

# DISTRICT OF COLUMBIA

## CHAPTER 33H EXPLOSIVES AND FIREWORKS

### SECTION F-3309H FIREWORKS

#### F-3309.1 General

##### F-3309.1.1 Scope.

The manufacture of fireworks is prohibited in the District of Columbia. The display, sale or discharge of fireworks shall comply with the requirements of this article.

##### F-3309.1.1.1 Prohibited Fireworks.

The manufacture, possession, storage, display, sale, setting off, or discharge of any fireworks listed below is prohibited in the District of Columbia:

1. Firecrackers of any kind or description;
2. Any fireworks that explodes, such as cherry bombs, salutes, roman candles, floral shells, artillery shells;
3. Any firework intended to move after the piece is placed and fired; such as bottle rockets, parachutes, buzzbombs, pinwheels, helicopters, jumping jacks;
4. Sparklers more than 20 inches (508 mm) in length;
5. Any firework that contains mercury, arsenic tetryl, phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate compounds, gunpowder, sulphur, chlorate or potash and sugar, or any highly oxidizing agent;
6. Any firework having a side fuse, or a fuse inserted at any point along the length of the firework; and
7. Any firework found by the Fire Chief to be dangerous to the safety of any person or property.

##### F-3309.1.1.2 Permitted Fireworks.

The following fireworks are permitted to be stored, displayed, sold, delivered, used and possessed in accordance with the provisions of this article:

1. Any firework specifically excepted in this article;
2. Toy paper caps containing not more than twenty-five hundredths (0.25) of a grain of explosive composition per cap;
3. Sparklers not more than 20 inches (508 mm) in length;
4. Torches;
5. Box fire;
6. Fountains;
7. Cones;
8. Non-poisonous snakes;
9. Paper novelty items;
10. Colored lights; and
11. Any other fireworks tested by an approved agency or organization and approved by the code official.

##### F-3309.1.1.3 Labeling.

Each standard retail package or retail item of fireworks stored, kept for sale, sold, or delivered by any person engaged in the business of selling fireworks shall be labeled or marked with the name of the manufacturer, the number and type of the firework, and directions of use.

#### F-3309.2 Limitations and Requirements for Permitted Fireworks

##### F-3309.2.1 Prohibitions.

No person shall manufacture, process, package, repackage, store, keep for sale, display, sell or deliver any of the following in the District of Columbia:

1. Any firework which emits flame or sparks to a distance greater than 12 feet (3658 mm);
2. Any imitation or actual firework which resembles a firecracker or cherry bomb;
3. Any firework that has a fuse which is not individually protected by a protective cap or seal approved by the Fire Chief or the designated agent of the Fire Chief; or
4. Any cylindrical tube firework that has a clay choke or other restrictive device which may delay the escape of gases.

### F-3309.2.2 Cylindrical Tube Fireworks.

Cylindrical tube fireworks that comply with the following requirements are permitted to be sold or offered for sale in the District of Columbia:

1. The top surface of the composition load shall be flat (parallel to the plane of the tube end);
2. The space between the top surface and the open end of the tube shall be equal in all diameters to the maximum inside diameter of the tube, without restrictions of any kind;
3. Between the lower end of the composition load and the base of the tube there shall be a solid clay plug with a minimum length of 1 inch (25 mm);
4. The plug shall be formed of clay moistened with oil, dextrine, or other material suitable to give uniform hardness and strength and to ensure positive adhesion to the inside of the tube;
5. There shall be no void between the end of the composition load and the clay plug, or between the clay plug and the handle or spike;
6. The specifications for the manufacture of the firework shall require the clay plug to be loaded into the tube in not less than four (4) increments, each separately loaded and separately pressed;
7. Handles or spikes shall be inserted into the tube a minimum distance of 2 inches (51 mm) or 25 percent of the tube length in tubes less than 5 inches (152 mm) long; and
8. The spike or handle shall be firmly attached to the clay base and to the sides of the tube.

### F-3309.3 Application for License to Sell Fireworks

#### F-3309.3.1 License Approvals Required.

No license shall be issued to any person to engage in the business of selling any fireworks, either at wholesale or at retail, until the application for that license has been approved by the Department of Consumer and Regulatory Affairs.

#### F-3309.3.2 Appointment of Attorney.

In the application for any license under this section, the applicant shall appoint the Mayor as the applicant's true and lawful attorney upon whom may be served any judicial and other processes or legal notices directed to the applicant in any action or proceeding against the applicant growing out of his or her agreement that any process or notice which is so served shall be of the same legal force and validity as if served personally in the District.

#### F-3309.3.2.1 Process under Subsection F-3309.3.2.

No process or notice shall be served under the provisions of Subsection F-3309.3.2 upon an individual residing in the District of Columbia or upon any domestic corporation under the District of Columbia Business Corporation Act (D.C. Code, Title 29, Chapter 9), or upon any foreign corporation having a registered agent in the District of Columbia under the provisions of that Act.

