

CODIFIED ORDINANCES OF HURON
PART FIFTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF HURON
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CHAPTER 1501
Ohio Fire Code

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CROSS REFERENCES

See sectional histories for similar State law

Appeals of orders - see Ohio R.C. 119.12

State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33

State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34

Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.

Entry and Inspection - see Ohio R.C. 737.34 et seq., 3737.14, 3737.41, 3737.42

Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)

Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.

Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071

Self-service filling stations - see Ohio R.C. 3741.14

Fireworks - see Ohio R.C. 3743.27, 3743.32 et seq.

1501.01 ADOPTION.

(a) Pursuant to Section 3.08 of the Charter there is hereby adopted, as the Fire Prevention Code of the City, the most current edition of the Ohio Fire Code.

(b) The most current edition of the Ohio Fire Code, as adopted by the State of Ohio, is incorporated herein as fully as if set out at length.
 (Ord. 1993-12. Passed 12-13-93.)

1501.02 INSPECTION AND SALE COPIES.

Pursuant to Section 3.08 of the Charter, six copies of the Fire Prevention Code adopted herein shall be kept on file in the Office of the City Manager and Council Clerk during regular business hours, for consultation by interested persons. Copies shall also be available for sale in the Offices of the Council Clerk and City Manager.
(Ord. 1993-12. Passed 12-13-93.)

1501.03 AMENDMENTS.

The Ohio Fire Code adopted herein, is amended and changed as follows:

Section 1301:7-3-06 Variances.

This section is hereby amended to read in full as follows:

1301:7-3-06 Board of Appeals.

Appeals to the Board may be taken by any person aggrieved by any decision or interpretation by the Fire Official made under the provisions of this Code. The Board of Appeals shall consist of five members who are qualified by experience and training to rule on matters pertaining to building construction and fire prevention. The Board of Appeals shall be appointed by the Mayor with the consent of Council and shall hold office in accordance with the terms of the appointment. The Board shall adopt reasonable rules and regulations for conducting its hearings and the results shall be made a part of the public record.

Section FM-2707.3 Bond or Insurance.

This section is hereby amended to read in full as follows:

FM-2707.3 Bond or insurance.

The applicant for a fireworks exhibition permit shall provide to the local fire official and law enforcement officer an indemnity bond or certificate of insurance in the amount of at least one million dollars (\$1,000,000) 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 or the jurisdiction on account of injury, death, or loss to persons or property emanating from the fireworks exhibition or for the liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition.

(Ord. 1993-12. Passed 12-13-93.)

1501.04 PERMIT FEES.

The fee for all permits required by the Fire Code, herein enacted shall be thirty dollars (\$30.00) except for a permit for the installation of tanks for the storage of flammable and/or combustible liquids, which fee shall be fifty dollars (\$50.00) for each such container or tank.
(Ord. 1993-12. Passed 12-13-93.)

**1501.05 FIRE DAMAGED STRUCTURES; REMOVAL OR
REPAIR SECURING FUNDS.**

The Municipality hereby authorized the procedure described in Ohio R.C. 3929.96(C) and (D) to be implemented whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the Municipality unless the applicable provisions of Ohio R.C. 3929.86 are fully complied with. The Fire Chief is hereby designated as the officer authorized to carry out the duties of Ohio R.C. 3929.86. The Clerk of Council shall file a certified copy of this section with the State Superintendent of Insurance. (Ord. 1993-12. Passed 12-13-93.)

**1501.06 SMOKING PROHIBITED IN CITY BUILDINGS
AND VEHICLES.**

(a) No person shall at any time smoke or carry a lighted cigar, cigarette, pipe or match, or use any spark or flame producing device in any of its buildings or vehicles.

(b) Whoever violates any provision of this section shall be guilty of a minor misdemeanor subject to the penalty provided in the Codified Ordinances Section 501.99. (Ord. 1994-1. Passed 2-28-94.)

1501.99 PENALTY.

Whoever violates any provision of this chapter, the Ohio Fire Code adopted hereunder, or any lawful order issued pursuant thereto is guilty of a minor misdemeanor on the first offense; on the second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree.

Any such violation shall constitute a separate offense on each successive day continued. (Ord. 1993-12. Passed 12-13-93.)

CHAPTER 1503
Storage of Liquefied Petroleum Gas

1503.01	Rules established.	1503.05	Appeals.
1503.02	Small tanks or containers.	1503.06	Revocation of permits.
1503.03	Large tanks or containers; permit.	1503.07	Interpretation of regulations.
1503.04	Fire limit districts.	1503.99	Penalty.

