

A-Engrossed
House Bill 2539

Ordered by the House April 27
Including House Amendments dated April 27

Sponsored by Representative SHIELDS; Representatives BAILEY, BERGER, GALIZIO, GARRETT, GREENLICK, TOMEI, Senator DINGFELDER (at the request of Lisa Haamid)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits use, exploding or causing explosion of firework items within limits of city having population of 300,000 or more except during specified yearly period. Creates exceptions. Makes violation subject to fine not exceeding \$180.

Specifies time period during which permit to sell certain firework items is valid.

A BILL FOR AN ACT

1
2 Relating to the limitation of fireworks inside cities of 300,000 or more population; creating new
3 provisions; and amending ORS 480.127.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) Except during the period from June 30 through July 5 of each year, a**
6 **person may not use, explode or cause the explosion of items described in ORS 480.127 inside**
7 **the limits of a city having a population of 300,000 or more. This subsection does not apply to**
8 **a person acting within the scope of a permit or license issued by the State Fire Marshal.**

9 **(2) The use, exploding or causing the explosion of items described in ORS 480.127 in vio-**
10 **lation of subsection (1) of this section is a Class C violation.**

11 **SECTION 2. ORS 480.127 is amended to read:**

12 480.127. (1) Any person who desires to sell cylindrical fountains, cone fountains, illuminating
13 torches, wheels, ground spinners, flitter sparklers or combination items at retail to individual mem-
14 bers of the general public for personal use shall apply in writing to the State Fire Marshal for a
15 permit at least 15 days in advance of the proposed sale. The State Fire Marshal shall issue the
16 permit only if the State Fire Marshal finds that the applicant is qualified to conduct the proposed
17 sale and that the proposed sale will conform to the provisions of ORS 480.110 to 480.165 and any
18 rules promulgated pursuant thereto. A fee may be charged for the permit. Subject to prior approval
19 by the Oregon Department of Administrative Services and a report to the Emergency Board prior
20 to adopting the fee, the amount of the fee shall be set by rule and shall be adjusted subsequently
21 by the State Fire Marshal to finance the administrative expenses incurred under this section and
22 shall be within the budget authorized by the Legislative Assembly as that budget may be modified
23 by the Emergency Board.

24 (2) The permit required by subsection (1) of this section [*shall*] **may** not be valid for more than
25 one year from the date of issuance. [*and*] **A permit** shall authorize sales **outside of a city with a**
26 **population of 300,000 or more** only between **12** midnight June 22 and **12** midnight July 6 of any

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 given calendar year **and inside a city with a population of 300,000 or more between 12 midnight**
2 **June 30 and 12 midnight July 5 of any given calendar year.**

3 (3) Notwithstanding any other provision of law, the State Fire Marshal shall not prescribe lim-
4 itations on the aggregate amount of items described in subsection (4) of this section at a sales fa-
5 cility operated by a person who holds the permit referred to in this section. However, such items
6 shall be stored in accordance with such fire codes as the State Fire Marshal by rule may prescribe
7 to insure safe storage of such materials. In prescribing such rules the State Fire Marshal may con-
8 sider, among other matters, requirements of the United States Department of Transportation re-
9 garding the storage of hazardous materials.

10 (4) As used in this section:

11 (a) "Combination item" means a device that contains combinations of two or more of the effects
12 described in paragraphs (b) to (g) of this subsection.

13 (b) "Cone fountain" means a cardboard or heavy paper cone containing not more than 50 grams
14 of pyrotechnic composition. The effect upon ignition is the same as that of a cylindrical fountain.

15 (c) "Cylindrical fountain" means a cylindrical tube not more than three-fourths inch (19 mm)
16 inside diameter and containing not more than 75 grams of pyrotechnic composition. Upon ignition,
17 a shower of colored sparks and sometimes a whistling effect is produced. This device may be pro-
18 vided with a spike for insertion into the ground, a wood or plastic base for placing on the ground
19 or a wood or cardboard handle if intended to be handheld.

20 (d) "Flitter sparkler" means a narrow paper tube containing not more than 100 grams of
21 pyrotechnic composition that produces colored sparks upon ignition. The paper at one end of the
22 tube is ignited to make the device function.

23 (e) "Ground spinner" means a small device similar to a wheel in design and effect and contain-
24 ing not more than 60 grams of pyrotechnic composition. When placed on the ground and ignited, a
25 shower of colored sparks is produced by the rapidly spinning device.

26 (f) "Illuminating torch" means a cylindrical tube containing not more than 100 grams of
27 pyrotechnic composition. This device may be provided with a spike for insertion into the ground,
28 a wood or plastic base for placing on the ground or a wood or cardboard handle if intended to be
29 handheld.

30 (g) "Wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string.
31 Each wheel may contain not more than six driver units or tubes not exceeding one-half inch (12.5
32 mm) inside diameter and containing not more than 60 grams of pyrotechnic composition. Upon ig-
33 nition, the wheel revolves and produces a shower of colored sparks, and sometimes a whistling ef-
34 fect.

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