

ORDINANCE NO. 2009-03

AN ORDINANCE REGULATING FIREWORKS DISPLAYS

WHEREAS, the Warrenville Fire Protection District (the "District") is a fire protection district duly organized under the laws of the State of Illinois; and

WHEREAS, the Board of Trustees of the District (the "Board") has express power pursuant to 70 ILCS 705/11, to adopt and enforce fire prevention codes and standards parallel to national standards to promote fire prevention; and

WHEREAS, the Board of Trustees of the District also has full power pursuant to 70 ILCS 705/6, to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the Board of Trustees of the District for carrying into effect the objects for which the District was formed; and

WHEREAS, fireworks displays present a potential risk to the health, safety and welfare of the District's residents and property owners; and

WHEREAS, the Illinois Fireworks Use Act (425 ILCS 35/0.01 *et seq.*) and the applicable Rules and Regulations of the Office of the State Fire Marshal authorize the Board to issue permits to conduct fireworks displays only if certain minimum requirements are met; and

WHEREAS, in order to ensure the safety of the people and property within the District's boundaries, the District desires to regulate the ignition of fireworks displays.

NOW, THEREFORE, Be it Ordained by the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, as follows:

Section One: No fireworks display shall be conducted without a permit issued by the District. Every fireworks display shall be handled by a competent individual approved by the District 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.

Section Two: Application for permits shall be made in writing and directed to the Board at least 30 days in advance of the date of the display. The Board may issue a permit to conduct a fireworks display if the following requirements are met:

- (1) The applicant must provide to the Board proof of liability insurance in a sum not less than \$1,000,000 carried with an insurer authorized to do business in Illinois. This insurance must insure the applicant against liabilities, judgments, costs, damages and expenses that may accrue against, be charged to, or be recovered from the applicant on the reason of damage to property or injury to or death of any person arising from the fireworks display. The insurance coverage 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 or displayed.
- (2) The applicant must provide to the Board proof that the display will be provided by a Office of the State of Illinois Fire Marshal licensed pyrotechnic distributor and that the individual responsible for the setup and firing of the display is a Office of the State of Illinois Fire Marshal licensed lead pyrotechnic operator.
- (3) The applicant must supply the Board with a site map showing the area of firing lines in relation to institutions, buildings and viewing areas.
- (4) A permit may be issued only after the District's Fire Marshal 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 will not be hazardous to property or endanger any person or persons.

Section Three: All fireworks displays conducted pursuant to a permit issued by the District shall be ignited by electronic match controlled by a firing control board. Other forms of

ignition shall not be allowed unless specifically authorized by the District's Fire Marshal should extreme circumstances occur (weather, match misfire or non-fire, etc.).

Section Four: Nothing in this Ordinance shall prohibit the District from refusing to issue a permit for any reason.

Section Five: Penalties

A. **Seizure:** The District's Fire Marshal or other qualified Fire District Official is authorized to seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks or explosives offered or exposed for display or sale, stored or held in violation of this Ordinance.

B. **Fines:** Any person or persons found in violation of this Ordinance shall be subject to fines up to \$750 per offense.

Section Six: All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general fund of the District.

Section Seven: This Ordinance shall supersede any ordinances or motions or parts of ordinances or motions in conflict with any part herein, and any such ordinances or motions or parts of such ordinances are hereby repealed.

Section Eight: If any section, paragraph or provisions of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Ordinance.

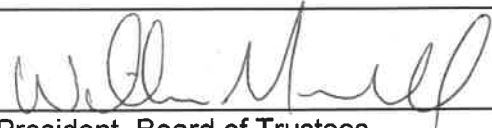
Section Nine: This Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with the law.

PASSED this 11th day of May, 2009, by a roll call vote of the Board of Trustees of the
Warrenville Fire Protection District as follows:

AYES: 3

NAYS: 0

ABSENT: 0



President, Board of Trustees
Warrenville Fire Protection District

ATTEST:


Secretary, Board of Trustees
Warrenville Fire Protection District

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE) SS

SECRETARY'S CERTIFICATE

I, **KENNETH MCNATT**, the duly qualified and acting Secretary of the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 2009-03

AN ORDINANCE REGULATING FIREWORKS DISPLAYS

adopted by said Board of Trustees at its meeting on the 11th day of May, 2009.

I do further certify that a quorum of said Board of Trustees was present at the said meeting, and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of May, 2009.



Secretary, Board of Trustees
Warrenville Fire Protection District