CROSS REFERENCES

Storage limits - see FIRE PREV. 1501.04

Liquefied petroleum gas - see OAC 1301:7-7-31;
FIRE PREV. 1501.03

1503.01 RULES ESTABLISHED.

Rules, regulations and permit requirements governing the installation and maintenance of liquefied petroleum gas tanks and containers are hereby established for the City. (Ord. 1973-16. Passed 3-26-73.)

1503.02 SMALL TANKS OR CONTAINERS.

Tanks or containers for liquefied petroleum gas of 125 gallons or less capacity shall be installed on a stable base and be anchored by at least one-eighth inch chain or cable or comparable fasteners. (Ord. 1973-16. Passed 3-26-73.)

1503.03 LARGE TANKS OR CONTAINERS; PERMIT.

Tanks and containers for liquefied petroleum gas of more than 125 gallons capacity shall be subject to the following rules and regulations:

- (a) All such tanks and other containers, together with piping, tubing and hoses shall be tested for leaks at operating pressures after assembly and installation.
- (b) All such tanks and containers shall have safety valves as required by law.
- (c) All above ground tanks and containers shall be kept properly painted.
- (d) The Chief of the Fire Division may require all such tanks and containers to be enclosed with an industrial type fence no less than six feet in height, which fence shall have at least one means of emergency exit located to the side of the tank, and which fence shall at no point be nearer than three feet to the tank or container. The Chief of the Fire Division shall determine the requirements of fencing for each installation and shall base his determination on the need of fencing as it relates to the safety of the public.

- (e) All such tanks and containers shall be installed on a cement or other approved foundation and containers shall be mounted on saddles which permit expansion and contraction.
- (f) The area between such tank or container and the fence surrounding the same shall be covered with a plastic or similar type material and shall then be covered with crushed stone to a depth of at least four inches,
- (g) All installations shall have adequate provision for expansion, contraction, jarring, vibration and settling by making use of flexible connections or other approved means.
- (h) No such tanks or containers shall be installed underground nor shall any such tanks or containers be installed on any roof or other location determined by the Chief of the Fire Division to be hazardous or unsuitable.
- (i) Anyone wishing to build, erect, install or construct such a tank or other container shall first apply to the Chief of the Fire Division for a permit authorizing such building, erection, installation or construction. Application shall be made upon forms made available and approved by the Chief and the application shall be accompanied by plans and drawings showing the proposed location of the bulk tank or container and indicating the distance of the tank or container from property lines, buildings and structures of any kind, and from the fence mentioned in subsection (d) hereof, if required.
(Ord. 1973-16. Passed 3-26-73.)

1503.04 FIRE LIMIT DISTRICTS.

No tanks or containers for liquefied petroleum gas, regardless of capacity, shall be installed or permitted to remain within any area which by ordinance has been or is hereafter designated as a fire limit district. However, the Chief of the Fire Division may, in his discretion, issue permits for the temporary use of propane within a fire limit district.
(Ord. 1973-16. Passed 3-26-73.)

1503.05 APPEALS.

Whenever the Chief of the Fire Division disapproves an application for a permit required under this chapter, or when it is claimed that the provisions of this chapter do not apply, or that the true intent and meaning of this chapter have been misconstrued or wrongly interpreted, the applicant may appeal such decision within thirty days from the date thereof to Council.
(Ord. 1973-16 Passed 3-26-73.)

1503.06 REVOCATION OF PERMITS.

A permit which is issued by virtue of this chapter shall nevertheless be subject to revocation by the Chief of the Fire Division when it is determined that the holder of the permit is in violation of any provision of this chapter relating to the subject matter of the permit.
(Ord. 1973-16. Passed 3-26-73.)

1503.07 INTERPRETATION OF REGULATIONS.

The provisions of this chapter shall not be construed to prevent, nor is it intended to prevent, the enforcement of other ordinances, codes, statutes or regulations which prescribe more restrictive limitations or which require higher standards, nor shall the same be construed so as to permit or authorize the use, occupancy or operation prohibited by the Codified Ordinances. (Ord. 1973-16 Passed 3-26-73.)

1503.99 PENALTY.

- (a) Whoever:
- (1) Violates any provision of this chapter;
 - (2) Fails to comply herewith;
 - (3) Fails to obtain the permit herein required;
 - (4) Violates or fails to comply with any order made hereunder;
 - (5) Builds, constructs or erects any tank or container in violation of any provisions hereof or in violation of the plans submitted with the application for a permit or any permit issued hereunder and from which no appeal has been taken; or
 - (6) Fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, shall, for each violation and noncompliance respectively, be guilty of a minor misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 1505
Open Burning

1505.01	Fires prohibited.	1505.05	Burning in parks, beaches and public property.
1505.02	Burning location restricted on public property.	1505.06	Special permit for noncompliance; exceptions.
1505.03	Burning during construction or demolition of buildings.	1505.07	Chief of the Fire Division may prohibit.
1505.04	Fires prohibited on street pavement.	1505.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Air pollution control - see Ohio R.C. Ch. 3704
 Municipal authorization for open burning - see Ohio R.C. 3704.12
 Spreading fire through negligence - see Ohio R.C. 3737.62
 Bonfires and outdoor rubbish fires - see OAC 1301:7-7-03

1505.01 FIRES PROHIBITED.

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained within the municipal boundaries unless specifically provided herein. Allowed open burning includes bonfires, campfires and use of outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following 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.
- (d) Burning of yard waste, leaves and garden waste is strictly prohibited.
- (e) All such fires shall be located a minimum of twenty-five feet from any structure or combustible material. Conditions which could cause a fire to spread within twenty-five feet of a structure shall be eliminated with the following exception:
 - (1) Fires in an approved outdoor fireplace, chimenea, metal ring, stone/brick surrounds, or a metal container with a wire mesh screen may be located within fifteen feet of a structure provided they are placed on a noncombustible surface such as a concrete patio.
 - (2) Outdoor fireplaces (chimineas) are prohibited from use on any wood deck, balconies, or under an overhanging structure.
- (f) A method of extinguishment; garden hose, bucket of sand/dirt/water, or an extinguisher with a minimum rating of 4-A shall be readily available.

- (g) All fires shall be attended constantly until properly extinguished.
- (h) Open burning that will be offensive or objectionable because of smoke or odor emissions due to atmospheric conditions or when local circumstances make such fire hazardous shall be prohibited. The Fire Department has the authority to order extinguishment of the fire. (Ord. 2018-23. Passed 8-28-18.)

1505.02 BURNING LOCATION RESTRICTED ON PRIVATE PROPERTY.

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless: (1) the location is not less than fifty feet from any structure and adequate provision is made to prevent fire from spreading to within fifty feet of any structure, or; (2) the fire is contained in approved waste burner located safely not less than fifteen feet from any structure.

1505.03 BURNING DURING CONSTRUCTION OR DEMOLITION OF BUILDINGS.

During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization from the Fire Chief, subject to the approval of the City Manager.

1505.04 FIRES PROHIBITED ON STREET PAVEMENT.

No person shall kindle, ignite, set or otherwise start or maintain fires of grass, brush, trash, leaves, straw or other combustible rubbish or material on the pavement of any public road or street of the City. (Ord. 276. Passed 2-8-54.)

1505.05 BURNING IN PARKS, BEACHES AND PUBLIC PROPERTY.

No person shall build, make or start a fire within or upon any public park, bathing beach or other public property owned by or under the control and supervision of the City, except in fireplaces, charcoal burners or other appliances placed and furnished by the City for such purpose. (Ord. 453. Passed 6-27-60.)

1505.06 SPECIAL PERMIT FOR NONCOMPLIANCE; EXCEPTIONS.

Any person desiring to kindle, ignite, set or otherwise start or maintain fires of grass, brush, trash, leaves, straw or other combustible rubbish or material within the City, other than in the manner provided for in this chapter, shall first apply to the Chief of the Fire Division, who may grant a written permit therefor under such proper safeguards as he may direct within his discretion.

In the issuance of such permit, the Chief shall be guided by whether the proposed fire will be located where it cannot spread to other combustible material and will not endanger any building or other structure and will be suitable attended. In no case shall such fire be left unattended until extinguished or safely covered. Except as otherwise provided in this chapter, nothing in this section shall prohibit the use of a fire for outdoor cooking or for recreation, if such fires are properly attended and extinguished when not attended. (Ord. 1969-28. Passed 4-28-69.)

1505.07 CHIEF OF THE FIRE DIVISION MAY PROHIBIT.

The Chief of the Fire Division may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous. (Ord. 1969-28. Passed 4-28-69.)

1505.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

CHAPTER 1519
Fireworks

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

CROSS REFERENCES

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

1519.01 DEFINITIONS.

As used in this chapter:

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

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

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

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

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

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

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules. (ORC 3743.54)

(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 One Hundred Twenty Five dollars (\$125.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.
(Ord. 2017-6. Passed 3-28-17.)

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

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

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

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

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

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

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

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

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

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

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

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

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

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

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.
(ORC 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:

- (1) No explosive aerial display is conducted in the exhibition;
- (2) The exhibition is separated from spectators by not less than two hundred feet;
- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.
(ORC 3743.80)

1519.99 PENALTY.

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