#### F-3309.3.2.2 Conditions for Subsection F-3309.3.2.

The provisions of Subsection F-3309.3.2 shall not be operative unless and until all the following have occurred:

1. At least one (1) bona fide effort has been made to serve the process or notice in a manner otherwise provided by law; and
2. The initial effort to serve the process or notice has proved unsuccessful and a notarized statement to that effect is presented to the Mayor at the time of service of process or notice to the Mayor, together with the payment of the fee required under Subsection F-3309.3.2.3.

#### F-3309.3.2.3 Fee Under Subsection F-3309.3.2.1.

A fee of \$2.00 shall be paid for each process or notice sought to be served on a licensee under Subsection F-3309.3.2.

#### F-3309.3.2.4 Forwarding of Process or Notice.

Upon payment of the fee required by Subsection F-3309.3.2.3, the Mayor shall forward the process or notice by registered or certified mail return receipt requested, to the licensee at the address given by the licensee on the application for a license.

#### F-3309.4 License to Sell Fireworks: Wholesale

##### F-3309.4.1 Wholesale License Required.

No person shall engage in the business of selling or offering to sell at wholesale in the District of Columbia any of the permitted fireworks described in Subsection F-3309.1.1.2 without first securing a wholesaler's license to sell fireworks from the Department of Consumer and Regulatory Affairs.

##### F-3309.4.2 Minimum Age.

No individual shall be issued a wholesaler's license unless the applicant has passed his or her twenty-first (21st) birthday.

##### F-3309.4.3 Deadline for applications.

All applications for a wholesale license to sell fireworks shall be submitted to the Department of Consumer and Regulatory Affairs no later than May 25 for the sale of fireworks during the same calendar year. This license must be renewed annually.

##### F-3309.4.4 License conditions.

All wholesale license applicants shall:

1. Maintain for the period of the license issued to him or her a depot or warehouse in the District of Columbia in which all fireworks shall be kept for inspection by the Fire Chief prior to shipment to any retail licensee, for a period of at least twenty-four (24) hours from June 20 through July 5, inclusive and for a period of at least three (3) business days at all other times; or
2. Submit to inspection of the entire contents of each wholesale shipment, at a site to be determined by the Fire Chief, prior to distribution to any retail licensee.

##### F-3309.4.5 Warehouse inspections.

Each wholesale licensee applicant who maintains a warehouse or depot in the District of Columbia shall notify the Fire Chief of each shipment received or deposited at the warehouse or depot. Said notice shall be furnished not less than three (3) business days before the date on which the fireworks are delivered to any retail licensee.

##### F-3309.4.6 Non-warehouse inspections.

Each wholesale licensee applicant who does not maintain a warehouse or depot in the District of Columbia is required to provide advance notice of at least three (3) business days to schedule appointments for inspection. All inspections shall be conducted by appointment only, during hours to be determined by the Fire Chief and at a site to be provided by the District of Columbia, except that from June 28 through July 4, inclusive, wholesale licensee applicants shall provide advance notice of at least 24 hours. Inspections will be scheduled between the hours of 10:00 am and 2:00 pm.

###### F-3309.4.6.1 No storage of fireworks on site.

The site provided by the District of Columbia for inspections shall not be used to store, sell or distribute fireworks. Fireworks shall be removed from the inspection site immediately following completion of the inspection.

###### F-3309.4.6.2 Inclement weather.

Inspections may be conducted outside. In an event of inclement weather, the applicant has the option to either rescheduling the inspection for a later date or providing, at his or her own expense, a tarp or other means of protection for the fireworks during such inspection.

###### F-3309.4.6.3 Unloading and Reloading of Fireworks.

It is the applicant's responsibility to provide sufficient labor to unload and reload each fireworks shipment, as shall be required for inspection. The inspectors shall not participate in unloading or reloading fireworks.

###### F-3309.4.6.4 Voucher issued.

After the fireworks have been inspected and approved, the Fire Chief shall issue to the wholesale licensee a voucher, which shall be carried on the vehicle used to transport wholesale fireworks at all times.

F-3309.4.7 Overnight storage.

No wholesale fireworks shall be stored overnight in the District of Columbia except in a warehouse, depot or other facility pursuant to a permit issued by the Department of Consumer and Regulatory Affairs for such purposes. For the purposes of this section, overnight shall be defined as the hours between 8:00 p.m. to 5:00 a.m. All wholesale fireworks that are not stored in an approved location are required to be removed from the jurisdiction.

F-3309.4.8 Restrictions on deliveries.

No wholesale licensee shall make deliveries to retail sale location during rush hour. For the purposes of this section, rush hour shall be defined as the hours between 6:30 a.m. and 9:30 a.m. and between 3:30 p.m. and 6:30 p.m. daily, except Saturdays, Sundays and legal holidays.

