

FIRE PREVENTION AND PROTECTION

Chapter 8

FIRE PREVENTION AND PROTECTION*

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ARTICLE I. IN GENERAL

Sec. 8-1. Bonfires.

- (A) It shall be unlawful to build or light or permit to burn, any bonfire without a permit approved by the Village Board. A bonfire is a large intentionally set and maintained open fire which is built outdoors for the purpose of attracting persons to view the fire and which does not constitute a small recreational fire as referred to in Section 10-14(d).
- (B) Any bonfire permit shall be subject to each of the following conditions:
1. The date, hours, size and location must be stated on the permit.
 2. The permit must be approved by the Chief of the Fox River Grove Fire Protection District.
 3. No bonfire shall be maintained on a Village roadway or within any other public right of way.
 4. A person not less than eighteen (18) years of age must be present who is supervising or attending to the bonfire.
 5. Paper, or any material which may be easily blown about by the wind, leaves and grass, or other materials which may produce excessive smoke may not be burned in the bonfire. No material other than dry, non- chemically treated wood and branches may be burned in the bonfire.
 6. No bonfire shall be maintained or allowed to burn in such a manner that the fire endangers persons or property.

* Cross reference--Fire limits established, Sec. 6-6.
State Law reference--Fire safety regulations generally, 65 ILCS 5/11-8-1

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- (C) It shall be a violation of this Ordinance to maintain a bonfire which violates any of the above listed conditions.
- (D) Penalty. Any person who shall violate any provision of this Section shall be fined one hundred (\$100) dollars for the first offense within any one (1) year period, and not less than two hundred (\$200) dollars for the second offense within any one (1) year period, and not less than three hundred fifty (\$350) dollars for the third and any additional offenses within a one (1) year period. (Code 1958, Sec. 28.314; Ord. No. 07-04, Sec. 1, 2-22-07)

Sec. 8-2. Combustible refuse.

It shall be unlawful to store any combustible refuse in such a way as to create a fire hazard or to store or throw any refuse of any kind on any street, alley or other public place. (Code 1958, Sec. 28.310)

Sec. 8-3. False alarms of fire.

It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the Village. (Code 1958, Sec. 28.306)

Secs. 8-4--8-13. Reserved.

ARTICLE II. FIREWORKS AND EXPLOSIVES

DIVISION 1. GENERALLY

Sec. 8-14 Storage of nitroglycerine, T.N.T.

It shall be unlawful to keep or store any nitroglycerine or the explosive commonly known as T.N.T. in the Village in any quantities, except for medicinal or laboratory purposes and for such purposes no more than one-quarter (1/4) ounce shall be stored in any one building or premises. (Code 1958, Sec. 27.104)

Sec. 8-15. Explosives to be stored in accordance with rules of state fire marshal.

All explosives must be kept or stored in accordance with the rules of the state fire marshal. (Code 1958, Sec. 27.105)

Secs. 8-16--8-20. Reserved.

DIVISION 2. FIREWORKS

Sec. 8-21. Definitions.

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For the purposes of this Division, the following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

“1.3G fireworks” means those fireworks used for professional outdoor displays and classified as fireworks UNO333, UNO334, or UNO335 by the United States Department of Transportation under 49 C.F.R. 172. 101.

“Applicant” means the individual applying for a pyrotechnic or consumer display permit under this Division.

“Assistant” means an on-site individual who is at least 18 years of age and who, under the supervision of the lead operator, assists with the safety, setup and discharge of a pyrotechnic display.

“Certificate of training” means the consumer operator has successfully completed training on the safe handling of consumer fireworks from a training program approved by the Illinois Office of the State Marshall (“OSFM”).

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 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 UNO336 or UNO337 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”; hand-held sparklers; shower of sparks; 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 into 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 the Fireworks Use Act [425 ILCS 35/2.2].

“Consumer retailer” means any person who offers for sale, sells, or exchanges for consideration

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consumer fireworks in Illinois directly to any person with a consumer display permit.

"*Display fireworks*" means any substance or article defined as a Division 1.3G explosive or special effects fireworks or as further defined in the Illinois Pyrotechnic Distributor and Operator Licensing Act.

"*Fire District*" means the local Fire Protection District in which a consumer fireworks display or a pyrotechnic display occurs or is proposed to occur.

"*Fireworks*" means and includes consumer fireworks, display fireworks and flame effects.

"*Flame effect*" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with the National Fire Protection Association 160 guidelines and as may be further defined in the Illinois Pyrotechnic Distributor and Operator Licensing Act.

