

**FIREWORKS DISPLAY PERMIT GUIDELINES FOR THE
UNINCORPORATED AREAS OF
MONTGOMERY COUNTY, ILLINOIS**

Per Montgomery County Board Ordinance, all applicants of Fireworks Displays regulated by the Illinois State Fire Marshall seeking to be conducted in the unincorporated areas of Montgomery County must first apply for the appropriate permit from the Montgomery County Clerk's Office at least 15 days in advance of the date of the display. Consumer Fireworks Applicants must also successfully complete Fireworks Display training taught by the cooperating Fire Chief governing the Display's Jurisdiction before a permit can be issued. For more information about what Fireworks are regulated by this ordinance, go to the Illinois State Fire Marshall's website at www.state.il.us/osfm/FirePrevention/FireworksDisplays.htm or contact the Montgomery County Clerk Sandy Leitheiser at #1 Courthouse Square, Hillsboro, IL (217) 532-9530.

MONTGOMERY COUNTY ORDINANCE #07-10
REGULATING THE GRANTING OF PERMITS FOR PYROTECHNIC DISPLAY
FIREWORKS AND CONSUMER FIREWORKS DISPLAYS

Whereas, Public Act 94-0658 authorizes County Boards to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer fireworks displays in the unincorporated areas of the county; and

Whereas, the County Board of Montgomery County, Illinois deems it necessary and in the public interest to enact an Ordinance establishing such rules and regulations for the granting of such permits so long as such displays are not hazardous to property or dangerous to any person or persons; now therefore,

BE IT ORDAINED by the County Board of Montgomery County, Illinois as follows:

1.01 Definitions

As used in this Ordinance, the following words shall have the following 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 Fireworks” means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the US Consumer Products Safety Commission, as set forth in 16 CFR Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 CFR 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 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 425 ILCS 35/2.2.

“Display Fireworks” means 1.3G or special fireworks or as further defined in the Pyrotechnic Operator Licensing Act. (225 ILCS 227/1 et seq.)

“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 (225 ILCS 227/1 et seq.)

“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 Pyrotechnic Operator Licensing Act. (225 ILCS 227/1 et seq.)

1.02 Possession, Sale, and Use of Fireworks

Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, 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; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board, shall have power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays.

(Source: 425 ILCS 35/2, PA 93-263, eff. 7-22-03; 94-658, eff. 1-1-06.)

1.03 Pyrotechnic Displays

Pyrotechnic displays of display fireworks in the unincorporated areas of Montgomery County shall be permitted upon compliance with the following conditions:

- A. All persons shall file an application for a pyrotechnic display permit at least 15 days in advance of the date of the pyrotechnic display.
- B. The application for a pyrotechnic display permit shall contain identifying information for the person sponsoring the display, the exact location of the display, the exact date and time of the display, and identifying information for the individual who is the licensed lead pyrotechnic operator supervising the display.
- C. The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$1,000,000 in liability coverage.
- D. The application shall be accompanied by a current and valid copy of the lead pyrotechnic operator's license.
- E. The application shall also be accompanied by a written approval letter or permit issued by the chief of the fire department providing fire protection coverage to the area of the display, or his or her designee, in accordance with State law.
- F. After the permit has been granted, the possession use and display of display fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- G. No permit shall be required for supervised displays of State or County fair associations.
- H. Provided that the application requirements have been met by the applicant, a Pyrotechnic Fireworks Display Permit shall be issued by the Montgomery County Clerk.

1.04 Consumer Displays

Each consumer display shall be handled by a competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal. Applications for consumer display permits shall be made in writing at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$1,000,000 per occurrence for bodily injury and property damage.

Permits may be granted hereunder to any adult individual applying for a permit who provides proof that he or she has received the requisite training. The local jurisdiction issuing the permit is authorized to conduct a criminal background check of the applicant if deemed necessary as a condition of issuing a permit.

A permit shall be issued only after inspection of the display site by the fire chief providing fire protection coverage to the area of display, or his or her designee, to determine that the display is in full compliance with the rules adopted by the State Fire Marshal.

