

RESOLUTION 10-1

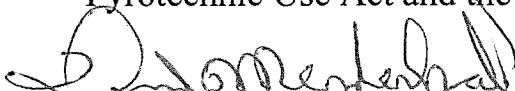
WHEREAS, both the Pyrotechnic Use Act and the Pyrotechnic Distributor and Operator Licensing Act govern the sale and display of fireworks in Illinois; and

WHEREAS, Sangamon County adopted Chapter 8.12 of the Sangamon County Code to govern certain aspects of fireworks sales and displays which occur within its jurisdiction; and

WHEREAS, certain provisions of Chapter 8.12 contain terms that are inconsistent with terms in the Acts; and

WHEREAS, so that all provisions of Chapter 8.12 and the Acts work in harmony, and in recognition of the primacy of the Acts' provisions, amendments to Chapter 8.12 are necessary.

NOW, THEREFORE, BE IT RESOLVED by the Members of the Board of Sangamon County, Illinois, in session this 8th day of April, 2024, that Chapter 8.12 of the Sangamon County Code are hereby amended in the manner shown on Exhibit A hereto so that Chapter 8.12's terms are in harmony with both the Pyrotechnic Use Act and the Pyrotechnic Distributor and Operator Licensing Act.



ZONING AND LAND USE CHAIRMAN

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

FILED

MAR 22 2024


Sangamon County Clerk

CHAPTER 8.12 FIREWORKS DISPLAY AND SALE REGULATIONS

For the Pyrotechnic Use Act, see 425 ILCS 35/0.01, *et seq.* For the Pyrotechnic Distributor and Operator Licensing Act, see 225 ILCS 227/1, *et. seq.*

8.12.010 Definitions

- A. The following terms when used in this chapter shall have the meanings set forth in this section unless the context clearly indicates or requires a different meaning:
1. “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.
 2. “Applicant” means any Person who applies for a permit that is (or would be) issued pursuant to this Chapter.
 3. “Application” means a form promulgated by the County Clerk or County Zoning Administrator, as applicable, for obtaining the necessary information to perform the County Clerk’s or County Zoning Administrator’s, as applicable, duties with respect to this Chapter. Said Application shall be completed by the Applicant.
 4. “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.
 5. “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 be interpreted to include Novelty Fireworks, as that term is defined herein.
 6. “Consumer Fireworks Display” or “Consumer Display” means the detonation, ignition, or deflagration of Consumer Fireworks to produce a visual or audible effect.
 7. “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 the Pyrotechnic Use Act, 425 ILCS 35/2.2.
 8. “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.
 9. “Display Fireworks” means 1.3G or special effects fireworks or as further

defined in the Pyrotechnic Distributor and Operator Licensing Act.

10. “Fireworks” means any or all of 1.3G fireworks, Consumer Fireworks, Display Fireworks, Special Effects Fireworks, and any other item defined as Fireworks under State law. Fireworks shall not be interpreted to include Novelty Fireworks, as that term is defined herein.
11. “Fireworks stands” as used in this Chapter and the Sangamon County Zoning Ordinance shall mean any location at which a Consumer Distributor or Consumer Retailer conducts business.
- ~~11.~~12. “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 Distributor and Operator Licensing Act.
- ~~12.~~13. “Lead Pyrotechnic Operator” means an individual who is responsible for the safety, setup, and discharge of the Pyrotechnic Display or Pyrotechnic Service and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act.
- ~~13.~~14. “Novelty Fireworks” means 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.
- ~~14.~~15. “OSFM” means the Office of the Illinois State Fire Marshal.
- ~~15.~~16. “Permittee” means any Person that is granted the appropriate permit under the provisions of this Chapter.
- ~~16.~~17. “Person” means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.
- ~~17.~~18. “Production Company” means any person in the film, digital and video media, television, commercial, music, or theatrical stage industry who provides Pyrotechnic Services or pyrotechnic display services as part of a film, digital and video media, television, commercial, music, or theatrical production in the State of Illinois and is licensed pursuant to the Pyrotechnic Distributor and

Operator Licensing Act.

~~18.19.~~ “Public Display” means a Consumer Fireworks Display and/or a Pyrotechnic Display.

~~19.20.~~ “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 Pyrotechnic Distributor and Operator Licensing Act.

~~20.21.~~ “Pyrotechnic Distributor” means any person who distributes Display Fireworks for sale in the State or provides them as part of a Pyrotechnic Display Service in the State of Illinois or provides only Pyrotechnic Services and is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act, 225 ILCS 227/1, *et. seq.*

~~21.22.~~ “Pyrotechnic Display Service” means the detonation, ignition, or deflagration of Display Fireworks, Special Effects Fireworks, or Flame Effects to produce a visual or audible effect.