"*Individual*" means a natural person.

"*Lead pyrotechnic operator*" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display, who is responsible for the supervision of personnel, and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/1 *et seq.*].

"*License*" means the license issued by the OSFM pursuant to the Pyrotechnic Distributor and Operating Licensing Rules [41 Ill. Adm. Code 230].

"*OSFM*" means the Illinois Office of the State Marshall.

"*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. Pyrotechnic display refers to all displays using professional grade fireworks, including 1.3G fireworks, display fireworks, and flame effects, regardless of who performs the display.

"*Pyrotechnic distributor*" or "*distributor*" means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in Illinois or provides them as part of a pyrotechnic display service in Illinois or provides only pyrotechnic display services.

"*Smoke device*" means a tube or sphere containing a pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

"*Snake/glowworm*" means pressed pellets of pyrotechnic composition that produces a large, snakelike ash upon burning. The ash expands in length as the pellet burns. These devices may

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not contain mercuric thiocyanate.

"*Trick Noisemaker*" means an item that produces a small report intended to surprise the user.

"*Wire sparkler*" means a wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) grams of composition per item. These items include the following:

- (1) "*Auto burglar alarm.*" This is a tube which contains a pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may be used to produce a small report. A squib is used to ignite the device.
- (2) "*Booby trap.*" This is a small tube with a string protruding from both ends, similar to a party pooper in design. The ends of the string are pulled to ignite the friction-sensitive composition, producing a small report.
- (3) "*Cigarette load.*" This is a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.
- (4) "*Party pooper.*" This is a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streams and producing a small report.
- (5) "*Snapper.*" This is a small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the devices explode, producing a small report.
- (6) "*Trick match.*" This is a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

8-22. Possession, sale, and use of fireworks.

The following acts in regard to possession, sale and/or use of fireworks are prohibited:

- (A) Except as provided in this Division, it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, or sell at retail, any display fireworks, flame effects, or consumer fireworks within the corporate limits of the Village.

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- (B) It shall be unlawful for any person, firm, co-partnership, or corporation to use or explode anywhere in the Village any display fireworks, flame effects, or consumer fireworks, unless the use or explosion of such display fireworks, flame effects or consumer fireworks occurs as part of a consumer fireworks display or a pyrotechnic display for which the Chief of Police has issued a permit as provided in this Division.
- (C) No display fireworks, flame effects, or consumer fireworks shall be discharged, ignited or exploded and no wire sparklers shall be used within six hundred (600) feet of any hospital or infirmary.
- (D) It shall be unlawful to sell or use wire sparklers on any public property within the corporate limited of the Village.
- (E) The following consumer fireworks are strictly prohibited and no permit issued that allows the display, use or explosion of consumer fireworks shall be construed to allow the use of such fireworks; hand held fireworks; bottle rockets; firecrackers of any size or type; sky rockets; roman candles; chasers; buzz bombs; ground items other than those identified as Approved Consumer Fireworks set forth in section 8-24 of this Division; helicopters; missiles; pin wheels or any other twirling device whether on the ground or mounted above the ground; and planes.

8-23. Pyrotechnic displays.

- (A) General Requirements.
 - (1) No pyrotechnic display shall occur within the Village unless a permit for such display has been issued by the Chief of Police of the Village of Fox River Grove as provided in this Section 8-23.
 - (2) All pyrotechnic displays require the services of a pyrotechnic distributor and lead pyrotechnic operator licensed by the OSFM pursuant to the Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/1 *et seq.*] and the rules and regulations promulgated thereunder.
 - (3) A licensed lead pyrotechnic operator shall be present during any pyrotechnic display and shall personally supervise all assistants, including all phases of the pyrotechnic display.
 - (4) All pyrotechnic displays must comply with any and all applicable State and Federal laws and regulations.
- (B) Application for permit; contents.

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- (1) Time frame to apply. Applications for permits for pyrotechnic displays shall be in writing and submitted to the Village Clerk at least fifteen (15) days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the Chief of Police and the Fire Chief of the Fire District. The application shall state the name of the person, place of residence and age, the place where the display is proposed to be given. The application shall be sworn to before a notary public or other officer authorized by law to administer oaths. The applicant shall pay a non-refundable application and permit fee of one hundred fifty (\$150.00) dollars at the time the application is submitted.
- (2) Proof of license. The applicant must be at least twenty-one (21) years of age and show proof that the pyrotechnic display services are to be provided by a licensed pyrotechnic distributor and a licensed lead pyrotechnic operator shall be responsible for the set-up and firing of the display.
- (3) The applicant shall provide the names, addresses, telephone numbers and date of birth of all assistants. All assistants shall be at least eighteen (18) years of age. The age of all assistants listed shall be verified by the Police Chief.
- (4) Proof of Insurance. The applicant shall provide proof of liability insurance in a sum not less than \$1,000,000. Such insurance shall be carried with an insurer authorized to do business in Illinois and insure the applicant against liabilities, judgments, costs, damages, and expenses that may accrue against, be charged to or be recovered from the applicant due to damage to property or injury to or death of any person arising from the pyrotechnic display or flame effect display. Such 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 and displayed.

