



RE: Application for A New Manufacturer or Wholesaler of Fireworks Licenses

Dear Applicant,

Please find enclosed an application for a new Ohio fireworks manufacturer/wholesaler license. To be issued a manufacturer or wholesaler of fireworks license, all applicants must, at a minimum, comply with four main areas of Ohio law:

Application and End of Moratorium: In accordance with recent changes to Ohio Revised Code (R.C.) §3743.75(A), the Ohio Department of Commerce, Division of State Fire Marshal, (SFM) is no longer prohibited from issuing new manufacturer or wholesaler of fireworks licenses. For the 2026 license year, R.C. §3743.02 and R.C. §3743.15 and Ohio Administrative Code (OAC) 1301:7-7-56(P), Ohio Fire Code 5616.1 specify the period for an entity to apply for a new manufacturer or wholesaler of fireworks license. Hard copies of such completed applications must be received by the SFM between 8:00 a.m. August 1, 2025 and 5:00 p.m. (EST) on September 30, 2025. Such completed applications may also be sent by email or fax to the SFM by 5:00 p.m. (EST) on September 30, 2025. The SFM in its discretion may request subsequent submission of hard copies of emailed or faxed applications. The SFM must finish license application reviews by November 30, 2025 and issue new licenses to *qualifying* applicants on December 1, 2025. License reviews will not be held open after that period per R.C. §3743.04 (E) and §3743.17(I) and other laws.

1. **Construction:** The R.C. and the Ohio Administrative Code (OAC) contain specific **mandatory** minimum construction and operational requirements for all structures at a licensed fireworks premises, including sales, processing, storage, and other miscellaneous structures. Some of the most relevant sections of law governing construction include:

- a. R.C. §3743.03;
- b. R.C. §3743.04(B);
- c. R.C. §3743.05;
- d. R.C. §3743.06(F);
- e. R.C. §3743.16;
- f. R.C. §3743.17;
- g. R.C. §3743.18;
- h. R.C. §3743.19(G);
- i. R.C. §3743.25(C);
- j. OAC 1301:7-7-56(L), Ohio Fire Code (OFC) 5612;
- k. OAC 1301:7-7-56(N), OFC 5614;

- l. OAC 1301:7-7-56(T), OFC 5620;
- m. OAC 1301:7-7-56(U), OFC 5621; and
- n. OAC 1301:7-7-56(V), OFC 5622.

It is important to note that the SFM cannot issue a fireworks manufacturer or wholesaler license unless an applicant completes construction of code compliant structures at the intended licensed premise, as verified by a mandatory license inspection, by the time of license application consideration noted below.

As construction of fireworks related structures can be a very complex undertaking, an applicant is encouraged to discuss such projects with design professionals, the building code official with jurisdiction and the SFM prior to initiating the construction process. For further information about any of the code sections referenced in this letter, the fireworks chapter of the R.C. can be accessed at: <http://codes.ohio.gov/orc/3743>, while the main fireworks related chapter of the OAC can be accessed at: <http://codes.ohio.gov/oac/1301:7-7-56v1>. All applicants are also **strongly encouraged** to thoroughly review “State Fire Marshal HB172/Fireworks – Advisory Statement #4.1 Construction of Fireworks Structures” with their design professionals at the start of any application process (see Attachment 1).

3. **License Application Timelines:** By law, the window for license application submission, processing, site inspection, and issuance is limited as follows:

- a. A license year runs from December 1st of each calendar year through November 30th of the next year;
- b. All applications for the renewal of an existing manufacturer and wholesaler of fireworks license, or for new licensure for the 2025-2026 license year (December 1, 2025 through November 30, 2026) must be submitted to the SFM on or after August 1st and prior to 5 p.m. (EST) on September 30th of the year for which licensure will start;
- c. After submission, the SFM must inspect the proposed licensed premises, including all sales and storage structures, to determine if the site is in full compliance with all construction, fire safety, licensure, and zoning requirements; and
- d. The SFM can issue fireworks sales licenses only on December 1 of each year. For the 2026 licensure year, the SFM must complete license application reviews by November 30, 2025, and issue new licenses to qualifying applicants on December 1, 2025. License reviews will not be held open after that period per R.C. §3743.04(E) and §3743.17(I) and other laws.

4. **General Licensure Requirements:** The R.C. and OAC have numerous other mandatory licensing requirements, including specific application fees and submission deadlines, insurance, zoning, background check, owner education, owner information/corporate structure and inventory data submission requirements. See, for example, the initial manufacturing related provisions in R.C. 3743.02 and the initial wholesaler license provisions specified in R.C. 3743.15 and OAC 1301:7-7-56(P), OFC 5616 and OAC 1301:7-7-56(Q), OFC 5617.

