

KANE COUNTY FIREWORKS APPLICATION



FIREWORKS PERMIT APPLICATION

A permit is required for certain types and sizes of events in unincorporated Kane County. Please review the attached Code Regulating Fireworks and the Application attached to determine if a permit is required. If you have any questions, contact:

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Chapter 10 FIREWORKS¹

ARTICLE I. IN GENERAL

Sec. 10-1. Definition:

As used in this chapter, the following words shall have the following meanings:

“1.3G Fireworks” means those fireworks used for professional outdoor displays and classified as fireworks UN0333 (1.1G), UN0334 (1.2G), or UN0335 (1.3G) by the United States Department of Transportation under 49 C.F.R. 172.101.

“Applicant” means an individual, firm, corporation, association, partnership, company, consortium, joint venture, not-for-profit, government, or commercial entity making application for a pyrotechnic display.

“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 (1.4G) or UN0337 (1.4S) 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 (.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 (.20) 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.

“Display Fireworks” means 1.3G or Special Effects Fireworks or as further defined in the Pyrotechnic Operator Licensing Act of Illinois.

“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 of Illinois.

“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 of Illinois.

“Owner” means an individual, firm, corporation, association, partnership, company, consortium, joint venture, not-for-profit, government, or commercial entity who owns the property on which a pyrotechnic display will be held.

¹ Prior Ordinance history: Ord. 74-94, Ord. 92-69, Ord. 92-219, Ord. 05-111, Ord. 07-169

“Person” means an individual, firm, corporation, association, partnership, company, consortium, joint venture, not-for-profit, government, 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 of Illinois. Pyrotechnic displays may include Consumer Fireworks.

“Pyrotechnic Distributor” means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services.

“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 (1.4G) or UN0432 (1.4S) by the United States Department of Transportation under 49 C.F.R. 172.101.

“Display Site” means the immediate area where a fireworks display is conducted and includes the discharge site, the fallout area, and the required separation distance from the mortars to spectator viewing areas.”

“Fallout Area” means the areas over which aerial shells are fired and is the location where a typical aerial shell dud falls to the ground depending on the wind and the angle or mortar placement.”

“Discharge Site” means the immediate area surrounding the fireworks mortars.”

Sec. 10-2. Reserved

ARTICLE II. PERMITS

Sec. 10-16. Generally:

A. Consumer displays are hereby prohibited unless performed by a Lead Pyrotechnic Operator as part of a Pyrotechnic Display.

B. Permits for pyrotechnic displays shall hereafter be granted under the following rules and regulations:

(1) Every pyrotechnic display service must be provided by a pyrotechnic distributor licensed in the State of Illinois, and every pyrotechnic display shall be conducted by a lead pyrotechnic operator licensed by the State of Illinois. Any and all assistants must be at least 18 years of age. Every such pyrotechnic display shall be of such a character and so located, discharged or fired by the person named in the application for a permit as not to be hazardous to property or endanger person or persons; spectators must be separated from the pyrotechnic display by suitable barrier; if the pyrotechnic display is on an island, no boats carrying people shall be permitted within five hundred feet (500') of the bank from which the pyrotechnic display takes place. No fireworks shall be discharged, ignited or exploded within six hundred feet (600') of any hospital, asylum or

infirmity. Indoor pyrotechnic displays and/or indoor special effects fireworks are prohibited. Sparklers and the use of sparklers are prohibited.

(2) Single event, one day permits may be granted hereunder to any qualified person. Every such application and permit shall name both the person sponsoring the event, the lead pyrotechnic operator conducting the display, and the property owner if different than the applicant.

(3) Multievent, one year permits may be granted hereunder to any qualified person for a pyrotechnic display on behalf of any professional, semiprofessional or amateur sporting organization that holds regularly scheduled sporting events at an established outdoor sporting facility. Sporting facilities include, but may not necessarily be limited to: baseball, football, polo or soccer fields, race tracks, and golf courses. Every such application and permit shall name both the person sponsoring the events, the pyrotechnic distributor, the lead pyrotechnic operator conducting the pyrotechnic displays, and the property owner if different than the applicant.

(4) Application for permits for pyrotechnic displays shall be made in writing to the chairman of the county board at least fifteen (15) days in advance of the date of the pyrotechnic display and action shall be taken on such application within forty-eight (48) hours after such application is made.

(5) Application for a permit shall state the full name and address of each person submitting an application; the date and exact location of the site where the pyrotechnic display will be conducted and in the case of a single event, one day permit, two (2) alternate dates on which said pyrotechnic display may be conducted in case of cancellation due to inclement weather and in the case of a multievent, one year permit the schedule of sporting events shall be provided; the name and address of the owner of the site at which the pyrotechnic display is to take place; the name and address of the person conducting the pyrotechnic display and all persons who will handle the pyrotechnic display; a statement that the pyrotechnic display will be conducted in strict adherence to the county rules and regulations pertaining to pyrotechnic displays and to state and federal laws pertaining to the use of fireworks; a list of fireworks to be displayed to include the number, class, division, and which shall at a minimum include the maximum size of the fireworks to be displayed; a site plan showing details of the display area, discharge site, and fallout area; the name and address of the fire department or fire protection district servicing the site at which the pyrotechnic display is to be conducted; and such other relevant information as the county board chairman or his or her designee may reasonably require.

(6) A multievent, one year permit shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntary or involuntary, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee. A multievent, one year permit shall stipulate the following:

- (a) that all displays of any nature whatsoever be concluded by 10:30 pm,
- (b) shall not be permitted after 7:30 pm the evening before the public schools located in the location of the pyrotechnic display will be in session with the exception of Memorial Day, and
- (c) Any further conditions or restrictions, including but not limited to, special provisions for audible and visual fireworks, as may be reasonably determined by the County Board Chairman based upon the location of the venue and the character of the surrounding area.

