

## **FIREWORKS; EXPLOSIVES**

### **5-2-1: DEFINITIONS:**

For the purposes of this chapter, the definitions contained in the fireworks use act<sup>1</sup> and the pyrotechnic and consumer display permitting rules (41 Illinois administrative code 235.10 et seq.) shall apply unless the context otherwise requires. (Ord. 06-73, 6-12-2006)

### **5-2-2: PROHIBITED CONDUCT:**

- (A) It shall be unlawful for any person to violate any provision of the fireworks use act or any rule or regulation promulgated by the state fire marshal pursuant to the fireworks use act. Except as hereinafter provided, it shall be unlawful for any person, firm, copartnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail or use or explode any display fireworks, flame effects or consumer fireworks.
- (B) Nothing in this chapter shall be construed as prohibiting the manufacture, storage or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft or other instruments of transportation. (Ord. 06-73, 6-12-2006)

### **5-2-3: PYROTECHNIC DISPLAYS:**

- (A) Pyrotechnic displays shall only be conducted pursuant to a permit obtained from the village.
- (B) All pyrotechnic displays require the services of a licensed lead pyrotechnic operator and a licensed pyrotechnic distributor. A licensed lead pyrotechnic operator shall be present during any pyrotechnic display and shall personally supervise all assistants, including all phases of the pyrotechnic display. The lead pyrotechnic operator must be in possession of and able to produce his or her license upon request at all times during the delivery, setup and performance of the display.
- (C) All 1.3G fireworks displays and storage shall be conducted in accordance with National Fire Protection Association 1123 (2000), code for fireworks display. Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by the federal bureau of alcohol, tobacco, firearms and explosives at 27 CFR 555.1 et seq., or by the Illinois department of natural resources pursuant to article 3 of the Illinois explosive act, 225 Illinois Compiled Statutes 210. Should there be a conflict between the requirements established by the bureau of alcohol, tobacco, firearms and explosives and by the Illinois department of natural resources, those requirements that are more specific, more stringent or impose requirements for which no like requirements are contained in the other agency's requirements shall control.
- (D) No pyrotechnic displays shall be conducted within six hundred feet (600') of any hospital, asylum or infirmary.
- (E) Pyrotechnic displays shall not be conducted indoors. (Ord. 06-73, 6-12-2006)

### **5-2-4: PERMIT APPLICATION AND PROCEDURES:**

- (A) Each applicant for a pyrotechnic display permit shall submit a completed application form and such information as required by the village clerk at least fifteen (15) days in advance of the date of the pyrotechnic display. The application shall contain the following information:
1. The name and address of the applicant.
  2. The date, location and beginning and ending times of the proposed display.
  3. The name and address of the lead pyrotechnic operator, along with proof that said operator possesses a valid license from the state of Illinois.
  4. The names and addresses of all assistants to the lead pyrotechnic operator, along with proof that said persons are at least eighteen (18) years of age.
  5. The name and address of the pyrotechnic distributor, along with proof that said distributor possesses a valid license from the state of Illinois.
  6. Proof of liability insurance in a sum not less than one million dollars (\$1,000,000.00). Such insurance shall be carried with an insurer authorized to do business in the state of Illinois and insure the applicant against liabilities, judgments, costs, damages and expenses that may accrue against, be charged to or be recovered from the applicant on the reason of damage to property or injury to or death of any person arising from the pyrotechnic display or flame effect display. Such insurance coverage shall be an occurrence based policy, and it shall cover all periods of time when pyrotechnic materials, including flame effect materials, are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.
- (B) No permit shall be issued unless the chief of the Oswego fire protection district, or his or her designee, has inspected the site and determined that the display can be performed in full compliance with the rules adopted by the state fire marshal and that the display shall not be hazardous to property or endanger any person or persons. Permits must be signed by the chief of the Oswego fire protection district, or his or her designee.
- (C) After a permit has been granted, sales, possession, use and distribution of display fireworks for the display shall be lawful for that purpose only.
- (D) No permit granted hereunder shall be transferable. (Ord. 06-73, 6-12-2006)

**5-2-5: NOTICE TO THE VILLAGE:**

- (A) Permit holders shall notify the village within twenty four (24) hours after any fire, injury to any person resulting from the display or damage to property in excess of five hundred dollars (\$500.00), in the aggregate, resulting from the display. The village shall notify the state fire marshal by telephone or in writing within three (3) days after learning of incident.
- (B) Licensed pyrotechnic distributors and licensed lead pyrotechnic operators shall report the theft or loss of fireworks to the village police department in accordance with section 230.180 of the pyrotechnic distributor and operator licensing rules (41 Illinois administrative code 230.180), the Illinois department of natural resources and the bureau of alcohol, tobacco, firearms and explosives. (Ord. 06-73, 6-12-2006)

**5-2-6: RECORD OF PERMITS ISSUED:**

The village shall maintain a copy of each display permit issued for a minimum of four (4) years from the date of the display. Any reports of fire, injury, property damage, theft or loss of fireworks that are submitted to the village shall be maintained with the copy of the display permit. (Ord. 06-73, 6-12-2006)

**5-2-7: STORAGE OF EXPLOSIVES:**

- (A) Dynamite: It shall be unlawful to keep or store any dynamite in the village in excess of five (5) pounds on any one premises.
- (B) Nitroglycerin; TNT: It shall be unlawful to keep or store any nitroglycerin or the explosive commonly known as TNT in the village in any quantities, excepting for medicinal or laboratory purposes, and for such purposes no more than one-half (1/2) pound shall be stored on any one premises.
- (C) Gunpowder: It shall be unlawful to keep or store any black powder or gunpowder or guncotton in the village in excess of five (5) pounds on any one premises.
- (D) Storage Of Permitted Explosives: All explosives kept or stored in the village shall be kept and stored in accordance with the rules enforced by the state fire marshal, with regard thereto. (Ord. 06-73, 6-12-2006)

**5-2-8: PENALTY:**

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. (Ord. 09-42, 5-12-2009)