To assist you in tracking these various general licensure requirements, I am including a copy of the “[State Fire Marshal HB172/Fireworks – Advisory Statement #4.1 Construction of Fireworks Structures](#)” and the SFM’s fireworks licensure [checklist](#) for guidance. As a new applicant, all the items on the checklist must be submitted with the application (as applicable, even if the item on the checklist is listed as discretionary for an existing licensee) before an application can be processed and/or successfully completed as a part of the licensure process (such as the inspection process).

Finally, please note that the required license application fee is not refundable and that license applications are not held open for review past the November 30, 2025 deadline for the 2026 license year. Accordingly, if an applicant does not qualify for a license in any particular year, that applicant must submit a new application to be eligible for any further consideration for licensure in future years.

As noted above, as a part of the fireworks application process review, an Assistant State Fire Marshal from the Code Enforcement Bureau will conduct a complete inspection of each proposed licensed premise. Please contact the Code Enforcement Bureau at 614-728-5460 to make special arrangements for this mandatory licensure inspection.

Please call Tiki Davis at 614-752-7126 if you have any questions or need assistance with your application.

Yours in fireworks safety,



Kevin Reardon
State Fire Marshal

Enclosures

**State Fire Marshal**

Department of Commerce

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Mike DeWine, Governor Jim Tressel, Lt. Governor Sherry Maxfield, Director

State Fire Marshal HB172/Fireworks - Advisory Statement #4.1**Wholesaler & Manufacturer Licensure and Construction of Fireworks Structures**

To: Ohio Fireworks Manufacturers and Wholesalers (Existing Licensees)
 Applicants for An Initial Ohio Fireworks Manufacturer or Wholesaler License
 Fire Code Officials
 Building Code Officials
 Design Professionals

From: Kevin S. Reardon, State Fire Marshal (SFM)

Date: August 1, 2023 (Revised)

Re: Construction of Fireworks Structures

The enactment of HB 172* in 2021 changed significant portions of Revised Code (R.C.) Chapter 3743 (Fireworks), including provisions regulating the construction of structures on a fireworks premise. This Advisory provides an overview of that revised process. It is divided up into nine parts:

- A. General Fireworks Licensure Information
- B. An Overview of the Construction of Fireworks Structures
- C. A Detailed Description of the Construction of Fireworks Structures
- D. Retail (Live Product) Sales Showrooms
- E. Representative Sample Showrooms
- F. Other Fireworks Sales Structures
- G. Fireworks Storage
- H. Manufacturing and Processing Structures
- I. Code References and Supporting Documents

Please note: *this Advisory is intended to be an overview of new provisions relating to wholesaler and manufacturer licensure. It is not – and is not intended to be – a complete outline of all licensure requirements. Any person or entity that wishes to become licensed as a wholesaler or manufacturer of fireworks in this state must comply with all applicable licensure and application requirements as set forth in the Ohio Revised Code, the Ohio Fire Code, the Ohio Building Code and all other applicable laws, rules and regulations.*

A. General Fireworks Licensure Information

To start, it is important to remember the different categories and functions of the various fireworks license types in Ohio. Currently, Ohio law creates three major categories of licenses/permits for fireworks: business (manufacturing, importing, storing, distributing and sales), shipping, and exhibition related. Conducting fireworks activities in these categories without an SFM license/permit is a violation of various criminal statutes.

*HB 172/134th General Assembly: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-172>, various effective dates ranging from November 4, 2021 through January 1, 2023.

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This Advisory focuses on the two types of fireworks business licenses, the “manufacturer” and “wholesaler” of fireworks, which authorize the following activities:

1. Manufacturer:
 - a. Manufacturing and processing of 1.3G and 1.4G fireworks on a licensed premise.
 - b. Wholesale sale of 1.3G and 1.4G fireworks from a licensed premise to qualifying purchasers.
 - c. Retail sale of 1.3G and 1.4G fireworks to licensed exhibitors from a licensed premise for a properly permitted exhibition.
 - d. Retail sale of 1.4G fireworks to the general public from a specifically approved showroom on a licensed premise.
 - e. Storage of fireworks for purposes associated with licensed activity.
2. Wholesaler:
 - a. Wholesale sale of 1.3G and 1.4G fireworks from a licensed premise to qualifying purchasers.
 - b. Retail sale of 1.3G and 1.4G fireworks to licensed exhibitors from a licensed premise for a properly permitted exhibition.
 - c. Retail sale of 1.4G fireworks to the general public from a specifically approved showroom on a licensed premise.
 - d. Storage of fireworks for purposes associated with licensed activity.