(Source: P.A. 94-658, eff. 1-1-06.)

1.05 Adoption by Reference


The rules and regulations as may from time to time be amended, for the administration of the Fireworks Use Act (425 ILCS 35/0.01 et seq.) by the State Fire Marshal, including, but not limited to, National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, audience proximity distances for consumer display fireworks and the list of approved consumer fireworks are adopted herein by reference.

1.06 Penalty

Any person violating any provision of this Ordinance shall be guilty of a petty offense punishable by a fine of not to exceed \$500.00.

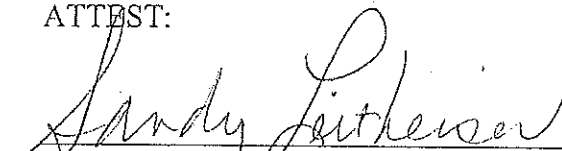
Adopted this 12th day of June, 2007.

APPROVED:



Mikel Plunkett, Montgomery County Board Chairman
Montgomery County, Illinois

ATTEST:



Sandy Leithiser, Montgomery County Clerk
Montgomery County, Illinois

FIRE SAFETY
(425 ILCS 35/) Fireworks Use Act.

(425 ILCS 35/0.01) (from Ch. 127 1/2, par. 126.9)

Sec. 0.01. Short title. This Act may be cited as the Fireworks Use Act.
(Source: P.A. 86-1324.)

(425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

Sec. 1. Definitions. As used in this Act, the following words shall have the following 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 this 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.

FIRE SAFETY
(425 ILCS 35/) Fireworks Use 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 a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the 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.

(Source: P.A. 94 - 658, eff. 1-1-06.)

(425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

Sec. 2. Possession, sale, and use of fireworks. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, 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; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board, shall have power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays.

(Source: P.A. 93-263, eff. 7-22-03; 94-658, eff. 1-1-06.)

(425 ILCS 35/2.1)

Sec. 2.1. Pyrotechnic displays. Each pyrotechnic display shall be conducted by a licensed lead pyrotechnic operator. Applications for a pyrotechnic display permit shall be made in writing at least 15 days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Pyrotechnic display permits may be granted hereunder to any adult individual applying therefor. No permit shall be required under the provisions of this Act for supervised public displays by State or County fair associations.

The applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than \$1,000,000 to the local governmental entity issuing the permit.

A permit shall be issued only after the chief of the fire department providing fire protection coverage to the area of display, 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

FIRE SAFETY
(425 ILCS 35/) Fireworks Use Act.

property or endanger any person or persons. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

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 this Act.

Permits shall be signed by the chief of the fire department providing fire protection to the area of display, or his or her designee, and must identify the lead pyrotechnic operator.

(Source: P.A. 94-658, eff. 1-1-06.)

(425 ILCS 35/2.2)

Sec. 2.2. Consumer displays. Each consumer display shall be handled by a competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal. Applications for consumer display permits shall be made in writing at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any adult individual applying for a permit who provides proof that he or she has received the requisite training. The local jurisdiction issuing the permit is authorized to conduct a criminal background check of the applicant as a condition of issuing a permit.

A permit shall be issued only after inspection of the display site by the fire chief providing fire protection coverage to the area of display, or his or her designee, to determine that the display is in full compliance with the rules adopted by the State Fire Marshal. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

(Source: P.A. 94-658, eff. 1-1-06.)

(425 ILCS 35/2.3)

Sec. 2.3. Consumer distributors and retailers. No person may act as a consumer distributor or retailer or advertise or use any title implying that the person is a consumer distributor or retailer unless registered with the Office of the State Fire Marshal. No consumer fireworks may be distributed, sold, transferred, or provided free of charge to an individual who has not been issued a permit in accordance with Section 2.2 of this Act or has not registered with the Office of the State Fire Marshal in accordance with this Section. No person may sell to a single individual a quantity of consumer fireworks exceeding 499 pounds without prior approval by the Office of the State Fire Marshal. The State Fire Marshal, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not registered from distributing or selling consumer fireworks. Upon filing a verified petition in court, the court, if satisfied by affidavit, or otherwise, that the person is or has been distributing in violation of this Act, may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings are to be conducted as in other civil cases. The court may enter a judgment permanently enjoining a defendant from further unregistered activity if it is established that the defendant has been or is distributing in violation of this Act. In case of violation of any injunctive order or judgment entered under this Section, the court may

FIRE SAFETY
(425 ILCS 35/) Fireworks Use Act.

summarily try and punish the offender for contempt of court. Injunctive proceedings are in addition to all penalties and other remedies in this Act.