~~22.23.~~ “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.

8.12.020 Applicability

A. The provisions of this Chapter with respect to Fireworks Displays and Fireworks sales are applicable to sites located within Sangamon County but outside the corporate limits of any and all cities, villages, and incorporated towns within the county.

B. Any Fireworks Display ~~or~~ undertaken by a Permittee in a manner that comports with this Chapter shall be considered an authorized special event that does not require a temporary use permit for the purposes of the Sangamon County Zoning Ordinance.

~~B.C.~~ Any Consumer Fireworks sales undertaken by a Permittee in a manner that comports with this Chapter shall be considered a “special event” requiring a temporary use permit for the purposes of Section 17.06.070 of this Code. ~~the Sangamon County Zoning Ordinance.~~

8.12.030 Sale/Use Prohibited; Exceptions

Except as provided in this Chapter and approved by the County as evidenced by the granting of an appropriate permit, it shall be unlawful for any Person to knowingly possess, offer

for sale, expose for sale, sell at retail, use, explode, or cause the explosion of, any Fireworks unless otherwise permitted by State law.

8.12.040 Public Display Permits; Application for Permits.

- A. The County is authorized and empowered to grant and issue a permit for a Public Display upon compliance with the conditions set forth in this Chapter.
- B. The Applicant must meet all requirements of State law for the conducting of a Public Display.
- C. Any Person desiring to sponsor a Public Display shall submit an Application for such Public Display, in writing, at least fifteen days in advance of the date of the Public Display, to the County Clerk.
- D. Such Application shall include all information and documentation required by Sections 8.12.050 or 8.12.060, as applicable.
- E. Issuance of any Permit is conditioned on compliance with provisions of State law and regulations promulgated by OSFM, as well as compliance with the provisions of this Chapter.
- F. The County Clerk, or his or her duly authorized representative, shall ascertain the qualifications of the Person identified in the Application to conduct a Public Display, and shall make a determination of whether or not the Person identified in the Application meet the requirements of this Chapter and of State law.
- G. The County Clerk, or his or her duly authorized representative, shall promptly forward the Application for a Public Display to the Fire Chief providing fire protection coverage to the area where the Public Display is to be conducted, or his or her designee, who shall determine whether or not the Public Display complies with applicable rules adopted by OSFM.
- H. The County Clerk, or his or her duly authorized representative, shall prepare and make available such Applications as are necessary to obtain a permit under this Chapter.
- I. The County Clerk shall adopt a reasonable fee for the processing of an Application; such fee shall only take into consideration the administrative burden on the County Clerk's Office which is fairly traceable to the requirements of this Chapter. Said fee shall not be arbitrarily or capriciously modified. Said fee must be paid by the Applicant upon submission of the Application to the County Clerk for processing.
- J. The County shall maintain a copy of each permit issued pursuant to this Chapter in a manner that complies with the Local Records Act, 50 ILCS 205/1, *et seq.*, including any regulations promulgated thereunder. Any reports of fire, injury, property damage, theft or loss of fireworks that are submitted to the County shall be maintained with a copy of the permit.

8.12.050 Pyrotechnic Display Permits.

- A. At the time of filing an Application for a Pyrotechnic Display permit and upon the payment of all applicable permit fees, the Applicant must produce all of the following:
 - 1. The applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than \$1,000,000 to the County. Said insurance must be issued by a solvent and responsible company authorized to do business in the State, 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;
 - 2. Identification information for the Pyrotechnic Distributor from whom the Fireworks used in the Pyrotechnic Display will be obtained;
 - 3. Identification information for the Lead Pyrotechnic Operator for the Pyrotechnic Display and a copy of that Person's license from OSFM; and
 - 4. Identification information for all assistants to the Lead Pyrotechnic Operator sufficient to enable the County to confirm that each such individual is at least 18 years of age.
- B. A permit for a Pyrotechnic Display may be issued only after the Chief of the Fire Department providing fire protection coverage to the site of the proposed Pyrotechnic Display, or his or her designee, has inspected the site and determined that the proposed Pyrotechnic Display can be performed in full compliance with the rules adopted by OSFM.
- C. When the Application has been approved, the permit shall be signed by the County Clerk or his or her designee. The permit must also be signed by the Fire Chief providing fire protection coverage to the site where the Pyrotechnic Display is to be conducted. Any permit not bearing either required signature is not valid.
- D. The issued permit shall state the place of the Pyrotechnic Display and the exact time and date of the Pyrotechnic Display. After the permit is granted, the sale, possession, use, and distribution of Fireworks for a Pyrotechnic Display shall be lawful for that purpose only and shall further be lawful for display only on the date and time and at the place stated in the permit. Such permit shall not be transferable for any purpose.
- E. The permit, when issued, shall name the Person designated to serve as the Lead Pyrotechnic Operator. The Lead Pyrotechnic Operator must be in possession of, and be able to produce, his or her license upon request at all times during the delivery, setup, and performance of the Pyrotechnic Display.
- F. No individual may serve as an assistant in a Pyrotechnic Display unless his or her name and other identification information was submitted to the County with the initial

Application.