A multievent, one year permit may be suspended or revoked by the chairman of the county board upon good cause shown. In addition to or in lieu of any suspension or revocation, the Chairman may impose a fine on the applicant, owner, operator, or any or all of them, in the maximum amount of five hundred (\$500) dollars for each violation. Notwithstanding any language herein to the contrary, all multievent, one year permits shall expire and may be renewed commencing May 1 of each year.

(7) Every applicant shall file with the application for a permit a certificate of any insurance carrier duly authorized to do business in this state certifying that it has issued to or for the benefit of the applicant and the named person conducting the Pyrotechnic Display a liability policy or policies covering any liability for money damages thereafter incurred by said persons resulting from the conduct or operation of the pyrotechnic display for which a permit is issued hereunder in the amount of at least not less than one million dollars (\$1,000,000.00) for bodily injury to or death of any person and for damage to property conditioned upon compliance with the provisions of state law and the regulations of the state fire marshal adopted hereunder.

(8) A copy of the application for a pyrotechnic display shall also be submitted to the fire department or fire protection district servicing the site at which the pyrotechnic display is to be conducted together with all of the supporting documentation to insure the public health and safety including but not limited to a site plan and traffic, parking and crowd control plan. The fire chief of the fire department or fire protection district or his/her designee shall inspect the display site and ensure that the pyrotechnic display can be performed in full compliance with the National Fire Protection Association (NFPA) standards adopted and amended by the Office of the State Fire Marshal Rules for the type of pyrotechnic display to be performed and shall not be hazardous to property or endanger any person or persons. A copy of the inspection report and/or a permit indicating the display can be performed in full compliance with NFPA standards signed by the fire department or fire protection district having authority to inspect the premises shall be filed with the County upon completion of the inspection. In addition to the regulations and requirements of this code and any other state regulations, every application for permit hereunder shall comply with the rules and regulations of the local fire department or fire protection district servicing the site at which a pyrotechnic display is to be conducted.

(9) Every pyrotechnics display may be conducted under the supervision of the chief of the applicable fire department, or his designee, who is authorized to suspend or terminate the pyrotechnic display if adverse conditions arise from the improper handling or discharge of fireworks, crowd conditions, or adverse weather conditions.

(10) No single event one day pyrotechnic display shall be conducted after 11:00 P.M. and shall not be permitted after 7:30 pm the evening before the public schools in the location of the pyrotechnic display will be in session with the exception of Memorial Day. Any further conditions or restrictions, including but not limited to, special provisions for audible and visual fireworks, as may be reasonably determined by the County Board Chairman based upon the location of the venue and the character of the surrounding area may be imposed.

Sec. 10-17. Issuance:

Permits issued hereunder shall be issued by the chairman of the county board or his/her designee and shall bear the signature of the chairman of the county board or its facsimile.

Sec. 10-18. Notification to County and Office of the Illinois State Fire Marshal:

- (1) The permit holder shall notify the County within 24 hours of any incidents as follows:
- (a) a fire;
 - (b) an injury to any person resulting from the display;
 - (c) damage to property in excess of five hundred dollars (\$500), in the aggregate, resulting from the display.
- (2) The County shall notify the Office of the Illinois State Fire Marshal of any fire, injury to person, or damage to property in excess of \$500 that resulted from the pyrotechnic display by telephone or in writing within three (3) days after learning of the incident.

Sec. 10-19. Transfer:

Permits issued hereunder are not transferable.

Sec. 10-20. Fees:

A nonrefundable fee of one hundred dollars (\$100.00) shall be paid by the applicant to the county at the time of the filing of each application for a single event, one day permit hereunder. A nonrefundable fee of one thousand five hundred dollars (\$1,500.00) shall be paid by the applicant to the county at the time of the filing of each application for a multievent, one year permit hereunder. Applicant shall also pay any fees of the applicable fire department or fire protection district.

Sec. 10-21. Penalties:

Any person, firm or corporation found guilty of violating any provision of this chapter, including the operator, owner, and/or applicant, shall be fined not less than five hundred dollars (\$500.00) for each offense, in addition to any penalties or remedies provided by state law, and all such remedies shall be cumulative. Each day that a violation continues shall be considered a separate offense.

Sec. 10-22. Severability:

If any section, portion or provision of this chapter is construed to be invalid or void it shall not affect the remaining sections, portions or provisions which shall remain in full force and effect thereafter.



COUNTY OF KANE
APPLICATION FOR PERMIT FOR PYROTECHNIC DISPLAY
Submit to: Kane County Development Department, Attention: Fireworks
719 S. Batavia Avenue, Building A
Geneva, IL 60134

APPLICANT: *(Individual, corporation, partnership or entity sponsoring event)*

Name:

Contact Person:

Address:

Phone Number: E-mail Address:

PROPERTY OWNER: *(Owner of property where display/s will be held. PIN is the property identification number from your real estate tax bill.)*

Name: PIN:

Address:

Phone Number: E-mail Address:

LEAD PYROTECHNIC OPERATOR: *(Responsible for safety, setup & discharge of display)*

Name:

Company:

Address:

Phone Number: E-mail Address:

PYROTECHNIC DISTRIBUTOR: *(Person or company distributing fireworks for sale in Illinois)*

Name:

Address:

Phone Number: E-mail Address:

FIRE DEPARTMENT: *(Fire department supervising the pyrotechnic display. Copy of inspection report and/or permit from fire department or fire protection district must be attached to this application.)*

Name:

Contact Person:

Phone Number: E-mail Address:

