

CHAPTER 91: FIREWORKS, EXPLOSIVES, FIRE PREVENTION

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FIREWORKS AND EXPLOSIVES

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1.3G FIREWORKS. Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49 of the Code of Federal Regulations.

1.4G FIREWORKS. Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49 of the Code of Federal Regulations.

BEER. Has the same meaning as in R.C. § 4301.01.

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.

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 R.C. § 3719.01.

DISCHARGE SITE. An area immediately surrounding the mortars used to fire aerial shells.

EXPLOSIVE. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes but is not limited to dynamite, black powder, pellet powders,

initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. The term does not include “fireworks”, as defined in R.C. § 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in R.C. § 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including but not limited to the provisions of R.C. § 3743.80 and the rules of the Fire Marshal adopted pursuant to R.C. § 3737.82. (R.C. § 2923.11) (Rev. 2009)

FIREWORKS. Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in R.C. § 3743.80.

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 chapter or R.C. Chapter 3743, or any applicable rule adopted under this chapter or R.C. Chapter 3743.

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.

INTOXICATING LIQUOR. Has the same meaning as in R.C. § 4301.01.

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 R.C. §§ 3743.50 through 3743.55.

LICENSED MANUFACTURER OF FIREWORKS or **LICENSED MANUFACTURER.** A person licensed pursuant to R.C. §§ 3743.02 through 3743.08.

LICENSED PREMISES. The real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

LICENSED WHOLESALER OF FIREWORKS or **LICENSED WHOLESALER.** A person licensed pursuant to R.C. §§ 3743.15 through 3743.21.

MANUFACTURING OF FIREWORKS. The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.

NOVELTIES and **TRICK NOISEMAKERS.**

(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.

PARTY POPPER. A small plastic or paper item that contains not more than 16 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.

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.

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.

RETAIL SALE or **SELL AT RETAIL.** A sale of fireworks to a purchaser who intends to use the fireworks and not to resell them.

SMOKE DEVICE. A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

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.

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.

STORAGE LOCATION. A single parcel or contiguous parcels of real estate approved by the Fire Marshal pursuant to R.C. § 3743.04(I) or R.C. § 3743.17(G) 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 this chapter.

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 100 grams of this mixture.
(R.C. § 3743.01) (Rev. 2009)

§ 91.02 POSSESSION, SALE, AND USE OF FIREWORKS.

(A) No person shall possess fireworks in this municipality or shall possess for sale or sell fireworks in this municipality, except a licensed manufacturer of fireworks as authorized by R.C. §§ 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 through 3743.21, a shipping permit holder as authorized by R.C. § 3743.40, an out-of-state resident as authorized by R.C. § 3743.44, a resident of this state as authorized by R.C. § 3743.45, or a licensed exhibitor of fireworks as authorized by R.C. §§ 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance.

(B) Except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. §§ 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this municipality.

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

(D) No person shall sell fireworks of any kind to a person under 18 years of age. No person under 18 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 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(E) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder shall possess 1.3G fireworks in this municipality.
(R.C. § 3743.65(A) - (E)) (Rev. 2009) Penalty, see § 91.99

Statutory reference:

Felony offense for disabling a fire suppression system, see R.C. § 3743.65(F)

§ 91.03 PERMIT TO USE FIREWORKS.

(A) An exhibitor of fireworks licensed under R.C. §§ 3743.50 through 3743.55 who wishes to conduct a public fireworks exhibition shall apply for approval to conduct the exhibition to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, having jurisdiction over the premises.

(B) The approval required by division (A) of this section 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. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the State Fire Marshal or, if available, from the Fire Chief, a fire prevention officer, the Police Chief or other similar chief law enforcement officer, or a designee of the Police Chief or other similar chief law enforcement officer.

(C) 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 the designee of the Police Chief or other 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 his or her license as an exhibitor of fireworks to the Fire Chief or fire prevention officer.

(D) The Fire Chief or fire prevention officer and the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other 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 State Fire Marshal pursuant to 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 with the designee of the Police Chief or other 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 a permit for noncompliance with the rules.

(E) If the Legislative Authority has prescribed a fee for the issuance of a permit for a public fireworks exhibition, the Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor pays the requisite fee.

(F) Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars with surety satisfactory to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other 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 person or property emanating from the fireworks exhibitor, or proof of insurance coverage of at least one million dollars for liability arising from injury, death, or loss of 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 division. The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this division or by the Legislative Authority.

(G) 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 the designee of the Police Chief or other 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 designee of the Police Chief or other similar chief law enforcement officer, issuing it to the State Fire Marshal. A permit is not transferable or assignable.

(H) The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other 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 designee of the Police Chief or other

similar chief law enforcement officer, shall list the name of the exhibitor, his or her license number, the premises on which the exhibition will be conducted, the date and time of the exhibition, and the number and political subdivision designation of the permit issued to the exhibitor for the exhibition.

(I) The Legislative Authority 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 R.C. Chapter 3743.

(R.C. § 3743.54(B) - (F)) (Rev. 2002) Penalty, see § 91.99
Statutory reference:

Notice of fireworks incident, see R.C. § 3743.541

§ 91.04 MANUFACTURING OR WHOLESALE SALE WITHOUT A LICENSE; PROHIBITIONS.

(A) No licensed manufacturer or licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to R.C. §§ 3743.05 and 3743.18 or the requirements of R.C. §§ 3743.06 and 3743.19.

(B) No licensed manufacturer or licensed wholesaler of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by R.C. §§ 3743.07 and 3743.20, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to R.C. §§ 3743.08 and 3743.21.

(C) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to R.C. §§ 3743.01(B)(1) and 3743.21(B)(1) within the specified period of time.

(D) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to R.C. §§ 3743.08(B)(2) and 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour period specified in those divisions has expired, whichever occurs first.

(E) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant or on the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer or wholesaler pursuant to R.C. § 3743.06(C) or R.C. § 3743.19(D).

(F) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or

controlled substance while on the premises of the fireworks plant or on the premises of a wholesaler of fireworks. (R.C. §§ 3743.60(E) - (J), 3743.61(E) - (J)) (Rev. 1998) Penalty, see § 91.99

Statutory reference:

Felony provisions, see R.C. §§ 3743.60(A) through (D) and 3743.61(A) through (D)

§ 91.05 PURCHASERS TO COMPLY WITH LAW; UNAUTHORIZED PURCHASES.

(A) No person who resides in another state and purchases fireworks in this municipality shall obtain possession of the fireworks in this municipality unless the person complies with R.C. § 3743.44, provided that knowingly making a false statement on the fireworks purchasers form is not a violation of this section but is a violation of R.C. § 2921.13 (Falsification) or a substantially equivalent municipal ordinance.

(B) No person who resides in another state and who purchases fireworks in this municipality shall obtain possession of fireworks in this municipality other than from a licensed manufacturer or wholesaler, or fail, when transporting the fireworks, to transport them directly out of the state within 72 hours after the time of their purchase. No such person shall give or sell to any other person in this municipality fireworks that the person has acquired in this state.

(C) No person who resides in this state and purchases fireworks in this municipality shall obtain possession of the fireworks in this municipality unless the person complies with R.C. § 3743.45, provided that knowingly making a false statement on the fireworks purchasers form is not a violation of this section but is a violation of R.C. § 2921.13 (Falsification) or a substantially equivalent municipal ordinance.

(D) No person who resides in this state and who purchases fireworks in this municipality under R.C. § 3743.45 shall obtain possession of the fireworks in this municipality other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of the state within 48 hours after the time of their purchase. No such person shall give or sell to any other person in this municipality fireworks that the person has acquired in this state. (R.C. § 3743.63) (Rev. 1999) Penalty, see § 91.99

§ 91.06 EXHIBITION WITHOUT A LICENSE; PROHIBITIONS FOR EXHIBITIONS.

(A) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the State Fire Marshal pursuant to R.C. § 3743.53(B) and (E) or to comply with R.C. § 3743.53(C) and (D).

(B) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to R.C. § 3743.54 or a substantially equivalent municipal ordinance, or if a permit so secured is revoked by a Fire Chief or fire prevention officer, in consultation with a Police Chief or other similar chief law enforcement officer, or with a designee of a Police Chief or other similar chief law enforcement officer, pursuant to those sections.

(C) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with R.C. §§ 3743.54 and 3743.55, or a substantially equivalent municipal ordinance.

(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 State Fire Marshal under R.C. § 3743.56. (R.C. § 3743.64(C) - (G)) (Rev. 2002) Penalty, see § 91.99

Statutory reference:

Felony provisions, see R.C. § 3743.64(A), (B), and (H) Notice of fireworks incident, see R.C. § 3743.541

§ 91.07 UNAUTHORIZED TRANSPORTATION OR SHIPPING.

(A) No person shall transport fireworks in this municipality except in accordance with the rules adopted by the State Fire Marshal pursuant to R.C. § 3743.58.

(B) As used in this division, **FIREWORKS** includes only 1.3G and 1.4G fireworks. No person shall ship fireworks into this municipality by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under R.C. § 3743.40, and the fireworks are shipped directly to the holder of a license issued under R.C. § 3743.03, 3743.16 or 3743.51.

(C) No person shall ship fireworks within this municipality by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under R.C. § 3743.01, 3743.16 or 3743.51. (R.C. § 3743.66) (Rev. 1998) Penalty, see § 91.99

§ 91.08 APPLICATION OF SUBCHAPTER.

This subchapter does not 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 for ceremonial purposes;

(D) The manufacture for, the transportation, storage, possession or use by, or the 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 the following:

(1) No explosive aerial display is conducted in the exhibition;

(2) The exhibition is separated from spectators by not less than 200 feet;

(3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.
(R.C. § 3743.80) (Rev. 2008)

§ 91.09 ARREST OF OFFENDER; SEIZURE AND FORFEITURE OF FIREWORKS; DISTRIBUTION OF FINES.

(A) The Fire Marshal, an assistant fire marshal, or a certified fire safety inspector may arrest, or may cause the arrest of, any person whom he or she finds in the act of violating, or who he or she has reasonable cause to believe has violated, any provision of this subchapter. Any arrest shall be made in accordance with statutory and constitutional provisions governing arrests by law enforcement officers.

(B) If the Fire Marshal, an assistant fire marshal, or certified fire safety inspector has probable cause to believe that fireworks are being manufactured, sold, possessed, transported, or used in violation of this subchapter, he or she may seize the fireworks. Any seizure of fireworks shall be made in accordance with statutory and constitutional provisions governing searches and seizures by law enforcement officers. The Fire Marshal's office or certified fire safety inspector's office shall impound at the site or safely keep 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.

(C) Fireworks manufactured, sold, possessed, transported, or used in violation of this subchapter shall be forfeited by the offender. The Fire Marshal's office or certified fire safety inspector's office shall dispose of seized fireworks pursuant to the procedures specified in R.C. §§ 2981.11 to 2981.13 for the disposal of forfeited property by law enforcement agencies, and the Fire Marshal or that office is not liable for claims for the loss of or damages to the seized fireworks.

(D) This section does not affect the authority of peace officers, as defined in R.C. § 2935.01, to make arrests for violations of this subchapter or to seize fireworks manufactured, sold, possessed, transported, or used in violation of this subchapter.

(E) Any fines imposed for a violation of this subchapter relating to the sale, purchase, possession, or discharge of fireworks shall be distributed as set forth in R.C. § 3743.68(D).
(R.C. § 3743.68) (Rev. 2008)

§ 91.10 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.

(A) (1) Except as described in division (A)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this

section, 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.

(2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under R.C. § 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with R.C. § 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.

(B) 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:

(1) The direct sale and shipment of fireworks to a person outside of this state;

(2) From an approved retail sales showroom as described in this section;

(3) From a representative sample showroom as described in this section;

(4) 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.

(5) Any other method as described in rules adopted by the Fire Marshal under R.C. Chapter 119.

(C) (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.

(2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under R.C. Chapter 3781 and the Fire Code adopted under R.C. § 3737.82 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. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by

rules adopted by the State Fire Marshal pursuant to R.C. Chapter 119.

(3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:

(a) A fireworks showroom that is constructed 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 Labor in the Department of Commerce.

(b) A fireworks 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 5,000 square feet in floor area.

(c) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to R.C. § 3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Labor 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 of Labor.

(d) 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 Labor, and that are submitted under seal as required by R.C. § 3791.04.

(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

(R.C. § 3743.25) (Rev. 2010) Penalty, see § 91.99

§ 91.11 STORAGE OF EXPLOSIVES.

It shall be unlawful to store at any time within the municipality a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds.

Penalty, see § 91.99

Statutory reference:

Illegal manufacture or processing of explosives, felony provisions, see R.C. § 2923.17

§ 91.12 BLASTING PERMIT.

No person shall cause a blast to occur within the municipality without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the Mayor or other proper municipal officer. The Mayor or other proper municipal officer before granting such permit may require the applicant to provide a bond to indemnify the municipality and all other persons against injury or damages which might result from the proposed blasting.
Penalty, see § 91.99

FIRE PREVENTION**§ 91.30 REMOVAL OF FLAMMABLE MATERIALS OR OBSTRUCTIONS.**

Any flammable or combustible materials not arranged or stored in such a manner as to afford reasonable safety against the danger of fire, or any matter stored or arranged in such a manner as to impede or prevent access to, or exit from, any premises in case of fire, shall be ordered by the Fire Chief to be removed or rearranged in such manner as to eliminate any fire hazard. The order shall be in writing and delivered to the owner, lessee, or occupant of the premises.
Penalty, see § 91.99

§ 91.31 PROTECTIVE APPLIANCES.

If the Fire Chief finds upon inspection that the appliances for protection against fire are wholly wanting or are inadequate in number, condition, size, arrangement, or efficiency for the reasonable protection of the premises against fire, he or she shall cause an order in writing to be delivered to the owner, lessee, or occupant requiring the installation, replacement, or repair of appliances adequate for the reasonable protection of the premises in case of fire.
Penalty, see § 91.99

§ 91.32 COMPLIANCE WITH ORDER.

An order to correct the hazardous conditions specified in either § 91.30 or 91.31 shall be directed to the owner, lessee, or occupant of the premises, building, or structure, or to the person in control of the articles, material, goods, wares, or merchandise, or to the owner thereof, as the circumstances may require. It is made the duty of the owner, lessee, or occupant of the premises, building, or structure, and of the person in control of such articles, materials, goods, wares, and merchandise, or the owner thereof, to comply with the order with all reasonable dispatch and diligence.
Penalty, see § 91.99

§ 91.33 WASTE RECEPTACLES.

Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.
Penalty, see § 91.99

§ 91.34 HOTEL TO HAVE FIRE WARNING DEVICE PRODUCING VISIBLE SIGNAL.

(A) Every hotel shall have available at least one operational single station automatic fire warning device approved by the Fire Chief that produces a visible warning signal when activated by every product of combustion. The device, at the discretion of the owner, may also be activated by an early warning fire protection system. Hotels having fewer than 75 rooms shall have at least one warning device available for its guests. Hotels having more than 75 rooms shall have available for its guests one device for every group of 75 rooms. Upon the request of a guest, such a device, if available, shall be installed in the guest's room.

(B) As used in this section, *HOTEL* means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests in which five or more rooms are used for accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in R.C. § 5739.09(G).
(R.C. §§ 3781.107, 5739.01(M)) (Rev. 2010)

(C) Whoever violates the provisions of this section shall be fined not more than \$1,000.
(R.C. §§ 3791.02, 3791.03)

§ 91.35 FIRE SUPPRESSION SYSTEMS.

(A) Every building constructed in this municipality with floors used for human occupancy located more than 75 feet in height above the lower level of fire department vehicle access shall have a fire suppression system installed and in operation in conformity with the rules of the state Board of Building Standards adopted pursuant to R.C. § 3781.10.

(B) As used in this section:

FIRE SUPPRESSION SYSTEM. Means a system that includes devices and equipment to detect a fire, actuates an alarm, and suppress or control a fire.