Wholesaling includes importing, packaging, storage and wholesale sale of 1.3G and 1.4G fireworks from a licensed premise. A wholesale transaction is a sale of fireworks to a purchaser who intends to (and has the ability to) resell the fireworks so purchased, and includes both an in state and out of state purchaser. A retail sale of 1.4G fireworks is a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.

Starting with the 2023 license year, HB 172 ended the longstanding moratorium on the issuance of new fireworks manufacturer and wholesaler licenses on December 31, 2022. In addition to allowing the renewal of all existing fireworks business licenses, HB 172 authorizes the SFM to issue fireworks manufacturer and wholesaler licenses if the applicant meets the requirements for new licensure and other aspects of fireworks related laws. For the 2024 license year (December 1, 2023 through November 30, 2024), hard copies of new applications must be received by the SFM by 5:00 p.m. (EST) on September 29, 2023, or such applications must be received by email or fax by September 30, 2023.

After submission, the SFM must inspect the proposed licensed premises, including all sales and storage structures, to determine if the site is in full compliance with all construction, fire safety, licensure, and zoning requirements.

The SFM can issue fireworks sales licenses only on December 1 of each year. For the 2024 licensure year, the SFM must complete license application reviews by November 30, 2023, and issue new licenses to qualifying applicants on December 1, 2023. License reviews will not be held open after that period per R.C. §3743.04(E) and §3743.17(I) and other laws.

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B. An Overview of the Construction of Fireworks Structures

The importing, manufacturing, processing, packaging, storage, distribution, sales, etc. of fireworks can generally only occur from an approved structure or structures on a licensed premise. Before fireworks can be brought to a licensed premise for such activities each of the structures on the licensed premise must be approved in writing by the SFM for each individual category of use. Furthermore, in almost all cases, the initial construction, renovation or the addition of an existing structure, and/or alteration of any structure to be used for fireworks business activities must be approved by the SFM in writing prior to the commencement of any construction on such buildings.

In general, the approval process for fireworks structures (particularly sales showrooms) looks like:

(chart on the following page)

General Notes about the approval process:

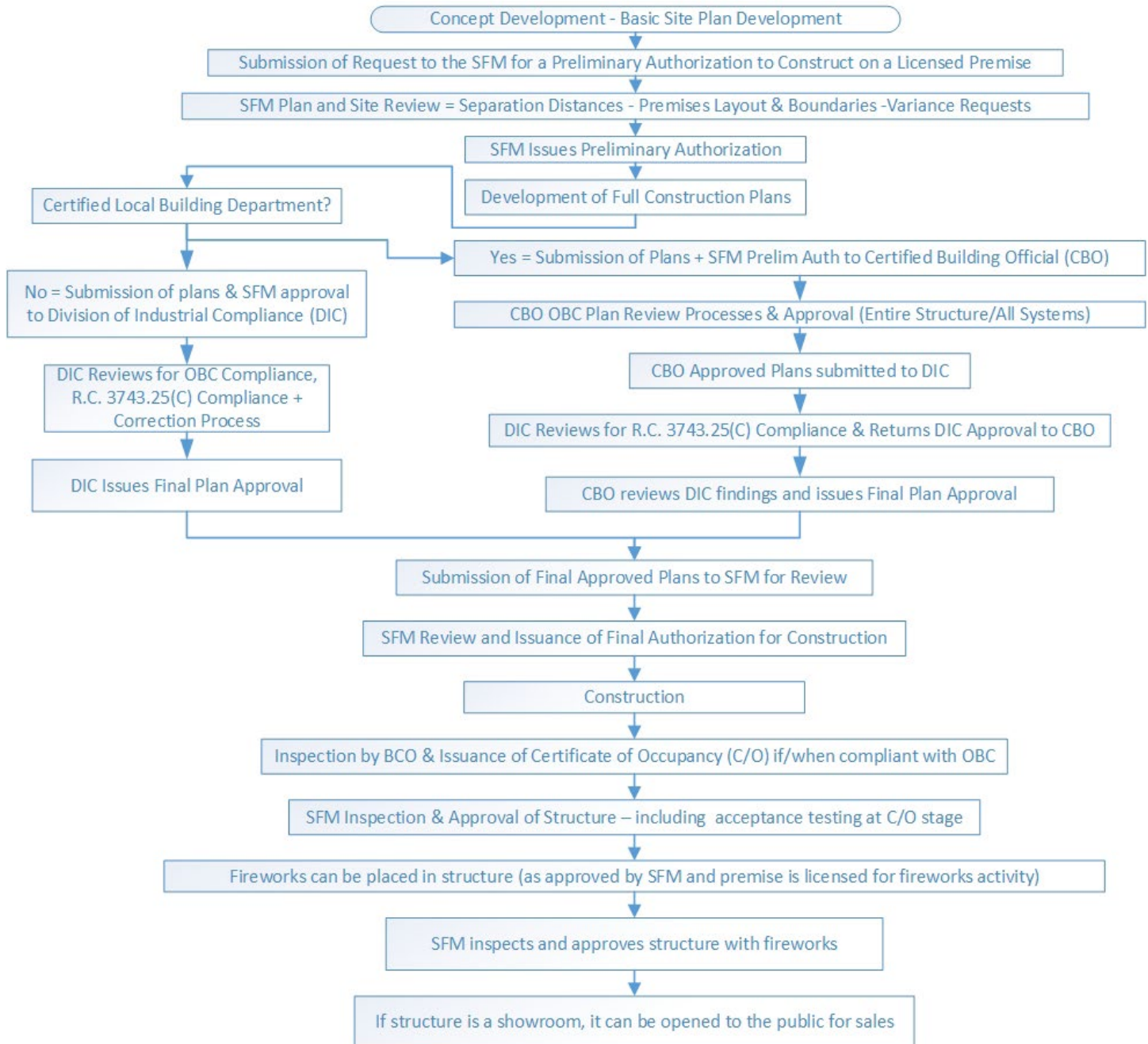
**This Advisory does not address the construction of a store that is licensed to sell 1.4G fountain devices or the storage of such devices within a licensed sales store. Fountain devices are discussed further in separate SFM guidance documents.*