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- (C) Processing application; issuance of permit; fee.
- (1) The Village Clerk, upon receipt of an application submitted pursuant to Subsection 8-23(A), shall forward copies of the application to the Chief of Police and the Fire Chief of the Fire District who shall cause the premises at the location given in the application where it is proposed to have such pyrotechnic display to be inspected. If in the judgment of the Police Chief and the Fire Chief of the Fire District that the display can be performed in full compliance with the rules and regulations adopted by the OSFM [41 Ill. Adm. Code §235.50 & 235.60], and that the display shall not be hazardous to property or endanger any person or persons, the Chief of Police shall approve the application and cause the permit to be issued.
 - (2) The permit shall be signed by the Fire Chief of the Fire District and the Chief of Police or their designees. The permit shall identify the lead pyrotechnic operator and designate the kinds and quantities of fireworks to be used at such pyrotechnic display, and no other kinds and no greater quantities of fireworks than therein specified shall be used at such pyrotechnic display.
 - (3) After a permit has been granted for a pyrotechnic display, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only.
 - (4) A pyrotechnic display permit shall not be transferable.

8-24. Consumer displays.

- (A) General Requirements.
- (1) No consumer fireworks display shall occur within the Village unless a permit for such display has been issued by the Chief of Police of the Village of Fox River Grove as provided in this Section 8-24.
 - (2) All consumer displays shall be personally supervised by a consumer operator licensed by the OSFM.
 - (3) All consumer displays shall be ground mounted. No hand held consumer fireworks shall be allowed.
 - (4) Consumer fireworks displays shall consist only of the following types of consumer fireworks:
 - (a) Cones including showers of sparks, fountains, and repeaters (also

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known as cakes). Single tube fountains must not contain more than seventy-five (75) grams total of pyrotechnic composition. Cone fountains must not contain more than fifty (50) grams total of pyrotechnic composition. Multiple-tube fountains must not contain more than two hundred (200) grams total of pyrotechnic composition.

(b) Mines, comets, tubes, shells, fancy florals, and parachutes. These items are firework devices designed to produce low-level aerial effects, which are propelled into the air by a lift charge. Shells will burst at the peak of flight to create a display of stars, reports or other effects or leave a trail of sparks until exhausted. These items contain a maximum of forty (40) grams of chemical composition and no more than twenty (20) grains of lift charge.

(5) All consumer fireworks displays must comply with any and all applicable State and Federal laws and regulations.

(B) Application for permit; contents.

(1) Applications for permits for consumer fireworks displays shall be in writing and submitted to the Village Clerk at least fifteen (15) days in advance of the date of the display, unless agreed to otherwise by the Village of Fox River Grove and the Fire Chief of the Fire District. The application shall state the name of the person, place of residence and age, the place where the display is proposed to be given. The application shall be sworn to before a notary public or other officer authorized by law to administer oaths. The applicant shall pay a non-refundable application and permit fee of one hundred fifty (\$150.00) dollars at the time the application is submitted.

(2) Certificate of training. The applicant must provide the Village with a certified copy of the applicant's certificate of training as evidence of successful completion of a consumer fireworks training class, which has been approved by the OSFM.

(3) Proof of insurance. Proof of insurance may be required in an amount to be determined by the Chief of Police. The factors to be considered by the Chief of Police in determining the amount of insurance that is to be required are: (1) the location of the consumer fireworks display; (2) the amount and type of consumer fireworks to be displayed; and (3) the number of people who it is anticipated will attend the consumer fireworks display. If insurance is required under this Subsection, it shall be carried with an insurer authorized to do business in Illinois and insure the applicant against liabilities, judgments, costs, damages, and expenses that

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may accrue against, be charged to or be recovered from the applicant due to damage to property or injury to or death of any person arising from the consumer fireworks display. Such insurance shall be an occurrence based policy, and shall cover all periods of time when consumer fireworks are in the insured's actual or constructive possession, including those times when the materials are being stored, transported, handled, used, discharged and displayed.