HUMAN OCCUPANCY. Does not include floors of buildings where occupancy by humans is limited to ingress, egress, and limited access for maintenance and repair.
(R.C. § 3781.108(A), (B))

(C) Whoever violates the provisions of this section shall be fined not more than \$1,000.
(R.C. §§ 3791.02, 3791.03)

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it.
(R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

(R.C. § 3737.99(B))

Statutory reference:

*Fire Code violations, see R.C. §§ 3737.41 et seq.
Ohio Fire Code, see O.A.C. Chapter 1301:7-7*

§ 91.37 POSTING ARSON NOTICES IN HOTELS, MOTELS AND OTHER PLACES.

(A) The owner, operator or lessee of any hotel, motel or transient residential building shall post the provisions of R.C. §§ 2909.02 and 2909.03, regarding aggravated arson and arson, in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.
(R.C. § 3737.61)

(B) Whoever violates division (A) of this section is guilty of a minor misdemeanor.
(R.C. § 3737.99(C))

§ 91.38 NEGLIGENT BURNING.

(A) No person shall set, kindle, or cause to be set or kindled any fire which, through his or her negligence, spreads beyond its immediate confines to any structure, field or wooded lot.
(R.C. § 3737.62)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 3737.99(D))

Cross-reference:

Arson, see § 131.02

§ 91.39 SPREADING ALARM OF UNFRIENDLY FIRE.

(A) The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the state building code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire upon the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(B) As used in this section, **UNFRIENDLY FIRE** means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.
(R.C. § 3737.63)

(C) Whoever violates this section is guilty of a misdemeanor of the third degree.
(R.C. § 3737.99(E))

§ 91.40 UNVENTED HEATERS.

(A) The use of a brazier, salamander, space heater, room heater, furnace, water heater, or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases must comply with the following provisions;

(1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed, and maintained as to vent the products of combustion outdoors; except in storage, factory, or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed, or structure in which persons are temporarily present, shall be vented as provided in division (A)(1) or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(B) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(C) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(D) Division (A) above does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shut-off system, and that has its fuel piped from a source outside the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him or her under R.C. § 3737.82.

(E) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas, or liquid petroleum gas heaters exempted from division (A) above when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under R.C. § 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.

(F) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas, or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this division.

(G) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100°F or 37.8°C shall be sold, offered for sale, or used in any kerosene space heater.

(H) No device that prohibits any safety feature on a kerosene, natural gas, or liquid petroleum gas space heater from operating shall be sold, offered for sale, or used in connection with any kerosene, natural gas, or liquid petroleum gas space heater.

(I) No person shall sell or offer for sale any kerosene-fired, natural gas, or liquid petroleum gas-fired heater that is not exempt from division (A) above, unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use".

(J) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him or her under R.C. § 3737.82.
(R.C. § 3701.82)

(K) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 3701.99(B)) (Rev. 2005)

OPEN BURNING

§ 91.55 DEFINITIONS.

(A) *General definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

ECONOMIC POISONS. Include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

EMERGENCY BURNING. The burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:

- (a) A tornado;
- (b) High winds;
- (c) An earthquake;
- (d) An explosion;
- (e) A flood;
- (f) A hail storm, a rain storm, or an ice storm.

GARBAGE. Any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

LAND CLEARING WASTE. 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.

LANDSCAPE WASTE. Any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

OHIO EPA. The Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to R.C. § 3704.03 or the Chief of any Ohio Environmental Protection Agency District Office.

OPEN BURNING. 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. The term includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of O.A.C. 3745-17-09 or 3745-17-10.

RESIDENTIAL WASTE. Any waste material, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.

RESTRICTED AREA.

(a) Except as provided in division (b) of this definition, the area within the boundary of any municipal corporation established in accordance with the provisions of R.C. Title 7, 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.

(b) The term shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of § 91.57.

UNRESTRICTED AREA. All areas outside the boundaries of a "restricted area" as defined above.

(B) *Incorporation by reference.* This subchapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this subchapter. The materials are hereby made a part of the regulations in this subchapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this subchapter. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) *Availability.* The materials incorporated by reference are available as follows: National Fire Protection Association - Information on the National Protection Association codes may be obtained by contacting association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered online

at: www.nfpa.org/catalog/home/index.asp. Copies of the code are available at most public libraries and at the State Library of Ohio.

(2) *Incorporated materials.* The following material is incorporated: NFPA publication 1403, *Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures*, November 2001 Edition. (O.A.C. § 3745-19-01) (Rev. 2007)

§ 91.56 RELATIONS TO OTHER PROHIBITIONS.

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

(B) No provisions of O.A.C. 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. (O.A.C. § 3745-19-02) (Rev. 1999) Penalty, see § 91.99

§ 91.57 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 divisions (B) to (D) of this section or in R.C. § 3704.11.

(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 O.A.C. 3745-50-45(D)(1)(d).

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

(5) Fires allowed by divisions (B)(1), (B)(2), and (B)(4) of this section 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 § 91.58(B):

(1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of division (B)(2) of this section, 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 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 1,000 feet from any inhabited building not located on said premises;

(d) The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

(e) No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(D) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with § 91.58(A), 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 division (B)(3) of this section;

(2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403, *Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures*, provided that the application required in § 91.58(A)(1) is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix to O.A.C. 3745-19-03. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

(4) Recognized horticultural, silvicultural, range, or wildlife management practices; and

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(O.A.C. § 3745-19-03) (Rev. 2007) Penalty, see § 91.99

§ 91.58 PERMISSION AND NOTICE TO OPEN BURN.

(A) *Permission.*

(1) An application for permission to open burn shall be submitted in writing at least 10 working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as required by the Ohio EPA.

(2) Except as provided in divisions (A)(6) and (A)(7) of this section, such applications shall contain, as a minimum, information regarding:

(a) The purpose of the proposed burning;

(b) The nature of quantities of material to be burned;

(c) The date or dates when such burning will take place;

(d) The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and

(e) The methods or actions which will be taken to reduce the emissions of air contaminants.

(3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of O.A.C. Chapter 3745-19.

(4) Except as provided in division (A)(6) of this section, 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 division (A)(1) of this section shall contain information as required in division (A)(2) of this section, except the information required in divisions (A)(2)(c) and (A)(2)(d) of this section need not be provided unless it is available at the time of submittal of the application. The Academy shall contact the appropriate Ohio EPA District Office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday, and legal holidays shall not be considered a working day.

(7) For open burning defined under paragraph § 91.57(D)(2) and O.A.C. 3745-19-04(C)(2), 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 O.A.C. 3745-20-03.

(B) *Notification.*

(1) Notification shall be submitted in writing at least 10 working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a

working day. It shall be in such form and contain such information as shall be required by the Ohio EPA.

(2) Such notification shall inform the Ohio EPA regarding:

- (a) The purpose of the proposed burning;
- (b) The nature and quantities of materials to be burned;
- (c) The date or dates when such burning will take place; and
- (d) The location of the burning site.

(3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under O.A.C. Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.

(O.A.C. § 3745-19-05) (Rev. 2007) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the penalty as provided in § 10.99.

(B) (1) Except as otherwise provided in division (B)(2) or (B)(3) of this section, whoever violates any provisions of §§ 91.01 through 91.08 is guilty of a misdemeanor of the first degree.

(2) If the offender previously has been convicted of or pleaded guilty to a violation of R.C. § 3743.60(I) or R.C. § 3743.61(I), or a substantially equivalent municipal ordinance, a violation of § 91.04(E) is a felony to be prosecuted under appropriate state law.

(3) Whoever violates § 91.06(A) is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this division and unless the third sentence of this division applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended, and the person is ineligible to apply for either type of licence, for a period of five years. If the violation of § 91.06(A) results in serious physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked, and that person is ineligible to apply for a license as or to be licensed as an exhibitor of fireworks or as an assistant exhibitor of fireworks in this state.

(R.C. § 3743.99(C), (D)) (Rev. 2002)

Statutory reference:

Civil penalties for violations of State Fire Code, see R.C. § 3737.51(B) through (H)

