

CHAPTER 93: FIREWORKS; FIRE PREVENTION

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FIREWORKS

§ 93.01 DEFINITION.

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS . Any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration, or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrocketes, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or

any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects: provided, however, that the term 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 .25 grains or less of explosive compound are used, providing 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 which contain less than .20 grains of explosive mixture; the sale and use of which shall be permitted at all times. (ILCS Ch. 425, Act 35, § 1)

§ 93.02 SALE, USE, OR EXPLOSION PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

(A) 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 fireworks; provided that the President and Board of Trustees shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such display shall be handled by a competent individual designated by the President and Board of Trustees and shall be of such a character and so located, discharged, or fired, as not to be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least 15 days in advance of the date of the display and action shall be taken on such application within 48 hours after such application is made. After such privilege shall have been granted, sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(B) Permits may be granted hereunder to any groups of three or more adult individuals applying therefore. No permit shall be required, under the provisions of this section, for supervised public displays by state or county fair associations.

(C) The Board of Trustees shall require a bond from a licensee in the sum of \$10,000 conditioned on compliance with the provisions of this section and the regulations of the state Fire Marshal; however, the Village shall not be required to file such bond.

(D) Such permit shall be issued only after inspection of the display site by the Village President or other authorized Village official, to determine that such display shall not be hazardous to property or endanger any person or persons. Forms for such application and permit may be obtained from the office of the state Fire Marshal. One copy of such permit shall be on file with the Village President, and one copy forwarded to the office of the state Fire Marshal. The President shall consult with local fire protection authorities before issuing such permit.

(E) Possession by any party holding a certificate of registration under ILCS Ch. 425, Act 3D, §§ 1 et seq. or by any employee or agent of such party or by any person transporting fireworks for such party, shall not be a violation, provided such possession is within the scope of business of the fireworks plant registered under those statutes.
(ILCS Ch. 425, Act 35, § 2) Penalty, see § 93.99

Statutory reference:

Power of Village to regulate fireworks, see /LCS Ch. 65, Act 5, § /1-8-4

§ 93.03 VIOLATIONS; SEARCHES AND SEIZURES.

Whenever the President or any member of the Board of Trustees has reason to believe that any violation of this subchapter has occurred within the Village and that the person so violating this subchapter has in his possession fireworks or combustibles, the President or the Trustee 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 subchapter. In case of a finding that the fireworks or combustibles seized were possessed in violation of this subchapter, judgment shall be entered confiscating and forfeiting the property and ordering its destruction. (ILCS Ch. 425, Act 35, § 4)

§ 93.04 EXEMPTION.

Nothing in this subchapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military or naval forces of the United States, nor to the duly authorized militia of the state, nor to the use of signals necessary for the safe operation of railroads, steamboats, trucks, or aircraft.

(ILCS Ch. 425, Act 30, § 23)

FIRE PREVENTION

§ 93.15 FIRE PREVENTION CODE ADOPTED.

All construction, operation, and maintenance of buildings and structures in the Village shall conform with the applicable provisions of the fire code or fire prevention code adopted from time to time by the Village and set forth in Title XVII of this code.

Statutory reference:

Adoption of codes by reference, see ILCS Ch. 65, Act 5, §§ 1-3-1 and 1-3-2 and ILCS Ch. 50, Act 220, § 2

§ 93.16 STORAGE AND USE OF VOLATILE COMBUSTIBLES.

It shall be unlawful for any person, firm, association, or corporation to keep, store, transport, sell, or use any crude petroleum, benzine, benzol, gasoline, naphtha, ether or other like volatile combustibles, or other compounds, in such manner or under such circumstances as will jeopardize life or property.

(ILCS Ch. 430, Act 15, § 1)

Statutory reference:

Power of Village to regulate storage of combustible or explosive material, see ILCS Ch. 65, Act 5, § 11-8-4

OPEN BURNING

§ 93.30 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL WASTES. Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and landscape wastes.

GARBAGE. Refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

LANDSCAPE WASTE. Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

OPEN BURNING. The combustion of any matter in such a way that the products of the combustion are emitted to the open air.

RESTRICTED AREAS. The area within the boundaries of the Village, unless said area is 1,000 feet from residential or other populated areas.

§ 93.31 PROHIBITIONS.

(A) No person shall cause or allow open burning, except as provided in § 93.32 below.

(B) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

Penalty, see § 93.99

§ 93.32 EXEMPTIONS.

The following activities are not in violation of this subchapter unless they cause air pollution as defined in state statutes or regulations of the state Environmental Protection Agency:

(A) The open burning of agricultural waste, but only:

(1) On the premises on which such waste is generated;

(2) In areas other than restricted areas;

(3) When atmospheric conditions will readily dissipate contaminants;

(4) If such burning does not create a visibility hazard on roadways, railroad tracks or air fields;

(5) More than 1,000 feet from residential or other populated areas; and

(6) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

(B) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

(C) The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.

(D) The burning of waste gases provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

(E) Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

(F) Burning of leaves.

(1) Outdoor leaf burning shall be allowed only in containers located not less than 20 feet from any building or structure on private property only, except that the Village may conduct such outdoor leaf burning on publicly owned property, which burning shall be supervised by an officer or employee of the Village and in compliance with the requirements set forth herein.

(2) Outdoor leaf burning shall include only leaves fallen from trees, plants, and shrubs and shall not include burning of any trash, garbage, or other disposables or any other materials of any nature whatsoever.

(3) Outdoor leaf burning which is permitted under this division may be prohibited at any time when, in the opinion of the appropriate and proper official of the Village or of the state Environmental Protection Agency, atmospheric conditions are such that open leaf burning would prove harmful to the health of the citizens of the Village.

§ 93.33 BURNING OF LEAVES ON PUBLIC PROPERTY PROHIBITED.

No person shall burn leaves or any other material on a street, gutter, curb or sidewalk owned by the Village.

Penalty, see § 93.99

§ 93.34 PERMIT REQUIRED FOR BURNING ON CONSTRUCTION OR DEMOLITION SITES.

During the construction or demolition of buildings or other structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without a permit or other proper authorization. Penalty, see § 93.99

§ 93.35 CONSTANT ATTENTION TO OPEN FIRES REQUIRED.

Open fires shall be constantly attended by a competent person not less than 18 years of age. Penalty, see § 93.99

§ 93.36 GARDEN HOSE OR FIRE EXTINGUISHMENT DEVICES REQUIRED.

A garden hose connected to a water supply or other fire extinguishment equipment must be readily available for use within ten feet of any open fires. Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not provided shall be fined not more than \$750 for each offense. Each day's violation constitutes a separate offense.

(B) (1) Violation of §§ 93.30 through 93.36 shall be punishable by a fine as follows:

First offense: \$30

Second offense: \$50

Third offense: \$100

Subsequent offenses: Not less than \$100, nor more than \$500

(2) To avoid prosecution for a first, second, or third offense under §§ 93.30 through 93.36, a violator may within ten days of receiving a citation settle the citation by payment of one-half of the specified fine at the Village Hall. The President of the Board of Trustees is hereby authorized and directed to cease prosecution of any citation so settled.

