

PUBLIC FIREWORKS DISPLAY PERMIT APPLICATION
City of Washington, Illinois

--- All requested information/documentation must be submitted or the application will be denied ---
The Application should be submitted as early as possible, but in no event later than 14 days prior to the event.

APPLICANT: (Name of person, corporation, organization, or association making application)
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APPLICANT ADDRESS:	PHONE NUMBER:
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PERSON(S) APPLYING ON BEHALF OF AN ORGANIZATION, CORPORATION or ASSOCIATION:

NAME:	ADDRESS:
NAME:	ADDRESS:
NAME:	ADDRESS:

DATE OF PUBLIC DISPLAY:

LOCATION OF PUBLIC DISPLAY:

Fire Chief must approve the location in advance – The City will notify the Fire Chief to inspect the location.

FIRE CHIEF APPROVAL SIGNATURE:

NAME OF LICENSED PYROTECHNIC DISTRIBUTOR:
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NAME OF LICENSED PYROTECHNIC OPERATOR WHO WILL PROVIDE ON-SITE SUPERVISION ON THE DATE OF THE DISPLAY:
DATE OF BIRTH:

THE FOLLOWING MUST BE ATTACHED TO BE CONSIDERED A COMPLETE APPLICATION:

- ◆ **A LISTING/DESCRIPTION OF FIREWORKS TO BE DISPLAYED**
- ◆ **A BOND IN THE AMOUNT OF \$1,000** - Can be in the form of a bond or check
- ◆ **PROOF OF INSURANCE** - Proof of liability insurance in a sum of not less than \$1,000,000
- ◆ **COPY OF PYROTECHNIC DISTRIBUTOR VALID ILLINOIS LICENSE**
- ◆ **COPY OF PYROTECHNIC OPERATOR'S VALID ILLINOIS LICENSE AND EVIDENCE OF OPERATOR'S DATE OF BIRTH**

OVER

CERTIFICATION:

The Applicant(s) hereby certify that he/they have the lawful authority to apply for this Permit, and, that the information contained herein is true and correct to the best of their knowledge and belief. The Applicant(s) agree to indemnify and hold harmless the City of Washington for any and all injuries and/or damage to persons and/or properties that may arise from the execution of the fireworks display. Further, the Applicant(s) agree to be held liable for such injuries and/or damages. Attached is a bond of one-thousand dollars (\$1,000.00) which may be used towards the expenses of such injuries and/or damages in a manner compliant with law. If no injuries and/or damages occur, the bond shall be returned to the Applicants and/or Organization on the thirty-first (31st) day following the date of the displays. If injuries and/or damages occur, the bond may be used to cover the expenses associated with those injuries and/or damages, with the remainder of the bond to be returned as soon as possible. If the bond is insufficient to cover the expenses of any and all injuries and/or damages, the City of Washington and/or other parties may pursue additional compensation from the Applicant(s) and/or their agents, as provided by law.

The Applicant further certifies that he/she has read and understands the provisions of the Illinois State Statutes and the associated provisions of the Illinois Administrative Code governing Pyrotechnic Displays.

SIGNATURE OF APPLICANT:	DATE:
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SIGNATURE OF APPLICANT:	DATE:
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SIGNATURE OF APPLICANT:	DATE:
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**Attachments: Illinois Administrative Code, Title 41, Chapter I, Part 235.40 and Part 235.30
Illinois Compiled Statutes (425 ILCS 35)**

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FOR CITY USE:

DATE APPLICATION RECEIVED:

APPLICATION: APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	DATE:
SIGNATURE OF APPROVING AUTHORITY:	

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL
PART 235 PYROTECHNIC AND CONSUMER DISPLAY PERMITTING RULES
SECTION 235.30 GENERAL REQUIREMENTS FOR ALL PYROTECHNIC DISPLAYS
AND CONSUMER FIREWORKS DISPLAYS

Section 235.30 General Requirements for All Pyrotechnic Displays and Consumer Fireworks Displays

- a) All pyrotechnic displays and consumer fireworks displays require a permit issued by the appropriate local governmental authority in accordance with the Act and this Part.
- b) All pyrotechnic displays require the services of a licensed pyrotechnic distributor and a licensed lead pyrotechnic operator in accordance with this Part.
- c) 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.
- d) All consumer fireworks displays must be personally supervised by a consumer operator.
- e) The fire chief of the local jurisdiction must inspect and approve the display site for all pyrotechnic displays and consumer fireworks displays to ensure that the site is safe to conduct a display.

