Article 28 - NFPA 1123-2006: Code For Fireworks Display

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675 IAC 28-1-39 NFPA 1123; code for fireworks display

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 10-19-2; IC 22-11-14-2; IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 39. (a) That certain standard, being titled as NFPA 1123, Code for Fireworks Display, 2006 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, be and the same is hereby adopted by reference, as if fully set out in this section except as revised hereafter.

(b) The following documents referenced in NFPA 1123 are not adopted, are not enforceable, and are for information purposes only:

(1) NFPA 160.
(2) NFPA 306.
(3) NFPA 1122.
(4) NFPA 1124.
(5) NFPA 1127.
(6) Title 16, Code of Federal Regulations.
(7) Title 27, Code of Federal Regulations.
(8) Title 49, Code of Federal Regulations.
(9) API Standard 87-1.

(c) NFPA 1126, as adopted in 675 IAC 22-2.2-26 and referenced in NFPA 1123, is adopted and is enforceable.

(d) Delete subsection 1.1.2, numbers (1), (2), (6), (7), (8), and (9), in their entirety without substitution.

(e) Delete Section 1.2, numbers (2) and (3), without substitution.

(f) Delete Section 1.3, 1.3.1 and 1.3.2 it *[sic]* in its entirety and substitute "See 675 IAC 12-6-11.".

(g) Amend Chapter 3 to read as follows:

(1) 3.2.1 APPROVED means acceptance by the authority having jurisdiction by one (1) of the following methods:

(1) Investigation or tests conducted by nationally recognized authorities; or
(2) Investigation or tests conducted by nationally recognized technical or scientific organizations; or
(3) Nationally accepted principles.

The investigation, tests, or principles shall establish that the method, material, equipment, design, or type of construction is safe for its intended purpose.

(2) 3.2.2 AUTHORITY HAVING JURISDICTION means the Division of Fire and Building Safety or officer of a local unit of government empowered by law to administer and enforce the rules of the commission.

3.2.4 LABELED means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(3) Add the following definitions:

DIVISION OF FIRE AND BUILDING SAFETY means the Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to IC 10-19-2.

FIRE WATCH means a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one (1) or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire, and notifying the fire department.

LISTED means equipment or materials included in a list published by an organization engaged in product evaluation, that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(h) Delete subsection 3.3.14 in its entirety and insert the following definitions:

Section 3.3.14 "Fireworks" means fireworks as defined at IC 22-11-14-1.

Section 3.3.14.1 "Consumer fireworks" means consumer fireworks as defined at IC 22-11-14-1.

Section 3.3.14.2 "Display fireworks" means display fireworks as defined at IC 22-11-14-1.

(i) Amend Section 4.1.3.1 #3 and Figure 4.1.3.1 by deleting the last sentence without substitution.

(j) Amend Section 4.2 to delete the title and substitute, "STORAGE, HANDLING AND ASSEMBLY OF FIREWORKS".

(k) Amend Section 4.2.1 to delete the text and substitute the following: Any storage, handling, or assembly of fireworks materials and devices intended for outdoor display prior to their delivery to the display site shall be in accordance with the applicable rules of the Commission, including, without limitation, Chapter 33 of the Indiana Fire Code and Chapter 3 of the Indiana Building Code.

(l) Delete Section 5.1.1 in its entirety without substitution.

(m) Delete Section 5.1.1.1 in its entirety without substitution.

(n) Delete Section 5.1.1.2 in its entirety without substitution.

(o) Amend Section 5.1.4.6 by deleting the text in its entirety and substitute the following: Dwellings, buildings, and structures shall be permitted to be located within the display site with the approval of the owner of the dwelling, building, or structure, if the dwelling, building, or structure is unoccupied during the display, or if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.

(p) Delete Section 6.3.1.2.2 in its entirety without substitution.

(q) Delete subsection 6.7.2 in its entirety without substitution.

(r) Amend Section 8.1.2 by deleting the text and substituting the following: Monitors whose sole duty shall be the enforcement of crowd control shall be located around the display area.

(s) Delete Section 8.1.2.5 in its entirety without substitution.

(t) Amend Section 8.1.4 by deleting the text and substituting the following: Wherever any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected.

(u) Amend Section 8.1.4.1 by deleting the text and substitute the following: Whenever the lack of crowd control poses a hazard, the fireworks display shall be discontinued immediately until such time as the situation is corrected.

(v) Amend Section 8.1.4.2 by deleting the text and substituting the following: If high winds, precipitation, or other adverse weather conditions prevail such that a significant hazard exists, the fireworks display shall be postponed until weather conditions improve to a reasonable level.

(w) Delete subsection 8.3 in its entirety without substitution and leaving the following subsections: 8.3.1, 8.3.2, or 8.3.3.

(x) Amend Chapter 10 by deleting the text and substituting the following:

(1) 10.1 Operator Qualifications.

(2) 10.1.1 The operator shall be approved in accordance with IC 22-11-14-2.

(3) 10.1.2 An operator shall provide evidence of actual experience as an operator or assistant as part of demonstrating competency to the authority having jurisdiction.

(4) 10.2 All assistants shall be at least eighteen (18) years of age.

(5) 10.3 The fireworks display company, municipality, fair association, amusement park, other organizations, or group of individuals shall obtain a permit in accordance with IC 22-11-14-2.

(y) Chapter 2 and the annexes are not adopted as part of this code and are intended for use as a guide, and the standards referenced therein are not enforceable as part of this code. *(Fire Prevention and Building Safety Commission; 675 IAC 28-1-39; filed Aug 23, 2006, 4:03 p.m.: 20060906-IR-675050104FRA; filed Mar 18, 2008, 2:30 p.m.: 20080423-IR-675070478FRA, eff 90 days after filing with the Publisher; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; errata filed Jul 3, 2013, 8:14 a.m.: 20130710-IR-675130300ACA)*