s)—(OAC 1301:7-7-03)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

- (a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.
- (b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.

State law reference(s)—(OAC 3745-19-02)

1511.03 OPEN BURNING IN RESTRICTED AREAS.

- (a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b)—(d) hereof; in O.R.C. § 3704.11 and in compliance with Section 1511.05 of this chapter.
- (b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:
 - (1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.
 - (2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:
 - A. They are fueled with clean seasoned firewood, natural gas, or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
 - B. They are not used for waste disposal purposes; and
 - C. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.
 - (3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of Rule 3745-50-45 of the Ohio Administrative Code.
 - (4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.
 - (5) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material and/or other drugs seized by federal, state or local law enforcement officials.

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

- (c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with subsection (b) of Section 1511.04:
 - (1) Prevention or control of disease or pests, with written or oral verification to the Ohio EPA from the Ohio Department of Health or local health department, the centers for disease control and prevention,

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- cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.
- (2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of subsection (b)(2) hereof, provided the following conditions are met:
- A. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;
 - B. They are not to be used for waste disposal purposes; and
 - C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.
- (3) Disposal of agricultural waste generated on the premises if the following conditions are observed:
- A. The fire is set only when atmospheric conditions will readily dissipate contaminants;
 - B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
 - C. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
 - D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
 - E. No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.
- (d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with subsection (a) of Section 1511.04, provided that any conditions specified in the permission are followed:
- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in subsection (b)(3) hereof;
 - (2) Instruction in methods of fire fighting or for research in the control of fire as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures," provided that the application required in subsection (a)(1) of Section 1511.04 is submitted by the commercial or public entity responsible for the instruction;
 - (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and, if required, performed as identified in the appendix to Rule 3745-19-03 of the Ohio Administrative Code. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval;
 - (4) Recognized horticultural, silvicultural (forestry), range or wildlife management practices; and
 - (5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.
- State law reference(s)—(OAC 3745-19-03)

1511.04 PERMISSION TO INDIVIDUALS AND NOTIFICATION TO THE OHIO EPA.

- (a) *Permission.*

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- (1) An application for permission to open burn shall be submitted in writing to Ohio EPA. The applicant shall allow Ohio EPA at least ten working days to review the permit. Applicant may proceed with burn upon receipt of written permission from Ohio EPA. Saturday, Sunday and legal holidays shall not be considered working days. The application shall be in such form and contain such information as required by the Ohio EPA.
 - (2) Except as provided in subsection (a)(6) and (a)(7) hereof, such applications shall contain, as a minimum, information regarding:
 - A. The purpose of the proposed burning;
 - B. The quantity or acreage and the nature of the materials to be burned;
 - C. The date or dates when such burning will take place;
 - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
 - E. The methods or actions which will be taken to reduce the emissions of air contaminants.
 - (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place and manner as to minimize the emission of air contaminants, when atmospheric conditions are appropriate; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Ohio Administrative Code.
 - (4) Except as provided in subsection (a)(6) hereof, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.
 - (5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.
 - (6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio fire academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to subsection (a)(1) hereof shall contain information as required in paragraph (a)(2) of this rule, except the information required in subsections (a)(2)C. and (A)(2)D. hereof need not be provided unless it is available at the time of submittal of the application. The academy shall contact the appropriate Ohio EPA district office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday and legal holidays shall not be considered working days.
 - (7) For open burning defined under subsection (d)(2) of Section 1511.03, and paragraph (C)(2) of Rule 3745-19-04 of the Administrative Code, permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with Rule 3745-20-03 of the Ohio Administrative Code.
- (b) *Notification.*
- (1) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday and legal holidays shall not be considered working days. It shall be in such form and contain such information as shall be required by the Ohio EPA.
 - (2) Such notification shall inform the Ohio EPA regarding:

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- A. The purpose of the proposed burning;
 - B. The nature and quantities of materials to be burned;
 - C. The date or dates when such burning will take place; and
 - D. The location of the burning site.
- (3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the applicant to this effect.

State law reference(s)—(OAC 3745-19-05)

1511.05 OPEN BURNING; RECREATIONAL FIRES; PORTABLE OUTDOOR FIREPLACES.

1511.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than \$500.00 or imprisoned not more than 60 days, or both.

CHAPTER 1519 FIREWORKS³

Sections:

1519.01 DEFINITIONS.

As used in this chapter:

Beer and *intoxicating liquor* have the same meaning as in O.A.C. 1301:7-7-02.

Booby trap have the same meaning as in O.A.C. 1301:7-7-02.

Cigarette load have the same meaning as in O.A.C. 1301:7-7-02.

1.3 G fireworks have the same meaning as in O.A.C. 1301:7-7-02.

1.4 G fireworks have the same meaning as in O.A.C. 1301:7-7-02.

Controlled substance have the same meaning as in O.A.C. 1301:7-7-02.

Fireworks have the same meaning as in O.A.C. 1301:7-7-02.

Licensed exhibitor of fireworks or *licensed exhibitor* have the same meaning as in O.A.C. 1301:7-7-02.

Licensed manufacturer of fireworks or *licensed manufacturer* have the same meaning as in O.A.C. 1301:7-7-02.

Licensed wholesaler of fireworks or *licensed wholesaler* have the same meaning as in O.A.C. 1301:7-7-02.

³State law reference(s)—Manufacturers to comply with building and zoning ordinances, O.R.C. § 3743.06(F); Wholesalers to comply with building and zoning ordinances, O.R.C. § 3743.19(G); Arrests, seizure of fireworks by certified fire safety inspector, O.R.C. § 3743.68; Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards, O.R.C. § 3781.11(D)

Novelties and trick noisemakers have the same meaning as in O.A.C. 1301:7-7-02. *Party popper* have the same meaning as in O.A.C. 1301:7-7-02.

Railroad have the same meaning as in O.A.C. 1301:7-7-02.

Smoke device have the same meaning as in O.A.C. 1301:7-7-02.

Snake or glow worm have the same meaning as in O.A.C. 1301:7-7-02.

Snapper have the same meaning as in O.A.C. 1301:7-7-02.

Trick match have the same meaning as in O.A.C. 1301:7-7-02.

Wire sparkler have the same meaning as in O.A.C. 1301:7-7-02.

State law reference(s)—(O.R.C. § 3743.01)

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

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

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

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

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

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

Each exhibitor shall provide an indemnity bond in the amount of at least \$1,000,000.00, with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned

for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least \$1,000,000.00 for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.
- (e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and O.R.C. Ch. 3743.

State law reference(s)—(O.R.C. § 3743.54)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

- (a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to O.R.C. § 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.
- (b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.
- (c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with O.R.C. §§ 3743.54 and 3743.55.
- (d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.
- (e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under O.R.C. § 3743.56.

State law reference(s)—(O.R.C. § 3743.64)

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

- (a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality unless otherwise permitted in this Chapter.
- (b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to O.R.C. §§ 3743.50—3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality except as may be otherwise authorized by the City on specific holidays. Any person specifically authorized to conduct fireworks exhibitions or otherwise permitted to discharge fireworks is also permitted to possess said fireworks for purposes of the exhibition or authorized discharge.
- (c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.
- (d) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

State law reference(s)—(O.R.C. § 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing 0.25 grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than 200 feet;

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- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

State law reference(s)—(O.R.C. § 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than \$1,000.00 or imprisoned not more than six months or both.

State law reference(s)—(O.R.C. § 3743.99(C))