

**7.28. 2015 IFC Section 5601.1 (Scope).**

Section 5601.1 of the 2015 IFC shall be deemed to be amended in its entirety to read as follows:

**5601.1 Scope.** Unless regulated by other laws or regulations, such as Penal Law 405 or Title 12 NYCRR Part 39, the provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, fireworks, and small arms ammunition.

**7.29. 2015 IFC Chapter 56 (Explosives and fireworks).**

Chapter 56 of the 2015 IFC shall be deemed to be amended by the addition of a new Section 5610 to read as follows:

**SECTION 5610  
SPARKLING DEVICES**

**5610.1 Scope.** The provisions of this section shall govern the possession, manufacture, storage, handling, sale, and use of sparkling devices. Any building or structure where sparkling devices are manufactured, stored, handled, sold or used shall be subject to the provisions of this section and to all other provisions of the Uniform Code applicable to such building or structure.

**5610.2 Definitions.** In this section, the following terms shall have the following meanings unless a different meaning is clearly required by the context:

**OPERATING BUILDING.** The term operating building means a building occupied in conjunction with the manufacture, transportation or use of explosive materials, sparkling devices, or both. Operating buildings are separated from one another with the use of intraplant or intraline distances.

**SPARKLING DEVICES.** The term sparkling devices shall have the meaning ascribed to that term by section 270.00(1)(a)(vi) of the Penal Law, and shall include ground-based or hand-held devices (as defined in subparagraph [i] of this paragraph) and novelties (as defined in subparagraph (ii) of this paragraph).

- (i) **Ground-based or hand-held devices.** The term ground-based or hand-held devices shall include the category of devices described in Section 270.00(1)(a)(vi)(1) of the Penal Law, i.e., sparkling devices which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-

type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

- (a) **Cylindrical fountain.** Cylindrical tube containing not more than 75 grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of 500 grams of pyrotechnic composition shall be allowed.
  - (b) **Cone fountain.** Cardboard or heavy paper cone containing not more than 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, and when cones are securely attached to a base and the cones are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of 500 grams of pyrotechnic composition shall be allowed.
  - (c) **Wooden sparkler / dipped stick.** These devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item.
- (ii) **Novelties.** The term novelties shall include the category of devices described in section 270.00(1)(a)(iv)(2) of the Penal Law, i.e., novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:
- (a) **Party popper.** Small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain no more than 16 milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of 72 devices.
  - (b) **Snapper.** Small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed 50 devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

**5610.3 Other applicable laws.** The provisions of this section shall be in addition to, and not in limitation of:

1. All other provisions of the Uniform Code applicable to any building or structure where sparkling devices are manufactured, stored, handled, sold or used; and
2. All other statutes, rules, regulations, local laws, and ordinances applicable to the possession, manufacture, storage, handling, sale and/or use of sparkling devices, including but not limited to Sections 270.00 and 405.00 of the Penal Law; Section 392-j of the General Business Law; Section 156-h of the Executive Law; Part 225 of Title 9 NYCRR; Part 39 of Title 12 NYCRR (Industrial Code Rule 39); and local laws, ordinances or regulations relating to operating permits as contemplated by Section 1203.3(g) of Title 19 NYCRR. Nothing in this section shall be construed as permitting the possession, manufacture, handling, sale and/or use of sparkling devices in violation of any other law, statute, rule, regulation, local law or ordinance applicable to the possession, manufacture, storage, handling, sale and/or use of sparkling devices. Nothing in this section shall be construed as permitting the possession, manufacture, handling, sale and/or use of sparkling devices in any jurisdiction where the possession, manufacture, handling, sale and/or use of sparkling devices has not been made legal in accordance with the provisions of Section 405.00 of the Penal Law.

**5610.4 Hazardous conditions.**

**5610.4.1 Fire danger rating areas.** The New York State Department of Environmental Conservation (DEC) publishes fire danger ratings for each Fire Danger Rating Area (FDRA) in the State. The use of sparkling devices at any location within a FDRA designated by the DEC as having a fire danger rating of extreme (red) at any time when such designation is in effect is prohibited.

**5610.4.2 Red flag condition areas.** The DEC designates certain areas within the State as being subject to red flag conditions. The use of sparkling devices at any location within any area designated by the DEC as being subject to red flag conditions at any time such designation remains in effect is prohibited.

