

Title 157 - STATE FIRE MARSHAL

Chapter 1 - DEFINITIONS

Definitions used in this chapter shall apply to terms as used in the Nebraska Fireworks Regulations.

001. Distributor. Distributor shall mean any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks as a jobber, retailer or both.

002. Jobber. Jobber shall mean any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail.

003. Retailer. Retailer shall mean any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than distributors or jobbers. A retail license shall not be used to purchase fireworks for personal use outside the June 24 to July 5 selling window.

004. Sale. Sale shall include barter, exchange or gift or offer therefore and each such transaction made by any person whether as principal, proprietor, agent, servant or employee.

005. Fireworks. Fireworks shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations.

006. Common Fireworks. Common fireworks shall mean any small firework device designed to produce visible effects by combustion and which is required to comply with the construction, chemical composition and labeling regulations of the United States Consumer Product Safety Commission set forth in Title 16, Code of Federal Regulations, small devices designed to produce audible effects such as whistling devices, ground devices containing fifty milligrams or less of explosive composition and aerial devices and firecrackers containing one hundred thirty milligrams (130 mg.) or less of explosive composition. Class C explosives as classified by the United States Department of Transportation shall be considered common fireworks.

007. Display Fireworks. Display fireworks shall mean those materials manufactured exclusively for use in public exhibitions or displays of fireworks designed to produce visible or audible effects by combustion, deflagration or detonation. Display fireworks shall include, but not be limited to, firecrackers containing more than one hundred thirty

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milligrams (130 mg.) of explosive composition, aerial shells containing more than forty grams (40 g.) of explosive composition and other display pieces which exceed the limits for classification as common fireworks. Class B explosives as classified by the United States Department of Transportation shall be considered display fireworks. Display fireworks shall be considered an explosive as defined by Neb. Rev. Stat. § 28-1213 and shall be subject to sections N.R.S. §§28-1213 to 28-1239, except that display fireworks may be purchased, received and discharged by the holder of an approved display permit issued pursuant to section N.R.S. § 28-1239.01.

008. Permissible Fireworks. Permissible fireworks shall mean only sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charge for the purpose of making a noise, lady fingers, not to exceed seven-eighths of an inch in length or one-eighth inch in diameter, total explosive composition not to exceed fifty milligrams (50 mg.) each in weight, color wheels and any other fireworks approved by the State Fire Marshal. Permissible fireworks shall mean only those fireworks annually listed and promulgated by the State Fire Marshal in Title 157, Chapter 8, "*Fireworks Acceptable in the State of Nebraska for the Year 20__*".

009. Public Exhibitions or Displays. Public exhibition or display shall mean an outdoor display of aerial pyrotechnic shells or ground display pieces for entertainment of a public or private group.

010. Aerial Pyrotechnic Shells. A cylindrical or spherical cartridge containing pyrotechnic composition, a long fuse and a black powder lift charge. Shells shall not exceed six inches (6") in outside diameter unless they are to be electrically ignited.

011. Ground Display Piece. Ground display pieces are pyrotechnic devices that function on the ground. Examples of ground display pieces are fountains, roman candles, wheels and "set pieces".

012. Display Permits. Display permits shall be issued by the State Fire Marshal upon review and approval of applications by persons wishing to hold a public exhibition or display. Display permit applications must be accompanied by a \$10.00 application fee.

013. Licensed Distributor. Licensed distributor shall mean any person holding a valid distributor's license issued by the Nebraska State Fire Marshal.

014. Engaged in the Business of Making Sales of Fireworks. The phrase "engaged in the business of making sales of fireworks" shall mean or indicate that the person or entity referred to holds the proper license for whatever type of business that person or entity shall be in, whether he or she be licensed in Nebraska as a distributor, jobber, or retailer.

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