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AN ORDINANCE AMENDING TITLE 8, CHAPTER 6 OF THE VILLAGE CODE RELATING TO FIREWORKS OR PYROTECHNICS AND FIREWORK OR PYROTECHNIC DISPLAYS IN THE VILLAGE OF ORLAND PARK

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WHEREAS, the unauthorized use of fireworks and pyrotechnics presents great danger and can cause grave injury to persons, especially children and property; and

WHEREAS, the State of Illinois recently passed both an amended Fireworks Use Act, 425 ILCS 35/0.01, et. seq., and an amended Pyrotechnic Distributor and Operator Licensing Act, 225 ILCS 227/0.01, et. seq., both of which prohibit the discharge of fireworks or pyrotechnics within the corporate limits of any municipality unless said municipality passes an ordinance regulating such displays; and,

WHEREAS, the Village of Orland Park is an Illinois home rule municipality with power to regulate matters for the protection of the public health, safety, morals and welfare; and

WHEREAS, regulation of the possession sale and use of fireworks and pyrotechnics pertains to the public health, safety, morals and welfare of the residents of the Village of Orland Park; and

WHEREAS, the President and Board of Trustees of the Village of Orland Park have determined that appropriately planned and conducted firework and pyrotechnic displays are beneficial to the public to commemorate celebratory events, and has determined that regulation of firework and pyrotechnic displays within the Village is in the public's interest and protects the health, safety and welfare of Village inhabitants;

NOW THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

**Section 8-6-10 Repealed.** Section 8-6-10 of the Village Code of the Village of Orland Park is hereby repealed in its entirety.

SECTION 2:

**Section 8-6-10 Added.** Section 10 of Chapter 6 of Title 8 of the Village Code of the Village of Orland Park is hereby added as follows:

**Section 1. Definitions.** As used in this Chapter, the following words and terms shall have the following definitions and meanings:

"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.

"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of the Fireworks Use Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Operator Licensing Act.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association

160 guidelines, and as may be further defined in the Pyrotechnic Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

"Pyrotechnic display" means 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 and Pyrotechnic Operator Licensing Act.

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

"State Acts" means the Illinois Fireworks Use Act (425 ILCS 35) and the Illinois Pyrotechnic Distribution and Operator Licensing Act (225 ILCS 227).

**Section 2. Possession, sale, and use of fireworks or pyrotechnics prohibited except as provided.** It shall be unlawful for any person to possess, offer for sale, expose for sale, sell at retail, store, use, discharge, set-off or explode any display fireworks, flame effects, or consumer fireworks in the Village at any time, or to allow any such acts on property owned by that person within the Village, without a permit having been issued by the Village in compliance with this Chapter, the State Acts and applicable State and local regulations.

### **Section 3. Pyrotechnic displays.**

A. Pyrotechnic Display Permits Required. A pyrotechnic display permit is required and shall be issued by the Village Clerk upon compliance with the following conditions:

1. Applications for pyrotechnic display permits shall be made to the Village Clerk in writing at least 15 days in advance of the date of the proposed pyrotechnic

display, unless such 15 day requirement is waived by the Village Clerk and the Chief of the Respective Fire Protection District.

2. Applicants for pyrotechnic display permits must be adult individuals eighteen years of age or older.
3. Applications for pyrotechnic display permits must identify the licensed lead pyrotechnic operator who will be conducting the display, and a current and valid copy of his or her license shall be attached to the application.
4. Applications for pyrotechnic display permits must identify the licensed pyrotechnic distributor from whom the pyrotechnics will be obtained, and a current and valid copy of the pyrotechnic distributor's license shall be attached to the application.
5. Applications for pyrotechnic display permits must verify that all pyrotechnic assistants will be 18 years of age or older at the time of the display.
6. Applicants for pyrotechnic display permits must provide proof of liability insurance in a sum not less than \$1,000,000 to the Village before issuance of the permit. The insurance coverage shall be an occurrence- based policy and shall cover all periods of time when pyrotechnic materials are in the insureds actual and constructive possession
7. Pyrotechnic display permits shall be issued only after the Chief of the Respective Fire Protection District, or his or her designee, has inspected the proposed display site and determined, in writing, 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.
8. Pyrotechnic display permits shall be signed by the Village Clerk, or his or her designee, and the Chief of the Respective Fire Protection District, or his or her designee, and must identify the lead pyrotechnic operator and pyrotechnic distributor.
9. After a pyrotechnic display permit has been granted, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only.
10. No pyrotechnic display permit granted hereunder shall be transferable.
11. The application fee for a pyrotechnic display permit shall be \$100.00 payable to the Village Clerk; no application fee is required for pyrotechnic displays held in conjunction with events sponsored by the Village of Orland Park.