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL
PART 235 PYROTECHNIC AND CONSUMER DISPLAY PERMITTING RULES
SECTION 235.40 PYROTECHNIC DISPLAY PERMIT REQUIREMENTS

Section 235.40 Pyrotechnic Display Permit Requirements

- a) The local governmental authority may issue a pyrotechnic display permit to any adult applicant who meets the following minimum requirements:
- 1) **Proof of License.** The issuing local governmental authority must verify that the pyrotechnic display services are provided by a licensed pyrotechnic distributor and that the individual responsible for the setup and firing of the display is a licensed lead pyrotechnic operator.
 - 2) **Proof of Insurance.** The local governmental authority issuing the permit shall require *proof of liability insurance in a sum not less than \$1,000,000* [425 ILCS 35/2.1]. The insurance shall be carried with an insurer authorized to do business in Illinois and shall 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 pyrotechnic display or flame effect 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 and displayed.
 - 3) **Fire Chief Approval.** The fire chief of the local jurisdiction must have inspected the site and determined that the display can be performed in full compliance with Sections 235.50 and 235.60 *and that the display shall not be hazardous to property or endanger any person or persons.* [425 ILCS 35/2.1]
- b) **Time Frame to Apply.** The applicant must submit a written application for a permit *at least 15 days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur.* [425 ILCS 35/2.1]
- c) **No Permit Required.** *No permit shall be required for supervised public displays by State or County Fair Associations.* [425 ILCS 35/2.1]
- d) **Age of Assistants.** The issuing local governmental authority must verify that all

assistants will be at least 18 years of age.

- e) Identification and Signatures Required on the Permit. Each pyrotechnic display permit must identify the lead pyrotechnic operator and must contain the signature of the issuing officer for the local governmental authority and the fire chief.
- f) *After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only. No permit shall be transferable. [425 ILCS 35/2.1]*

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ADMINISTRATIVE CODE

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL
PART 235 PYROTECHNIC AND CONSUMER DISPLAY PERMITTING RULES
SECTION 235.50 1.3G FIREWORKS DISPLAY COMPLIANCE STANDARDS

Section 235.50 1.3G Fireworks Display Compliance Standards

All 1.3G fireworks displays and storage shall be conducted in accordance with NFPA 1123. Storage of display fireworks (1.3G and above) shall comply with the storage requirements set forth by ATF at 27 CFR 555 or by DNR pursuant to Article 3 of the Illinois Explosive Act. Should there be a conflict between the requirements established by ATF and DNR, those requirements that are more specific, more stringent, or impose requirements for which no like requirements are contained in the other agency's requirements shall control.

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TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL
PART 235 PYROTECHNIC AND CONSUMER DISPLAY PERMITTING RULES
SECTION 235.60 INDOOR SPECIAL EFFECTS FIREWORKS AND FLAME EFFECT
DISPLAY COMPLIANCE STANDARDS

Section 235.60 Indoor Special Effects Fireworks and Flame Effect Display Compliance Standards

- a) All indoor special effects and/or flame effect displays and storage shall be conducted in accordance with:
 - 1) NFPA 1126, as modified by 41 Ill. Adm. Code 230.260; and/or
 - 2) NFPA 160, as modified by 41 Ill. Adm. Code 230.270.
- b) The building in which the display will occur must meet one of the following requirements:
 - 1) The building must be protected throughout, including both the seating area and stage, by an automatic sprinkler system; or
 - 2) The stage must be protected by an automatic sprinkler system and have a proscenium curtain, as required by NFPA 101, that will automatically deploy in the event of a fire. No special effects fireworks device and/or flame effect device may be set up on the stage forward of the curtain, i.e., on the audience side of the curtain; or
 - 3) In stadia and arenas without automatic sprinkler system protection over the floor area used for contest, performance, or entertainment; over the seating areas; or over open-air concourses where, as required by NFPA 101, Section 12.3.5, Exception 4, an approved engineering analysis substantiated the ineffectiveness of the sprinkler protection due to building height and combustible loading. In the event a display will occur in a stadium or arena that does not have an automatic sprinkler system protecting the floor area used for contest, performance or entertainment, the seating areas or the open-air concourses, the applicant shall submit, to the local governmental authority and to the fire chief of the local jurisdiction or his/her designee, a written engineering analysis prepared by a licensed professional engineer and the written permission of the building owner.
- c) At any time pyrotechnic materials are on-site, they must be stored in the on-site storage magazine that must be, at minimum, a Type 3 Storage "Day Box" that

complies with ATF and DNR (62 Ill. Adm. Code 200.700) requirements for Type 3 magazines.