8.12.060 Consumer Fireworks Display Permits

- A. At the time of filing an Application for a Consumer Fireworks Display permit and upon the payment of all applicable permit fees, the Applicant must produce all of the following:
 - 1. A certificate of training demonstrating successful completion of a consumer fireworks training class approved by the State Fire Marshal;
 - 2. Identification information for the Consumer Distributor or Consumer Retailer from whom the fireworks used in the display will be obtained.
- B. A permit for Consumer Fireworks Display may be issued only after the Chief of the Fire Department providing fire protection coverage to the site of the proposed Consumer Fireworks Display, or his or her designee, has inspected the site and determined that the proposed Consumer Fireworks Display can be performed in full compliance with the rules adopted by OSFM.
- C. When the Application has been approved, the permit shall be signed by the County Clerk or his or her designee. The permit must also be signed by the Fire Chief providing fire protection coverage to the site where the Consumer Fireworks Display is to be conducted. Any permit not bearing either required signature is not valid.
- D. The issued permit shall state the place of the Consumer Fireworks Display and the exact time and date of the Consumer Fireworks Display. After the permit is granted, the sale, possession, use, and distribution of Fireworks for a Consumer Fireworks Display shall be lawful for that purpose only and shall further be lawful for display only on the date and time and at the place stated in the permit. Such permit shall not be transferable for any purpose.
- E. The location that a Consumer Fireworks Display will be performed must be at least 200 feet in all directions from any spectators, buildings, structures or property lines, and must be free of any overhead obstructions. A fire extinguisher or water hose must be present while Consumer Fireworks are being prepared for firing or fired.
- F. All Fireworks used in a Consumer Fireworks Display shall be purchased or otherwise obtained by the Permittee from a lawfully operating Consumer Fireworks Distributor or Consumer Fireworks Retailer, in accordance with State law.

8.12.070 Restrictions on Public Displays; Exemption from Zoning Code.

- A. Public Displays may only be conducted between the hours of 6:00 p.m. and 10:30 p.m., except on the July 3 and July 4 of any year, when Public Displays may be conducted between 6:00 p.m. and midnight; and on New Year's Eve, when Public Displays may be conducted between 6:30 p.m. on New Year's Eve and 12:30 a.m. on New Year's Day.

- B. Public Displays may be conducted on land having county zoning R-1, R-2, R-3, and RM4 a parcel improved with a residence only on the third and fourth days of July.
- C. No Person may be substituted in a permit for the Permittee without prior authorization from the County Clerk or his or her duly authorized representative.
- D. The Permittee shall have no authority whatsoever to delegate his responsibilities for possession and/or use of the fireworks.
- E. Public Displays shall not be conducted within six hundred feet of a nursing home, hospital, asylum, infirmary, convalescent home, retirement facility, convent, seminary, church, school, or playground.
- F. When any Public Display is to be conducted within two hundred feet of any residence, the Applicant must obtain the written approval of the occupants of any such residence. Said written approval must be submitted to the County Clerk with the Application.
- G. If fireworks defined by the United States Department of Transportation as class "B" are to be used in a Public Display, such Public Display may not be conducted within five hundred feet of any ~~land zoned for residential purposes; said zoning classifications being: Sangamon County R-1, R-2, R-3, RM-4; City of Springfield, R-1, R-2, R-3, R-4, R-5, R-6; and any similar classifications of any municipality~~ parcel improved with a residence.

8.12.080 Consumer Distributor and Consumer Retailer Permits; Application for Permits.

- A. The County Zoning Administrator is authorized and empowered to grant and issue Consumer Distributor and Consumer Retailer permits upon compliance with the conditions set forth in this Chapter. Any such permit shall be deemed a temporary use permit for a fireworks stand for the purposes of the Sangamon County Zoning Ordinance.
- B. The Applicant must meet all requirements of State law for Consumer Distributors and Consumer Retailers, ~~including but not limited to registration with the OSFM as a Consumer Distributor or Consumer Retailer, as applicable,~~ prior to distributing, selling, offering for sale, exchanging for consideration, transferring providing free of charge, or otherwise transferring Consumer Fireworks in the County and before advertising or using any title implying that the Person is a Consumer Distributor or Consumer Retailer.
- C. Any Person desiring to obtain a Consumer Distributor or Consumer Retailer permit shall submit an Application for such permit, in writing, to the County Zoning Administrator. Such Applications shall include the following information and documentation:
 - a. The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - b. The names, telephone numbers, and personal addresses of all owners or officers of the business, including a copy of each person's driver's license or other

governmental identification that includes the date of birth and photograph.

- c. If the business operates under an assumed name, a copy of the assumed name certificate.
 - d. The address of each location from which consumer fireworks will be distributed or retailed.
 - e. Proof that the applicant has registered with OSFM as a consumer distributor or consumer retailer.
- D. Issuance of any permit is conditioned on payment of all applicable fees, compliance with provisions of State law and regulations promulgated by OSFM, and compliance with the provisions of this Chapter.
- E. The County Zoning Administrator, or his or her duly authorized representative, shall ascertain the qualifications of the Person identified in the Application, and shall make a determination of whether or not the Person identified in the Application meet the requirements of this Chapter and of State law.
- F. The County Zoning Administrator, or his or her duly authorized representative, shall prepare and make available such Applications as are necessary to obtain a permit under this Chapter.
- G. ~~The County Zoning Administrator~~ Each Application shall charge a fee accompanied by the temporary use permit fee required for such Applications fireworks stands as provided established in Section 17.70.010 of this Code the Sangamon County Zoning Ordinance.
- H. The County shall maintain a copy of each permit issued pursuant to this Chapter in a manner that complies with the Local Records Act, 50 ILCS 205/1, *et seq.*, including any regulations promulgated thereunder.
- I. Upon issuance by the OSFM, a copy of the Consumer Distributor or Consumer Retailer Permittee registration with the OSFM shall be provided to the County by the Consumer Distributor or Consumer Retailer Permittee and shall be kept in with the applicable permit issued pursuant hereto.
- J. Each Consumer Distributor or Consumer Retailer Permittee shall notify the County Zoning Administrator in writing within 10 business days after the change in any of the information it provided to the County Zoning Administrator to obtain a Consumer Distributor or Consumer Retailer permit. Proof that a change in name or address has been done in accordance with the law shall be sent to the County Zoning Administrator, including copies of new assumed name certificates. In the event a business has changed its officers, a sworn statement listing all of the current officers' names and personal addresses, including copies of each officer's driver's license, shall be sent to the County Zoning Administrator.
- K. All sales or other applicable transfer of Consumer Fireworks by a Consumer Distributor or Consumer Retailer shall occur only in accordance with applicable law.

- L. Each Consumer Distributor or Consumer Retailer permit shall be valid for a period June 25 to July 4 ~~of one (1) the applicable calendar year from the date of issuance.~~
- M. The County Zoning Administrator will not accept Consumer Distributor or Consumer Retailer Applications for a new location after June 1 for the current July 4th season.

8.12.090 Additional requirements

- A. All Permittees are required to notify the County within 24 hours after any of the following incidents occurring incidental to a Public Display:
 - 1. A fire;
 - 2. An injury to any individual resulting from the display or inventory held by a Consumer Distributor or Consumer Retailer; or,
 - 3. Damage to property that, in the aggregate, exceeds \$500 and is resulting from the Public Display or inventory held by a Consumer Distributor or Consumer Retailer.
- B. The County shall, within three days of notification, notify OSFM of any fire, injury to any person or damage to property in excess of \$500 that resulted from a Public Display or inventory held by a Consumer Distributor or Consumer Retailer.

8.12.100 Exceptions

- A. Nothing in this chapter shall be construed to prohibit the use of Fireworks by railroads or other transportation agencies for signal purposes or illumination, or the use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletic or sports events, or use by emergency service agencies.
- B. Nothing in the chapter shall be construed to regulate or prohibit the sale, possession, or use of Novelty Fireworks.
- ~~C. Nothing in the chapter shall be construed to regulate or prohibit the possession or use of Consumer Fireworks.~~

8.12.110 Inspection For License

Any Permittee shall be required to produce for inspection all applicable licenses and permits issued by any governmental authority, upon demand of any peace officer or agent of OSFM.

8.12.120 Violations; Penalty

- A. If a court of competent jurisdiction finds that any person possess, offers for sale, exposes for sale, sells at retail, uses, explodes, or causes the explosion of any Fireworks in violation of the provisions of this Chapter, judgment shall be entered confiscating and forfeiting the property and ordering its destruction.
- B. Any Person violating any provisions of this chapter may be fined not less than one

hundred dollars and not more than five hundred dollars and shall not be issued any permit available under this Chapter 8.12 for eighteen (18) months from the date of such violation.