*** This Advisory makes extensive references to the Ohio Fire Code (OFC) and Ohio Building Code (OBC) portions of the Ohio Administrative Code (OAC). The OFC portions of the OAC are generally located at OAC 1301:7-7, with the fireworks rules being located at OAC 1301:7-7-56. The OBC portions of the OAC are generally located at OAC 4101:1. Links to those codes are located in section "I" of this Advisory.*

**** The following chart reflects a general pathway for plan review of fireworks structures by the building code officials (BCO) having jurisdiction, which, as applicable, may be either or a combination of (depending upon the system being reviewed) both the Division of Industrial Compliance (DIC) within the Department of Commerce and the local Certified Building Code Official (CBO). Questions about the specific coordination of activities between those officials for a specific plan review process should be directed to those officials.*

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Construction of Fireworks Buildings – R.C. Chapter 3743



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C. A Detailed Description of the Construction of Fireworks Structures

In greater detail, most construction on a licensed premise must follow these parameters:

1. As required by specific sections of the R.C. and Ohio Administrative Code ((OAC), which includes both the Ohio Fire Code and fireworks rules)), the construction process for a fireworks building is different than a typical process for a standard structure in Ohio. This specialized process applies to all construction on any existing licensed premise and at a location that any license will be geographically transferred to per R.C. §3743.75. Starting on March 30, 2023, OFC 5620.2 further specifies that this specialized construction process specifically applies to a site that an entity will seek initial licensure for at any time in the future. As this process can be quite complex, the SFM encourages close collaboration between the applicant, the building code officials, the local fire officials, and the SFM throughout the construction process; otherwise there is a significant risk that an applicant will not be construct a compliant building (and will have put substantial investments at risk).
2. The only structures that are allowed to be on a licensed manufacturing or wholesaling premise are a single sales structure (either a live product retail showroom or a representative sample showroom), administrative buildings and storage structures. ***The only building the public may ever access are sales structures.*** Storage structures may include magazines and approved trailers (which may not be subject to the OBC. Manufacturers may also have manufacturing and processing structures. To be approved, all of these types of structures and trailers must follow the processes outlined in this Advisory.
3. The first significant difference applicable to the specialized fireworks construction process is the requirement that the licensee obtain a "Preliminary Authorization" for construction from the SFM before the presentation of construction plans the BCO for review and approval (See OFC 5620.2). To obtain a "Preliminary Authorization," the licensee needs to submit a letter requesting a Preliminary Authorization and the following information to the SFM:
 - a. A site map/plot plan clearly identifying and outlining: the location of the planned or current licensed premise (premise) boundaries; each existing licensed structure; each unlicensed structure; every planned fireworks related or other building on the premise; and the location of the walls, dimensions, etc. for each of the aforementioned structures.
 - b. The site plan should also note property boundary lines and the separation distances between each of the planned new/altered fireworks structures and all other buildings onsite (*i.e.* – other processing, storage, sales, inhabited or otherwise existing structures), adjacent magazines, nearby structures on adjacent properties, nearby flammable or combustible liquid or gas dispensing or storage operations/tanks, nearby railways, roadways, etc. as required by the applicable portions of OFC §§5604, 5605, 5620, 5621 and/or NFPA 1124 (2006 Edition) §4.6, 6.7, 6.7.3 and 7.4.7. See "NFPA 1124 (2006 Ed) – Selected Fireworks Facility Separation Distance Regulations" referenced in section I or further information about these requirements. Also note that the specific minimum required separation distances vary by the type of structure to be built, while the notations in this paragraph specifically focus on retail showroom requirements. The OFC and NFPA standards for fireworks manufacturing, representative sample showrooms or storage structures may be different.

