

House Bill 2432

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon State Police)

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 **as introduced**.

Expands list of lands on which fireworks may be used to repel birds and other animals. Requires that fireworks used to repel birds or animals be purchased from wholesaler and properly stored.

A BILL FOR AN ACT

1
2 Relating to fireworks used for animal control; creating new provisions; and repealing ORS 480.122.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 480.122 to**
5 **480.160.**

6 **SECTION 2. (1) As used in this section, "responsible charge" means ownership, a**
7 **leasehold, management or authority to act as the representative of an owner, lessee or**
8 **manager.**

9 **(2) The State Fire Marshal may adopt rules for the use of fireworks to repel birds or**
10 **other animals.**

11 **(3) A person having responsible charge of a property may apply to the State Fire Marshal**
12 **for a permit to use and explode fireworks to repel birds or other animals from the property.**
13 **If the State Fire Marshal finds that the proposed use conforms with state and federal law**
14 **and State Fire Marshal rules, the State Fire Marshal shall issue the permit.**

15 **(4) Notwithstanding ORS 480.120, a person having responsible charge of a property and**
16 **holding a permit issued under subsection (3) of this section may purchase, possess, use and**
17 **explode fireworks for the purpose of repelling birds or other animals from the property.**
18 **Properties for which permits to use and explode fireworks are issued under this section must**
19 **be:**

20 **(a) Farms;**

21 **(b) Forests;**

22 **(c) Waste and recycling facilities;**

23 **(d) Airports;**

24 **(e) Golf courses;**

25 **(f) Properties used for the production of commercially valuable fish or seafood;**

26 **(g) Estuaries;**

27 **(h) Properties located outside of an incorporated city; or**

28 **(i) Other types of properties identified by the State Fire Marshal by rule.**

29 **(5) Fireworks for use as described in this section must be purchased from a person pos-**
30 **sessing a wholesaler license issued under ORS 480.111 to 480.165.**

31 **(6) The permit holder shall store fireworks obtained under this section in accordance**

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 with any fire codes that the State Fire Marshal adopts by rule to ensure safe storage of those
2 fireworks. When adopting storage rules, the State Fire Marshal shall consider any relevant
3 standards for hazardous materials storage established by a national association for fire pro-
4 tection. A local government has concurrent authority with the State Fire Marshal to enforce
5 State Fire Marshal storage requirements within the jurisdiction of the local government.

6 (7) The State Fire Marshal may revoke a permit issued under this section if the State
7 Fire Marshal determines that the permit holder has violated state or federal law regarding
8 fireworks, rules adopted by the State Fire Marshal or the terms and conditions of the permit.

9 (8) This section does not require a federal or state agency to obtain a permit under this
10 section for activities carried out by the agency under ORS 480.124.

11 SECTION 3. ORS 480.122 is repealed.
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