



## STATUTORY MINOR CORRECTION

### OSFM 6-2023

CHAPTER 837

DEPARTMENT OF STATE POLICE  
OFFICE OF STATE FIRE MARSHAL

**FILED**

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FILING CAPTION: Updating agency name to the Department of the State Fire Marshal

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Changing the name of an agency by reason of a name change prescribed by law

AMEND: 837-012-0315

RULE TITLE: Definitions

RULE SUMMARY: Updating the agency name from the Office of State Fire Marshal to the Department of the State Fire Marshal.

RULE TEXT:

- (1) "Agent" means an individual designated by the permit holder to pick up the pest control fireworks authorized by the pest control fireworks permit from an Oregon licensed wholesaler when the permit holder is unable to pick up the pest control fireworks.
- (2) "Airport" means any area of land or water that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.
- (3) "Commercially valuable" means a product that, based on public demand, would generate profit if sold.
- (4) "Estuary" means:
  - (a) For waters other than the Columbia River, the body of water from the ocean to the head of tidewater that is partially enclosed by land and within which salt water is usually diluted by fresh water from the land, including all associated estuarine waters, tidelands, tidal marshes and submerged lands; and
  - (b) For the Columbia River, all waters from the mouth of the river up to the western edge of Puget Island, including all associated estuarine waters, tidelands, tidal marshes, and submerged lands.
- (5) "Farm" means:
  - (a) Any tract of land whether consisting of one or more parcels devoted to agricultural purposes generally under the management of a tenant or the owner, or
  - (b) A plot of land devoted to the raising of domestic or other animals, or
  - (c) A tract of water reserved for the artificial cultivation of some aquatic life-form.
- (6) "Fire Protection District" means any district created under the laws of Oregon or the United States, including rural fire protection districts and any federal, state or private forest patrol areas.
- (7) "Fireworks" has the meaning provided in ORS 480.111(7).

- (8) "Forest" or "forestland" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed.
- (9) "Golf course" means an area of land laid out for the game of golf with a series of holes each including tee, fairway, and green and often one or more natural or artificial hazards. "Golf course" does not mean a privately-owned golf practice facility constructed for personal use.
- (10) "Illegal fireworks" has the meaning provided in OAR 837-012-0610.
- (11) "Individual" means a real, actual person
- (12) "Individual member of the general public" means any person who has not been issued a wholesale permit, a general, limited or special effects display permit, a retail permit or an pest control fireworks permit by the Department of the State Fire Marshal.
- (13) "Local fire authority" means the local fire authority having jurisdiction over the pest control fireworks use and storage sites.
- (14) "May" means a regulation of conduct and implies probability or permission.
- (15) "May not" means a prohibition of conduct.
- (16) "Must" means a mandatory requirement.
- (17) "Permit application" means the form and accompanying documentation required to be completed and submitted to the Department of the State Fire Marshal for approval prior to the issuance of an pest control fireworks permit.
- (18) "Permit holder" means the person referred to in HB 2432 (2015 OL Ch. 57) who:
- (a) Desires to purchase, maintain, use, and explode pest control fireworks for the purpose of scaring away or repelling birds or animals from a property as described in OAR 837-012-0305.
  - (b) Has applied to the State Fire Marshal for a pest control fireworks permit;
  - (c) The State Fire Marshal has issued a pest control fireworks referred to in HB 2432 (2015 OL Ch. 57);
  - (d) Is responsible for any activities conducted under the pest control fireworks permit.
- (19) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts and other public corporations.
- (20) "Pest control fireworks" means:
- (a) Fireworks with a cardboard/pasteboard-type tube up to 4" in length and 3/4 inch in diameter or a shotgun shell type container,
  - (b) Fireworks containing only pyrotechnic compositions, e.g., black powder, flash powder, or smokeless powder, with an audible report containing up to 40 grains, or 2.592 grams, of explosive composition,
  - (c) Fireworks tested, classified and approved by the United States Department of Transportation,
  - (d) Fireworks designed and intended solely for use in:
    - (A) Controlling predatory animals allowed by ORS 480.124 or,
    - (B) Controlling birds or animals as allowed by HB 2432 (2015 OL Ch. 57).
  - (e) Fireworks referred to as explosive pest control devices,
  - (f) Fireworks not including retail fireworks, display fireworks, or exempt fireworks.
- (21) "Pest control fireworks permit" means the official written document issued by the Department of the State Fire Marshal pursuant to HB 2432 (2015 OL Ch. 57) and ORS 480.124 and OAR 837-012-0305 through 837-012-0370 granting permission to a person to purchase and use pest control fireworks.
- (22) "Recycling facility" is a specialized plant that handles recyclable materials by doing one or more of the following: receiving, separating or preparing recyclable material for sale to end users.
- (23) "Responsible charge" has the meaning given in HB 2432 (2015 OL Ch. 57).
- (24) "Sell" means to transfer possession of property from one person to another person for consideration.
- (25) "Waste facility" means land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment

facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

(26) "Wholesaler" means any person who sells or provides by any other means, or intends to sell or provide by any other means fireworks, retail fireworks, display fireworks, or pest control fireworks.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: HB 2432 (2015 OL Ch. 57), 480.124

STATUTES/OTHER IMPLEMENTED: ORS 480.110 - 480.165