**5610.5 Use of ground-based or hand-held devices in or near buildings or structures.**

**5610.5.1 Inside buildings or structures.** No ground-based or hand-held device shall be used inside any building or structure unless:

1. Such ground-based or hand-held device is listed for indoor use; and
2. The use of such ground-based or hand-held device inside such building or structure has been approved.

**5610.5.2 Near buildings or structures.** No ground-based or hand-held shall be used within 10 feet of any building or structure unless:

1. Such ground-based or hand-held device is listed for indoor use or for use within 10 feet of a building or structure; and

2. The use of such ground-based or hand-held device within 10 feet of such building or structure has been approved.

## **5610.6 Retail sales.**

**5610.6.1 Limitations.** No persons shall construct a retail display of sparkling devices or offer sparkling devices for sale upon highways, sidewalks or public property or in a Group A or E occupancy.

**5610.6.2 Reference standard requirements.** Retail sales of sparkling devices shall comply with the applicable requirements of NFPA 1124.

**5610.6.3 Portable fire extinguisher.** A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4,572 mm) and not less than 10 feet (3,048 mm) from each area where sparkling devices are stored or displayed for retail sale.

**5610.6.4 No smoking signs.** No smoking signs complying with Section 310 shall be conspicuously posted in each area where sparkling devices are stored or displayed for retail sale.

**5610.7 Storage of sparkling devices.** The storage or temporary storage of sparkling devices shall comply with the applicable requirements of NFPA 1124 and, in addition, shall be subject to the provisions of Section 5610.8.

**5610.8 Limit on quantity.** The code enforcement official is authorized to limit the quantity of sparkling devices permitted to be kept or stored at any one- or two-family dwelling, townhouse, or any building or structure containing any Group R occupancy.

**5610.9 Records.** Manufacturers of sparkling devices shall maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR part 1910.1200 and Section 407.

## **5610.10 Manufacture, assembly, and testing of sparkling devices.**

**5610.10.1 Reference standard requirements.** The manufacture, assembly, and testing of sparkling devices, and facilities where the manufacture, assembly and/or testing of sparkling device occur, shall comply with the requirements of this subdivision and NFPA 495 or NFPA 1124.

**5610.10.2 Emergency planning.** Emergency plans, emergency drills, employee training and hazard communication shall conform to the provisions of this section and Sections 404, 405, 406 and 407.

**5610.10.3 Management plans and inventory statements.** Detailed Hazardous Materials Management Plans (HMMP) and hazardous materials inventory statements (HMIS) complying with the requirements of Section 407 shall be prepared and submitted to the local emergency planning committee, the code enforcement official, and the local fire department. A copy of the required HMMP and HMIS shall be maintained on site and furnished to the code enforcement official on request.

**5610.10.4 Training.** Workers who handle or dispose of sparking devices shall be trained in the hazards of the materials and processes in which they are to be engaged and with the safety rules governing such materials and processes.

**5610.10.5 Emergency procedures.** Approved emergency procedures shall be formulated for each facility where sparking devices are manufactured, assembled and/or tested. Such procedures shall include personal instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.

### **7.30. 2015 IFC Section 5704.2 (Tank storage).**

Section 5704.2 of the 2015 IFC shall be deemed to be amended by the addition of the following section:

**5704.2.16 Abandonment of heating oil storage tanks.** The abandonment or removal of tanks used for storing heating oil for consumptive use on the premises where stored, referred to in this section as heating oil storage tanks, and related piping in connection with the conversion of liquid fuel burning appliance to alternative fuel shall be in accordance with all of the following:

1. The entire contents of the heating oil storage tank and related piping shall be emptied, cleaned and purged of all vapor. The contents of the storage tank and related piping shall be removed from the premises or property and disposed of in accordance with applicable local, state or federal rules and regulations;
2. If the heating oil storage tank is to be abandoned in place, the vent line shall remain open and intact, unless the tank is filled with an inert material. The oil fill pipe and other related piping shall either be removed, or the oil fill pipe shall be filled with concrete;
3. If the heating oil storage tank is to be removed, the vent line, oil fill pipe and related piping shall also be removed, or the oil fill pipe shall be filled with concrete;
4. An appropriate and qualified inspector, as determined by the local government, shall cause an inspection to be made of the abandonment or removal in connection with the conversion to determine conformity with the uniform code; provided, however, that the local government official may waive such inspection for good cause shown; and
5. No approval of such abandonment or removal shall be granted unless written proof of the heating oil storage tank's oil fill pipe having been removed or filled with concrete in accordance appropriate provisions of the uniform code has been provided by the