
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 08-054**

**AN ORDINANCE REGULATING FIREWORKS AND
LICENSING PYROTECHNIC DISPLAYS FOR THE VILLAGE
OF HOMER GLEN, WILL COUNTY, ILLINOIS**

**JAMES P. DALEY, Village President
Gale Skrobuton, Village Clerk**

**MARCIA DE VIVO
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MARY NIEMIEC
MARGARET SABO
LAUREL WARD**

Trustees

**AN ORDINANCE REGULATING FIREWORKS AND LICENSING
PYROTECHNIC DISPLAYS FOR THE VILLAGE OF HOMER GLEN**

WHEREAS, the Village is concerned about the health, safety, and welfare of the residents of the community; and

WHEREAS, the President and Village Board hereby determine that individuals, organizations, and firms shall be prohibited from selling, offering for sale, keeping for the purpose of selling, discharging or setting off any fireworks within the Village limits; and

WHEREAS, the Illinois General Assembly amended the Fireworks Use Act to prohibit pyrotechnic displays unless permitted by municipal or county authorities; and

WHEREAS, said amendments also authorize municipalities to adopt reasonable rules and regulations for the granting of pyrotechnic display permits; and

WHEREAS, the President and the Village Board hereby determine that local regulation and permitting of pyrotechnic displays is in the best interests of the Village of Homer Glen.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals: The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Definitions: For the purposes of this ordinance, the following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this ordinance.

FIREWORKS: Shall mean and include any explosive composition or a substance or combination of substances or any article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration, or detonation, and includes blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the balloons, firecrackers, M-80's, cherry bombs, torpedoes, skyrockets, Roman candles, bombs, or other

fireworks of like construction and any fireworks containing any explosive compound or any tablet or other device containing any explosive substance or containing combustible substances producing visual effects. However, the term “fireworks” shall not include snake or glowworm pellets; smoke devices; trick noisemakers known as party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms; wire sparklers, toy pistols; toy canes; toy guns; or other devices in which paper or plastic caps containing 0.25 grains or less of explosive compound are used, provided they are constructed so that the hand cannon comes into contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than 0.20 grains of explosive mixture.

**PYROTECHNIC
DISPLAY:**

Shall mean the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged and as may be further defined in the Fireworks Use Act of the State of Illinois and Pyrotechnic Operator Licensing Act of the State of Illinois.

SMOKE DEVICE:

A tube or sphere containing a pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

SNAKE/GLOWWORM:

Pressed pellets of pyrotechnic composition that produce a large, snake-like ash which is designed to expand in length as the pellet burns. These devices may not contain mercuric thiocyanate.

TRICK NOISEMAKER:

An item that produces a small report intended to surprise the user.

WIRE SPARKLER:

Wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed one hundred grams (100 g) of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five

grams (5 g) of composition per item. These items include the following:

- (A) Auto Burglar Alarm: A tube which contains a pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding fifty milligrams (50 mg), may be used to produce a small report. A squib is used to ignite the device.
- (B) Booby Trap: A small tube with a string protruding from both ends, similar to a party popper design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.
- (C) Cigarette Load: A small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.
- (D) Party Popper: A small plastic or paper item containing not more than sixteen milligrams (16 mg) of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streams and producing a small report.
- (E) Snapper: A small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped the devices explode, producing a small report.
- (F) Trick Match: A kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition to the match, a small report or a shower of sparks is produced.

Section 3: Acts Prohibited-

(A) Except as hereinafter provided, it shall be unlawful to possess, sell, exhibit for sale, offer for sale, shoot, explode or otherwise use or exhibit fireworks, firecrackers, torpedoes, Roman candles, skyrockets, cherry bombs, M-80s, or other pyrotechnic displays within the corporate limits of Homer Glen.

(B) Nothing contained in this Ordinance shall be construed as prohibiting the manufacture, storage, or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft, emergency vehicles or other instrumentalities of transportation.

Section 4: 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 a 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, set-up, and performance of the display.
- (C) All 1.3G fireworks displays and storage shall be conducted in accordance with National Fire Protection Association Standards 1123 (Fireworks Display) and 1124 (Storage) and the applicable provisions of the Homer Glen Building Ordinance. 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 C.F.R. 551.1 *et seq.*, and by the Illinois Department of Natural Resources pursuant to Article 3 of the Illinois Explosive Act, 225 ILCS 210.
- (D) No pyrotechnic displays shall be conducted within 600 feet of any hospital, asylum, or infirmary.
- (E) Pyrotechnic displays shall not be conducted indoors.

Section 5: 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 Manager and/or designee at least 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, 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 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 \$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 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 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.

Section 6: Notice to the Village –

- (A) Permit holders shall notify the Village within 24 hours after any fire, injury to any person resulting from the display or damage to property in excess of \$500, in the aggregate, resulting from the display. The Village shall notify the State Fire Marshal by telephone or in writing within 3 days after learning of accident.
- (B) Licensed pyrotechnic distributors and licensed lead pyrotechnic operators shall report the theft or loss of fireworks to the Will County Sheriff's Department in accordance with Section 230.180 of the Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230.180) and the applicable regulations of the Illinois Department of Natural Resources and the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 7: Records of Permits Issued - The Village shall maintain a copy of each display permit issued for a minimum of 4 years from the date of the display.

Any reports of the 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.

Section 8: Penalty - Any person violating any provision of this Ordinance shall be subject to a mandatory fine of not less than two hundred and fifty dollars (\$250.00) nor more than seven hundred and fifty dollars (\$750.00), per violation, plus court costs. Each day that such violation exists shall constitute a separate and distinct offense.

Section 9: Enforcement - Proceedings to enforce violations of this ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinances providing for Administrative Adjudication of Code Violations or by any other means provided by law.

Section 10: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 11: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 12: Effective Date - This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form.

Adopted this 14th day of October, 2008 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
De Vivo	X			
Knaack	X			
Locacius			X	
Niemiec	X			
Sabo	X			
Ward	X			
Daley (Village President)	-			
TOTAL	5	0	1	-

APPROVED by the Village President on October 14, 2008.

James P. Daley
Village President

ATTEST:

Gale Skrobuton
Village Clerk