

**AN ORDINANCE AMENDING SECTIONS 15-62 AND 5-262  
OF THE URBANA CITY CODE CONCERNING FIREWORKS**

WHEREAS, the City of Urbana, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Urbana may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Mayor and City Council heretofore have adopted Sections 15-62 and 5-262 of the Urbana City Code regulating the sale, use, and possession of fireworks; and

WHEREAS, the Illinois General Assembly has adopted amendments to the state statute regulating the sale, use, and possession of fireworks; and

WHEREAS, the Mayor and City Council find that the protection of the health, safety, and welfare of the citizens of the City of Urbana are served by amending Sections 15-62 and 5-262 of the Urbana City Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1. The Urbana City Code, Chapter 15, "Miscellaneous Offenses and Provisions," Section 15-62, "Fireworks" is hereby amended and as amended shall read as follows:

Sec. 15-62. Fireworks and Pyrotechnic Displays.

(a) Definitions. For purposes of this Section, the following definitions shall apply:

*1.3G Fireworks:* 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:* 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 worms pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms"; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths (0.25) 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 (0.20) grains of explosive mixture; the sale and use of which shall be permitted at all times. "Consumer Fireworks" also shall not include sparklers, the sale or use of which shall be permitted as provided in this section.

*Display Fireworks:* 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227/1 et seq.).

*Flame Effect:* 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 (225 ILCS 227/1 et seq.).

*Lead Pyrotechnic Operator:* An individual who is responsible for the safety, setup, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227/1 et seq.).

*Person:* An individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

*Pyrotechnic Display:* 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 (225 ILCS 227/1 et seq.).

*Special Effects Fireworks:* 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.

(b) Prohibitions.

- (1) Except as hereinafter provided, no person shall possess, offer for sale, expose for sale, sell at retail, or use or explode consumer or display fireworks within the City.
- (2) No person shall offer for sale, expose for sale, sell at retail, or use sparklers on any real property owned, controlled, or managed by the City of Urbana, the Urbana Park District, or the Urbana School District No. 116.

(c) Exception.

Pyrotechnic displays of display fireworks in the City shall be permitted upon compliance with the following conditions:

- (1) Persons shall file an application for a pyrotechnic display permit at least 10 business days in advance of the date of the pyrotechnic display.
- (2) 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.
- (3) 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.
- (4) The application shall also be accompanied by a current and valid copy of the Lead Pyrotechnic Operator's license.
- (5) The applicant shall also submit 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.

- (6) 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.
- (7) The applicant shall pay a fee to the City in the amount as set forth in the Schedule of Fees provided for in section 14-7 of this Code.
- (8) Provided that the application requirements have been met by the applicant and the Fire Chief has investigated and issued a letter of approval or permit, a Pyrotechnic Fireworks Display Permit shall be issued by the Public Works Director.

(d) 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.*), and the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227/1 *et seq.*), by the State Fire Marshall, including, but not limited to, National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays and the International Fire Code are hereby adopted by reference.

(e) Penalty.

Any person violating the provisions of this Section shall be guilty of a petty offense and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).

State Law References: Fireworks Use Act (425 ILCS 35/0.01 *et seq.*), Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227/1 *et seq.*).

Section 2. The Urbana City Code, Chapter 5, "Building, Fire, and Safety Codes," Article XIII, "Fire Prevention Code," Section F-109.3, "Penalties for Violations," which is contained within the provision entitled Section 5-262, "Additions, Modifications and Deletions," is hereby amended and as amended shall read as follows:

Section F- 109.3 Penalties for Violations:

Any person, firm or corporation violating any of the provisions of this Code or failing to comply with any order issued pursuant to any Section hereof, shall be subject to the following penalties. Upon conviction

thereof shall be fined not less than one dollar (\$1.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation continues, after a service of notice, shall be deemed a separate offense.

Section 3. The Urbana City Code, Chapter 5, "Building, Fire, and Safety Codes," Article XIII, "Fire Prevention Code," Section F-3301.1.3, "Definitions," which is contained within the provision entitled Section 5-262, "Additions, Modifications and Deletions," is hereby amended and as amended shall read as follows:

Section F-3301.1.3 Definition: Fireworks shall mean:

1. *1.3G Fireworks:* 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; and
2. *Consumer Fireworks:* 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 worms pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms"; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths (0.25) 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 (0.20) grains of explosive mixture; the sale and use of which shall be permitted at all times. "Consumer Fireworks" also shall not include sparklers, the sale or use of which shall not be permitted on any real property owned, controlled, or managed by the City of Urbana, the Urbana Park District, or the Urbana School District No. 116; and
3. *Display Fireworks:* 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227/1 et seq.).

Section 4. Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 5. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

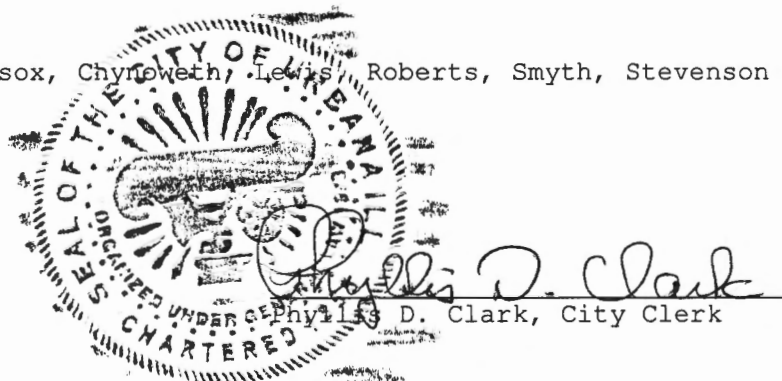
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 22nd day of January,  
2008 .

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 25th day of January,  
2008 .

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor