

FIRE CHIEF  
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# CITY OF BRUNSWICK

## DIVISION OF FIRE



### Ohio Fire Marshal Issues Clarification on “Sky Lanterns” August 2019

The Ohio State Fire Marshal's Office has issued a clarification letter on the code requirements of “Sky Lanterns”, also commonly known as “Wish Lanterns”, “Chinese Lanterns”, “Kong Ming Lanterns”, or any other similar device which is set on fire and released to the atmosphere, allowing the burning object to drift uncontrollably.

#### Per the Ohio State Fire Marshal's Office:

“To start, be advised that sky lanterns do not meet the R.C. §3743.01 based definition of a firework. Thus, consistent with guidance the State Fire Marshal (SFM) has received from the National Fire Protection Association (NFPA) and definitions used in the Ohio Fire Code, **sky lanterns in Ohio are considered flame effects**. As a flame effect, the regulation of sky lantern devices is a part of the general fire safety sections of the Ohio Fire Code. See Ohio Administrative Code 1301:7-7-33 and Ohio Fire Code [OFC] §3311.

**To use a flame effect in Ohio in front of an audience, a person must first have a flame effect exhibitor license (also known as a “Type III” license) issued by the State Fire Marshal (see OFC §3319).** To conduct an actual display of a flame effect (either indoor or outdoor) in front of an audience (almost all uses of a flame effect), **an exhibitor must obtain a permit from the local fire code official.** These permits can only be issued and maintained if the display occurs in accordance with OFC §3311.

If a person does not comply with the licensure or display permit requirements, they are subject to citation under R.C. §3737.42 for violation of the fire code and civil penalties as described in R.C. §3737.51(B) and (C). Also, since these devices are not fireworks, R.C. §3737.51(A) applies instead of R.C. §3743.65 as the relevant criminal code statute. Per R.C. §3737.51(A) & R.C. §3737.99, it can be a 1st degree misdemeanor to violate the OFC. Thus, use of an unpermitted flame effect could also trigger significant criminal penalties (in a worst case scenario). Ohio also has criminal and civil prohibitions against negligent and intentional ignition/spreading of fires.

As for the sales, possession and storage of sky lanterns, the sale and storage of sky lanterns does not require the seller to have a specific license in Ohio and a purchaser does not need a license or permit to acquire or store such devices. However, again, a flame effects exhibitor's license and a locally issued permit are required to display/use sky lanterns. And, as always, the Ohio Fire Code sets forth the general minimum standards for any possession and storage of flammable/combustible or otherwise hazardous items (regulations that are unlikely to be triggered by purchase, possession or storage of a small quantity of sky lanterns).

If you have any further questions about these matters, please contact Brian Whitten, Chief of Code Enforcement, via phone at 1-888-276-0303 or e-mail at [Brian.Whitten@com.state.oh.us](mailto:Brian.Whitten@com.state.oh.us).”

***The City of Brunswick, Division of Fire will not be issuing permits for Sky Lanterns; these lanterns are not permitted in the City of Brunswick at this time by order of Chief Joshua Erskine, Fire Marshal***



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