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- c. Evidence the new construction and occupancy of each structure on the premise will be in compliance with local zoning regulations. (NOTE: no structures on a premise are exempt from the building code or certificate of occupancy requirements under “agricultural” uses).
 - d. A statement of the intended use of the new/altered structure and any other buildings on the premise.
 - e. A listing of the types of and the anticipated maximum quantities of hazardous materials to be located within the new/altered fireworks structures at any given time.
 4. After the SFM determines that the initial standards as set forth in R.C. Chapter 3743 and the OFC are met for the project, the SFM will issue a “Preliminary Authorization” for construction to the licensee.
 5. The applicant must then present the SFM’s “Preliminary Authorization” to the building code official (BCO) with jurisdiction (either a local building department certified by the Board of Building Standards via its certified building official (CBO) or, if no such department exists, the Division of Industrial Compliance (DIC) in the Department of Commerce) along with plans prepared by a design professional in accordance with the applicable OBC processes for review and approval. As a part of this process, please note that: 1) R.C. §3743.25(C) and OFC 5620 contain specific construction requirements for fireworks retail sales showrooms that may exceed the general requirements of the OBC; 2) R.C. §§3743.04 and 3743.25(D) establish limits to the scope of permissible variances to the construction requirements for fireworks structures, which cannot be overridden by the SFM, BCO, or Board of Building Appeals; and 3) R.C. §3743.25(C) also requires DIC approval of various aspects of fireworks retail showrooms systems and conditions, even if a local CBO has reviewed those systems. See the Chart on page #4 and the referenced code section for more details on the BCO plan review process – particularly for plans, or parts thereof, that are to be reviewed by both DIC and a local CBO.
- After the BCO determines that proposed construction plans are in compliance with the OBC requirements (including the specific safety requirements imposed by the R.C. and OFC), the appropriate BCO (either DIC or the local CBO, depending upon the applicable review process) will issue a Certificate of Plan Approval for the submitted construction plans.
6. Once the licensee receives the Plan Approval, it is then submitted by the licensee to the SFM for further review. After the SFM determines that the BCO approved plans also meet the construction standards for fireworks buildings as set forth in R.C. Chapter 3743 and the OFC, the SFM will issue a “Final Authorization” for construction to the licensee. All construction at the premise shall be in accordance with such approved plans and all applicable portions of the Ohio Building and Fire Codes and other applicable laws, rules, regulations, and zoning provisions.
 7. Once the Final Authorization is issued, the licensee may begin construction. The SFM and BCO may inspect during and will inspect at the end of the construction process.

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8. When construction is complete and meets the specifications of the OBC and the approved plans, the BCO will conduct a final inspection and issue a certificate of occupancy for the structure. For retail sales showrooms, there may be additional DIC reviews/approvals as well.
9. The SFM will conduct a final inspection to determine compliance with the OBC, OFC and other applicable laws. Once the SFM approves the facility, fireworks may be placed in the structure.
10. For live product retail showroom structures, the SFM will conduct an additional inspection after the placement of the fireworks in the building to verify that the showroom remains in compliance with the OBC, OFC and other laws. If compliant, the showroom may then be opened to the public, provided the premise is otherwise properly licensed for fireworks operations.

D. Retail (Live Product) Sales Showrooms

As noted previously, Ohio law sets forth specific minimum requirements for various fireworks structures. In addition to the items already described in this Advisory, the requirements for retail (live product) showroom structures, to which the public may have any access and in which employees are required to work, are:

1. All retail fireworks showrooms built or rebuilt after June 30, 1997, shall be equipped with:
 - a. interlinked fire detection
 - b. fire suppression
 - c. smoke exhaust, and
 - d. smoke evacuation systems.

that are approved by the Superintendent of Industrial Compliance in the Ohio Department of Commerce.

This means that all retail showrooms must meet the "High Hazard" (Group H-3) use and occupancy requirements of both the OBC and the OFC. The fire protection systems specified in these codes must be installed, even if not otherwise required in the OBC for a Group H-3 occupancy.

For example, retail showroom sprinkler systems must comply with OBC 903, OFC 5622, and the referenced standard NFPA 13 (2016 Edition). The sprinkler system of the retail showroom building shall not be a dry pipe system unless specifically approved by DIC and SFM. Fire alarm and detection systems must comply with OBC 907, the OFC, and the referenced standard NFPA 72 (2016 edition), including manual pull stations and duct detectors.

All of the fire protection systems must be interlinked so that if a sprinkler or detector activates, the smoke exhaust/smoke evacuation system will be automatically activated as required by R.C. §3743.25. The smoke evacuation and exhaust system of the retail showroom structure shall not be a "passive" system and shall have make-up air to ensure proper exit door operation, as required in the OBC 910.4.

A fireworks retail showroom must be equipped with site security and be designed for the maximum occupancy load limits and egress route requirements as required by R.C. §3743.15 - 3743.25 and OFC 5612, 5620 and 5622.

The structure must also comply with the provisions of OFC 5622.1.8 for grade level and door hardware, OFC 5620.7 for direction of door swing requirements, and OFC 5622.3.1.5 for occupant load requirements.

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2. Retail fireworks showrooms shall not exceed 7,500 sq. ft. in floor area (see R.C. §3743.25(C)(2)(a)), with one special condition:
 - a. Special Condition: A retail fireworks showroom that is sized between 5,001 sq. ft. to 7,500 sq. ft. shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition). Additionally, all other areas such as restrooms, corridors, etc. to which the public has access, are subject to the same fire suppressions standards outlined above for extra hazard (group 2) occupancies.

The SFM may provide a variance to this requirement for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition).

3. Retail showrooms shall comply with a graphic floor plan layout that is approved by the SFM and Superintendent of Industrial Compliance 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. (See R.C. §3743.25(C)(3)). As applicable, these provisions are also subject to CBO review under the OBC.
4. Retail showrooms shall have floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the SFM and Superintendent of Industrial Compliance, and that are submitted under seal as required by R.C. § 3791.04. (See R.C. §3743.25(C)(4)). As applicable, these provisions are also subject to CBO review under the OBC.
5. Per R.C. §3743.25(D), the safety requirements listed in paragraphs “1” through “4” of this section are not subject to any variance, waiver, or exclusion pursuant to the Revised Code or any applicable building code provision.
6. Retail showrooms shall also be designed, constructed and operated in accordance with the applicable portions of NFPA 1124 (2006 Edition).
7. As required by the local fire official and approved by the SFM, the fire lanes for each showroom shall be constructed, properly designated and maintained free of obstructions at all times.
8. The licensed premises shall have installed a remotely located fire department connection (FDC) in accordance with the requirements of the local fire official.
9. The applicant will need to arrange for all necessary inspections from the applicable BCO with jurisdiction for plan approval as well as during the construction process. As a part of this process, the SFM must be provided a copy of all correspondence issued by the building department with jurisdiction and DIC relating to this plan approval and actual construction process.

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10. As required by R.C. §3743.19(G), the building owner must obtain all necessary final approvals and permits, including zoning and building permits and certificates of occupancy, from the local authorities having jurisdiction over the site. The certificate of occupancy shall clearly indicate the approved maximum occupant load, pursuant to OFC 5622.1.9. Copies of all documentation required by R.C. §3743.19(G) and all certificates of occupancy shall be provided to the SFM before the opening of the new retail showroom.
11. In conjunction with any inspections and acceptance testing of the fire protection systems as required by the building and fire officials, all fire protection systems, including the sprinkler, fire alarm and detection systems and the smoke evacuation and exhaust system, shall have approved acceptance tests conducted in the presence of a SFM representative.
12. Fireworks shall not be placed inside the newly constructed showroom structure or any associated storage area until:
 - a. a proper certificate of occupancy for the structure has been issued by the building department having jurisdiction; and
 - b. the SFM has inspected and approved all of the newly constructed areas of the facility.
13. All shelving and display of fireworks for sale must meet the requirements of the Consumer Products Safety Commission (CPSC) and NFPA 1124 (2006 Edition), including sections 7.3.15.1 through 7.3.15.4.3.

E. Representative Sample Showrooms:

1. A representative sample showroom shall consist of a structure constructed and maintained in accordance with the OBC and OFC for a use and occupancy group that permits mercantile sales.
2. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances.
3. 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.
4. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample showroom structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises by the delivery of the items to the customer by licensed employees outside of any structure on the site.
5. Representative sample showrooms must follow the construction process outlined in section "C" of this Advisory.