- (C) Processing application; issuance of permit; fee.
- (1) The Village Clerk, upon receipt of an application filed pursuant to subsection 8-24(A), shall forward copies of the application to the Chief of Police and the Fire Chief of the Fire District, who shall cause the site given in the application for the consumer fireworks display to be inspected to determine if the display can be performed in full compliance with Section 8-25 of this Article. If the location is in compliance with Section 8-25 of this Article, and, in the judgment of the Chief of Police and the Fire Chief it would not be hazardous to surrounding property or dangerous to any person to permit such fireworks display at such location, the Chief of Police shall approve the application and cause the permit to be issued.
 - (2) The permit shall be signed by the Fire Chief of the Fire District and the Village President. The permit shall designate the kinds and quantities of fireworks to be used at such consumer fireworks display, and no other kinds and greater quantities of fireworks than therein specified shall be used at such consumer fireworks display.
 - (3) After a permit has been granted, sales, possession, use and distribution of consumer fireworks for display shall be lawful for that purpose only.
 - (4) A consumer fireworks display permit shall not be transferable.

Sec. 8-25. Consumer fireworks display compliance standards.

All consumer fireworks displays must comply with the following requirements:

- (A) All consumer displays must occur outdoors.
- (B) The location that the consumer fireworks display will be detonated must be at least two hundred (200) feet in all directions from any spectators, buildings, structures, or property lines, and must be free of any overhead obstructions.
- (C) A fire extinguisher or water hose must be present while consumer fireworks are

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being prepared for firing or fired. Proof that a fire extinguisher or water hose will be present while the while consumer fireworks are being prepared for firing or fired must be provided at the time the inspection provided for in Section 8-24(C)(1) occurs.

Sec. 8-26. Report of fire, injury, or property damage.

- (A) Holders of permits for pyrotechnic displays or consumer fireworks displays shall notify the Police Department within twenty-four (24) hours after the following incident:
- (1) A fire;
 - (2) An injury to any person resulting from the display; or
 - (3) Damage to property in excess of five hundred (\$500.00) dollars, in the aggregate, resulting from the display.
- (B) The Police Department shall notify the OSFM of any fire, injury to any person, or damage to property in excess of five hundred (\$500.00) dollars that resulted from the pyrotechnic or consumer display. This notification may be made by telephone or in writing within three (3) days after the incident is reported to the Police Department or after the Chief of Police learns of the incident.

Sec. 8-27. Report of theft or loss of fireworks.

- (A) Licensed pyrotechnic distributors and licensed lead pyrotechnic operators shall report any theft or loss of fireworks that occurs within the Village to the Police Department within eight (8) hours after discovery.
- (B) Consumer distributors and consumer retailers shall report the theft or loss of fireworks in excess of one hundred fifty (\$150.00) dollars to the Police Department immediately.
- (C) Consumer operators shall immediately report the theft or loss of fireworks in excess of one hundred fifty (\$150.00) dollars to the Police Department. Within three (3) days of notification, the Police Chief shall notify the OSFM in writing of the theft or loss. (Ord. No. 06-31, Sec. 1, 6-15-06)

Secs. 8-28--8-34. Reserved.

ARTICLE III. FOREIGN FIRE INSURANCE COMPANIES

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Sec. 8-35. Compliance with article.

It shall be unlawful for any corporation or association not incorporated under the laws of the State of Illinois to engage in effecting fire insurance in the Village or to transact any business of fire insurance in the Village without fully complying with the provisions of this Article. (Code 1958, Sec. 14.201)

Sec. 8-36. Fees.

Any corporation or association regulated by this Article shall pay to the Village Treasurer for the maintenance, use and benefit of the fire department pension fund, a sum of money equal to two (2%) percent of the gross receipts each year received for premiums by any and all agents of any such corporation or association or received as premiums by any and all agents of any such corporation or association or received as premiums in any way for fire insurance policies on any property in the Village. Such payments shall be made for the year ending the first of July of each year. (Code 1958, Sec. 14.102)

Sec. 8-37. Reports.

Every person acting as representative for or on behalf of any such company or association shall, on or before the fifteenth (15) day of July of each year, render to the Village Treasurer a full, true and just account, verified by his oath, of all premiums which have been received by him on behalf of the company during the year ending the preceding July first on such fire insurance policies. (Code 1958, Sec. 14.203)

Sec. 8-38. Time of payment.

All payments under the provisions of this Article shall be made on or before the fifteenth (15) day of July following the termination of the year for which such payments are due. (Code 1958, Sec. 14.204)