F-3309.4.9 Vehicle standards.

In the interest of public safety, all vehicles transporting wholesale fireworks shall meet the following standards.

1. All vehicles used to transport or distribute wholesale fireworks shall be placarded to indicate their contents;
2. A 2A20 BC fire extinguisher shall be carried in the cab of each vehicle;
3. Tractor-trailer trucks in excess of twenty (20) feet in length and straight trucks in excess of eighteen (18) feet in length shall not be used to transport wholesale fireworks within the District of Columbia.

F-3309.4.10 Wholesaler's records.

Each wholesaler licensee shall maintain full and complete records of all purchases and sales of fireworks. The Fire Chief is authorized to examine the books and records of any wholesale licensee with respect to purchases and sales of fireworks.

F-3309.4.11 Other fireworks prohibited.

No person licensed under this section shall store, keep for sale, deliver, or display any fireworks other than those authorized by the article.

F-3309.4.12 Sample required.

Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Fire Chief at least three (3) samples of each firework proposed to be sold or delivered by the wholesaler, together with complete specifications and a chemical analysis for each firework. These samples shall be submitted to the Office of the Fire Marshal no later than February first of each year.

F-3309.5 License to Sell Fireworks. Retail

F-3309.5.1 Retail License Required.

No person shall engage in the business of selling or offering to sell at retail in the District of Columbia any of the fireworks described in Subsection F-3309.1.1.2 without first securing a fireworks retailer's license from the Department of Consumer and Regulatory Affairs.

F-3309.5.2 Sale From Fixed Locations.

Retailer's licenses will be issued to persons for the sale of fireworks only from a fixed location.

F-3309.5.3 Retail Sale of Fireworks.

All fireworks for retail sale in the District of Columbia shall be purchased in the District of Columbia from a licensed fireworks wholesaler.

F-3309.5.4 Retailer's Records.

Each retail licensee shall maintain full and complete records of all purchases of fireworks.

F-3309.5.5 Permit Required.

Each retailer shall obtain a permit from the Fire Chief to ensure the proper storage of fireworks.

#### F-3309.5.6 Financial Responsibility.

Any person or business applying for a permit for the purposes of storage or retail of fireworks shall file with the Fire Chief or his representative a corporate surety bond in the principal minimum sum of \$100,000 or a public liability insurance policy for the same sum for the purposes of payment of damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. This section shall apply to all permanent and temporary retail establishments.

#### F-3309.6 Additional Safety Requirements for Fireworks

##### F-3309.6.1 Prohibitions Near Flammable Materials.

No person shall sell, handle, store, or discharge any fireworks within 50 feet (15240 mm) of any gasoline pump, fill line, vent line, or any building where flammable liquids are stored or handled.

##### F-3309.6.2 Places Where Discharges are Prohibited.

No person shall discharge fireworks within 50 feet (15240 mm) of a place where fireworks are stored, handled, or sold.

##### F-3309.6.3 Removal or Relocation.

If the Fire Chief finds that fireworks are stored or displayed in any of the following ways, the Fire Chief is authorized to issue written orders to the licensee to remove or relocate that storage or display.

1. In a location that would impede egress from the premises in the event of a fire;
2. In close proximity to a source of possible ignition; or
3. In any other manner that is dangerous to persons or property.

##### F-3309.6.4 No Smoking Signs.

No smoking signs that comply with Subsection 3102.3 shall be posted at all retail firework stands.

##### F-3309.6.5 Fire Extinguishers.

At least one fire extinguisher with a minimum rating of 2A shall be installed in each retail fireworks stand. The fire extinguisher shall be maintained in accordance with NFPA 10.

#### F-3309.7 Seizure of Fireworks

##### F-3309.7.1 Fireworks Subject to Seizure.

All fireworks sold, offered for sale, stored, processed, or transported in violation of this article shall be subject to seizure by the Fire Chief.

##### F-3309.7.2 Impounding.

The Fire Chief shall impound all seized fireworks in a place under such conditions that will reduce as much as reasonably possible any threat from those impounded fireworks to the safety of any person or property.

##### F-3309.7.3 Notice to Destroy or Transport.

At the time of seizure, the Fire Chief shall issue a written notice to the owner of the fireworks or the owner's agent stating that all seized fireworks shall be destroyed 30 days from the date of the notice. All seized fireworks approved for sale in the District of Columbia shall be returned provided the owner of the fireworks or the owner's agent can make arrangements satisfactory to the Fire Chief within 30 days from the date of the notice to properly transport the permitted fireworks to an approved location.

##### F-3309.7.3.1 Destruction of Fireworks.

If the arrangements required under Subsection F-3309.7.3 are not made within 30 days from the date on which written notice is given by the Fire Chief to the owner of the fireworks or the owner's agent, the Fire Chief shall destroy or order the destruction of the seized fireworks in a manner that reasonably avoids danger to any person or property.