F. Other Fireworks Sales Structures

1. Sales from tents and similar temporary structures are prohibited in Ohio.

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G. Fireworks Storage

Except for special rules for permitted exhibitions, the storage of 1.3G and 1.4G fireworks can only occur on a licensed manufacturing or wholesaling premise in Ohio. Generally, OBC 415.1 requires compliance with the OFC when there is storage of hazardous materials, but the OBC should be specifically reviewed for any storage activity. The storage of fireworks on a licensed premise typically breaks down into two categories:

1. **1.3G Fireworks**: All 1.3G fireworks shall be stored in a magazine on a licensed premise that complies with:
 - a. Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations;
 - b. NFPA 495 (2013 edition);
 - c. NFPA 1124 (2006 edition), including sections 5.1.1 through 5.1.4, 5.2.1 through 5.2.4.2, 5.3.1 through 5.3.2.4, and 5.3.4 through 5.3.4.2 and
 - d. The OFC, including OFC sections 5604.1 through 5604.9.1.
2. **1.4G Fireworks**: All 1.4G fireworks on a licensed premise shall be stored in one the following four ways:
 - a. Magazine: a magazine that meets:
 - i. ATF regulations;
 - ii. NFPA 495 (2013 Edition)
 - iii. NFPA 1124 (2006 edition), including sections 5.1.1 through 5.1.4, 5.2.1 through 5.2.4.2, 5.3.1 through 5.3.2.4, 5.3.4 through 5.3.4.2, 6.7.1 through 6.7.3 and Table 6.7.1 [separation distances].

Under certain conditions, a trailer may qualify as a magazine.

- b. Trailers: Trailers that are not subject to the OBC may still be used for 1.4G fireworks storage if they comply with:
 - i. OFC 5621.3.
Fireworks may be stored in trailers if the trailers are properly enclosed, secured, placarded, and grounded and are separated from any structure to which the public is admitted by a distance that will allow fire-fighting equipment to have full access to the structures on the licensed premises in accordance with rule 1301:7-7-05 of the Administrative Code or as approved in writing by the local fire code official. In no instance shall trailers used for the storage of fireworks be located at a distance less than the minimum separation distances specified in NFPA 1124 ... Members of the public shall be prohibited from access to the contents of any storage trailers at all times. Trailers and magazines used for the storage of fireworks shall be completely enclosed with an approved steel chain link fence or similar barrier at least 6 feet high. The state fire marshal shall approve the installation and location of such fences or similar barriers. The installation and location of such fences or similar barriers shall properly maintain the required fire department access and properly prohibit unauthorized public access. Such fences or similar barriers shall be separated from all storage trailers and magazines containing fireworks by at least 10 feet and shall have a gate that is locked and secured against unauthorized entry.

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ii. NFPA 1124 (2006), including:

6.4.1 (4) Trailers, semitrailers, and metal shipping containers [must be] separated by at least 20 ft (6.1 m) from any building or structure other than trailers, semitrailers, or metal shipping containers.

5.9.3.1 Trailers, semitrailers, and metal shipping containers used for the storage of consumer fireworks in manufacturing facilities shall comply with ... section ... 5.4.4 for Type 4 outdoor magazines.

5.9.3.7 Trailers, semitrailers, and metal shipping containers in manufacturing facilities shall be separated from adjacent permanent buildings and structures by not less than 10 ft (3 m).

c. Within a structure:

i. Dedicated storage structure: 1.4G fireworks may be stored in a dedicated [sole purpose] structure meeting the appropriate “H” use and occupancy requirements of the OBC and OFC, which is currently an “H-3” category building containing the fire protection features, except for smoke controls, outlined in section D.1 of this Advisory.

ii. Structure that has public access (retail showroom): Any 1.4G fireworks storage within the same structure as retail showroom must have a “firewall”/fire rated separation assembly between the retail sales portion and storage section of any licensed sales showroom structure in accordance with the OFC 5622.2.1.3. The firewall and all doors and openings contained in the building, regardless of the applicable provisions of the Ohio Building Code, must meet the minimum requirements of a two-hour fire resistance rated assembly. The remaining storage area of the structure must meet the appropriate “H” use and occupancy requirements of the OBC and OFC, currently an “H-3” category building containing the fire protection features, except for smoke controls, outlined in section D.1 of this Advisory.

d. Special Off-Site Storage Locations for Licensed Manufacturers and Wholesalers shall, depending upon the type of storage conducted, comply with the magazine, trailer and/or structural construction requirements noted in this section.

H. Manufacturing and Processing Structures: All fireworks manufacturing and processing structures shall comply with NFPA 1124 (2006 edition), including sections 4.1.1 through 4.14.56 and Tables 4.6.3; 4.6.2.1; 4.6.4.1; 4.6.4.4; 4.6.4.7 and 4.6.6. They must also comply with R.C. §3743.04 through R.C. §3743.08, and the OFC Rule 56. Such structures, any contemplated for the storage of 1.3G fireworks, also must comply with the OBC.

*Additional SFM guidance for construction of fireworks structures is attached at the end of this Advisory.