B. Indoor Pyrotechnic Displays. An indoor pyrotechnic display shall be permitted upon compliance with the foregoing conditions. In addition, all indoor pyrotechnic displays shall be conducted in buildings protected by automatic sprinkler systems and meeting the requirements of rules adopted by the State Fire Marshal pursuant to the Fireworks Use Act.

C. State/County Fair Association Exception. No pyrotechnic display permit shall be required under this Chapter for supervised public displays by State or County fair associations.

#### **Section 4. Consumer Displays.**

A. Consumer Display Permits. A consumer display permit is required and shall be issued by the Village Clerk upon compliance with the following conditions:

1. Applications for consumer display permits shall be made to the Village Clerk in writing at least 15 days in advance of the date of the proposed display, unless such 15 day requirement is waived by the Village Clerk and the Chief of the Respective Fire Protection District.
2. The applicant applying for the consumer display permit must be an adult individual eighteen years of age or older.
3. Application for consumer display permits must identify the competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal and who will be handling the display. In addition, proof that the competent individual handling the consumer display has received the requisite training shall be attached to the application.
4. A criminal background check of applicants shall be conducted before issuance of a consumer display permit. No consumer display permit shall be issued to applicants who have been convicted of a felony or any violation of a criminal statute or local ordinance related to the illegal sale of fireworks.
5. Applicants for consumer display permits must provide proof of liability insurance in a sum not less than \$250,000 to the Village before issuance of the permit. The insurance coverage shall be an occurrence-based policy and shall cover all periods of time when consumer fireworks are in the insureds actual and constructive possession.
6. A consumer display permit shall be issued only after inspection of the display site by the Chief of the Respective Fire Protection District, or his or her designee, to determine, in writing, that the display is in full compliance with the rules adopted by the State Fire Marshal.

7. Consumer display permits shall be signed by the Village Clerk, or his or her designee, and the Chief of the Respective Fire Protection District or his or her designee, and must identify the trained individual handling the consumer display.

8. After a consumer display permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only.

9. No consumer display permit granted hereunder shall be transferable.

10. The application fee for a consumer display permit shall be \$100.00.

**Section 5. 600 Foot Rule.** No pyrotechnics or fireworks shall be discharged, ignited or exploded at any point in the Village within 600 feet of any hospital, asylum, infirmary, school, church, retirement community, assisted living center or complex where more than three senior citizens are residing.

**Section 6. Theaters or Public Halls.** The use of what are technically known as fireworks showers or any mixture containing potassium chlorate, and sulphur in theatres or public halls is prohibited.

**Section 7. Railroad, Truck and Aircraft Industry.** Nothing herein 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 instrumentalities of transportation.

**Section 8. Sparklers.** The sale and/or use of sparklers in the Village is prohibited.

**Section 9. Forms.** All applications, permits and site inspection records shall be on forms approved by the State Fire Marshal.

**Section 10. Class A Misdemeanor.** Any person violating these provisions shall be guilty of a Class A misdemeanor.

**Section 11. Penalty.** Any person who violates the prohibitions of this Chapter shall be subject to a fine of not to exceed \$750.00 and confiscation of the prohibited materials. Each and every violation of this Chapter and every day of a violation shall constitute a separate offense.

SECTION 3:

**Insertion into Village Code**

The regulations stated above shall be inserted into the Village Code of the Village of Orland Park at Title 8, Chapter 6, as Section 8-6-10a Fireworks, Possession, Sale and Use Prohibited Without Permit.

**SECTION 4:**

The provisions of this Ordinance shall be severable and in the event a court of competent jurisdiction finds any section hereof invalid, the decision shall not affect the validity of any other section hereof.

**SECTION 5:**

The Village Clerk is hereby directed to publish this Ordinance in pamphlet form said pamphlets to be deposited in the office of the Village Clerk for general distribution.

**SECTION 6:**

This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication as required by law.