(Source: P.A. 94-658, eff. 1-1-06.)

(425 ILCS 35/3.1) (from Ch. 127 1/2, par. 129.1)

Sec. 3.1. No fireworks shall be discharged, ignited or exploded at any point in the State within 600 feet of any hospital, asylum or infirmary.

(Source: P.A. 81-623.)

(425 ILCS 35/3.2) (from Ch. 127 1/2, par. 129.2)

Sec. 3.2. The use of what are technically known as fireworks showers or any mixture containing potassium chlorate, and sulphur in theatres or public halls is hereby prohibited.

(Source: P.A. 81-623.)

(425 ILCS 35/3.3) (from Ch. 127 1/2, par. 129.3)

Sec. 3.3. Nothing in these regulations 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.

(Source: P.A. 81-623.)

(425 ILCS 35/3.4)

Sec. 3.4. Sale and use prohibited on public property. A municipality may, by ordinance, prohibit the sale and use of sparklers on public property.

(Source: P.A. 92-93, eff. 1-1-02.)

(425 ILCS 35/4) (from Ch. 127 1/2, par. 130)

Sec. 4. Whenever any officer or employee of the Office of the State Fire Marshal or the Department of State Police, a Sheriff, a Deputy Sheriff, or a member of any city council or board of trustees of any village or incorporated town or county board has reason to believe that any violation of this Act has occurred within the jurisdiction within which such official is authorized to act and that the person so violating the Act has in his possession fireworks or combustibles, such official may file a complaint in writing, verified by affidavit, with any circuit court within whose jurisdiction the premises to be searched are situated, stating the facts upon which such belief is founded, the premises to be searched; and the property to be seized, and procure a search warrant and execute the same. Upon the execution of such search warrant, the person executing the same shall make due return thereof to the court issuing the same, together with an inventory of the property taken thereunder. The court shall thereupon issue process against the owner of such property if he be known, otherwise against the party in whose possession the property so taken was found, if known. In case of inability to serve such process upon the owner or the person in possession of the property at the time of its seizure, as hereinbefore provided, notice of the proceedings before the court shall be given as required by the statutes of the State governing cases of attachment. Upon the return of the process duly served or upon the posting or publishing of notice made, as hereinabove provided, the court or jury, if a jury shall be demanded, shall proceed to determine whether or not such property so seized was held or possessed in violation of this Act. In case of a finding that the fireworks or combustibles seized were possessed in violation of this Act, judgment shall be entered confiscating and forfeiting the property and ordering its destruction.

(Source: P.A. 91-357, eff. 7-29-99.)

FIRE SAFETY
(425 ILCS 35/) Fireworks Use Act.

(425 ILCS 35/4.1) (from Ch. 127 1/2, par. 130.1)

Sec. 4.1. The State Fire Marshal may adopt necessary rules and regulations for the administration of this Act which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, and NFPA 160 guidelines for flame effects. The State Fire Marshal is authorized to adopt rules that establish audience proximity distances for consumer display fireworks.

The Office of the State Fire Marshal shall maintain a list of approved consumer fireworks and update the list annually or as new consumer fireworks items are submitted to the Office by consumer distributors.

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

(Source: P.A. 94-658, eff. 1-1-06.)

(425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

Sec. 5. (a) Any person, firm, co-partnership, or corporation violating the provisions of this Act shall be guilty of a Class A misdemeanor.

(Source: P.A. 94-658, eff. 1-1-06.)