If you have any questions about this Advisory or the revised geographic transfer process, please contact SFM Code Enforcement Bureau District Chief Andrew Gardner at #614-728-5460 or andrew.gardner@com.ohio.gov, or via the Code’s main office at #1-888-276-0303.

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I. Code References (Selected Ohio Fireworks Laws Regulating Fireworks Building Construction) and Supporting Documents

Revised Code Chapter 3743 [Fireworks] - use this link: <https://codes.ohio.gov/ohio-revised-code/chapter-3743> to go to the following sections of Ohio fireworks statutes:

General:

- R.C. §3743.01 - Fireworks definitions.
- R.C. §3743.75 - Moratorium on fireworks licenses.

Manufacturer Licenses:

- R.C. §3743.02 - Application for license to manufacture fireworks.
- R.C. §3743.021 - Application for end-of-moratorium fireworks manufacturer license.
- R.C. §3743.03 - Reviewing application of manufacturer.
- R.C. §3743.04 - License renewal.
- R.C. §3743.041 - Issuance of end-of-moratorium fireworks manufacturer license.
- R.C. §3743.05 - Rules governing classification, manufacturing, and packaging.
- R.C. §3743.06 - Operation of fireworks plants.
- R.C. § 3743.07 - Records.
- R.C. §3743.08 - Inspections.

Wholesaler Licenses:

- R.C. §3743.15 - Application for wholesaler's license.
- R.C. §3743.151 - Application for end-of-moratorium fireworks wholesaler license.
- R.C. §3743.16 - Reviewing application of wholesaler.
- R.C. §3743.17 - Wholesaler's license renewal and Permissible Activities.**
- R.C. §3743.171 - Issuance of end-of-moratorium fireworks wholesaler license.
- R.C. §3743.18 - Storage and business operations.**
- R.C. §3743.19 - Additional requirements for wholesalers.**
- R.C. §3743.20 - Records.
- R.C. §3743.21 - Inspections.

Showroom Construction:

- R.C. §3743.25 - Safety requirements for fireworks showroom structures.**

Criminal:

- R.C. §3743.60 - Prohibitions on Manufacturing.
- R.C. §3743.61 - Wholesaler restrictions.
- R.C. §3743.65 - Possession, sale, and use restrictions.
- R.C. §3743.99 - Penalty.

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Ohio Administrative Code:

General:

Use this link to go to the **Ohio Fire Code**: <https://codes.ohio.gov/ohio-administrative-code/chapter-1301:7-7>

Use this link to go to the **Ohio Building Code**: <https://codes.ohio.gov/ohio-administrative-code/4101:1>

Ohio Fire Code – specific fireworks related links:

Rule 2 - Definitions: <https://codes.ohio.gov/ohio-administrative-code/rule-1301:7-7-02>

Rule 9 - Fire Protection Systems: <https://codes.ohio.gov/ohio-administrative-code/rule-1301:7-7-09>

Rule 10 - Egress: <https://codes.ohio.gov/ohio-administrative-code/rule-1301:7-7-10>

Rule 56 – Explosives and Fireworks: <https://codes.ohio.gov/ohio-administrative-code/rule-1301:7-7-56>

Specific sections of Rule 56 that are relevant to the construction of fireworks structures are:

- OFC 5601.1.3 - Fireworks
- OFC Table 5601.8.1(2) – 1.3G Fireworks
- OFC Section 5603 Record keeping and reporting
- OFC Section 5604 Explosive materials storage and handling
- OFC Section 5605 Manufacture, assembly and testing of explosives, explosive materials and fireworks
- OFC Section 5612 Operational requirements
- OFC Section 5614 Fireworks categories and labeling
- OFC Section 5615 General requirements for licensure application and license
- OFC Section 5616 Requirements for manufacturers and wholesalers
- OFC Section 5620 **Fire safety requirements in buildings**
- OFC Section 5621 **Fireworks storage**
- OFC Section 5622 **Fireworks showrooms**
- OFC Section 5624 Storage locations

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National Fire Protection Association (NFPA):

NFPA 495 (2013 edition): <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>

NFPA 1124 (2006 edition): <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>

NFPA 1124 (2006 edition): Selected Fireworks Facility Separation Distance Regulations



NFPA 1124 (06) -
Selected Fireworks §

Consumer Products Safety Commission (CPSC):

Fireworks standards: <https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Fireworks>

SFM Guidance Documents:

SFM Fireworks Structure Construction Checklist:



CHECKLIST FOR
CONSTRUCTION OF

General information about fireworks storage magazines and trailers:



Fireworks - Storage
Magazine Types.pdf



Fireworks - Storage
Trailer and Magazin