- d) Each local governmental authority that intends to approve permits for indoor special effects displays or indoor flame effect displays must have at least one inspector who is knowledgeable about NFPA 160 and 1126 and who has received training from the Office in the safe setup of special fireworks and/or flame effect devices and the inspection of those displays.
- e) At least one inspector from the local jurisdiction must be present during the actual display in a building that meets the requirements of subsection (b)(1). A minimum of one inspector and one member of the local fire service must be present during the actual display in a building that meets the requirements of subsections (b)(2) and (b)(3). During the event, the inspector shall be in the immediate area of the lead pyrotechnic operator and the member of the local fire service shall be on the audience side of the proscenium curtain. In the event the show is of a repetitive nature and will be performed more than 3 times, continued stand-by of the inspector and the member of the local fire service after the third performance is at the fire chief's discretion. In the event the performance of the display is modified in a manner that affects the location or timing of the effects or the materials and/or products being used, then the inspector must be present during the initial 3 performances of the modified display.
- f) Each inspector or member of the local fire service assigned in subsection (e) must have working knowledge of the supplemental fixed or portable fire fighting equipment located at the display area and have a radio for direct communication in an emergency. They shall also be knowledgeable about crowd management and how to evacuate the building.

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TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL
PART 235 PYROTECHNIC AND CONSUMER DISPLAY PERMITTING RULES
SECTION 235.20 DEFINITIONS

Section 235.20 Definitions

For purposes of this Part, the term:

"1.3G fireworks" means those fireworks that are used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation (USDOT) under 49 CFR 172.101. [425 ILCS 35/1] USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0333 (1.1G), UN0334 (1.2G), and UN0335 (1.3G). (See 49 CFR 172.101.)

"Act" means the Fireworks Use Act.

"Applicant" means the individual who is applying for a pyrotechnic or consumer display permit.

"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.

"ATF" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

"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 Office of the State Fire Marshal.

"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. [425 ILCS 35/1]

"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 CFR 1500 and 1507, and classified as fireworks UN0336 or UN0337 by USDOT under 49 CFR 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 wire 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, 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 .20 grains of explosive mixture; the sale and use of which shall be permitted at all times. [425 ILCS 35/1]
 USDOT assigns the following division numbers to the above-referenced fireworks identification numbers: UN0336 (1.4G) and UN0337 (1.4S). (See 49 CFR 172.101.)

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect. [425 ILCS 35/1]

"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 Act. [425 ILCS 35/1]

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit. [425 ILCS 35/1]

"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

"DNR" means the Illinois Department of Natural Resources.

"Fire chief of the local jurisdiction" means the chief of the fire department providing fire protection coverage to the area of display, or his/her designee when expressly provided in the Act.

"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 NFPA 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

"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 at the pyrotechnic display, and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act. [425 ILCS 35/1]

"License" means the license issued by the Office pursuant to the Pyrotechnic Distributor and Operating Licensing Rules.

"Local governmental authority" means the appropriate city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board.

"NFPA" means the National Fire Protection Association, a nationally recognized standards-making organization.

"Office" means the Office of the State Fire Marshal.

"Officer" means:

if the applicant is a political subdivision of the State, an appointed or elected official; or

if the business is a sole proprietorship, the owner of the business or any person exercising managerial control; or

if the business is a partnership, any partner who has at least 10% ownership interest or any person exercising managerial control; or

if the business is a corporation, any officer or director of the corporation, any person who has at least 10% ownership interest in the corporation, or any person exercising managerial control.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state, or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities. [225 ILCS 227/5]

"Proscenium curtain" means the curtain covering the opening of the stage that is constructed and mounted in a manner that intercepts hot gases, flames and smoke and that prevents flame from a fire on the stage from becoming visible from the auditorium side.

"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. [425 ILCS 35/1]

"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. [225 ILCS 227/5]

"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 and must be identified as "intended for indoor use". Special effects fireworks are classified as fireworks UN0431 or UN0432 by the USDOT under 49 CFR 172.101. [425 ILCS 35/1] USDOT assigns the following division numbers to the above-referenced pyrotechnic article identification numbers: UN0431 (1.4G) and UN0432 (1.4S). (See 49 CFR 172.101.)

"USDOT" means the United States Department of Transportation.

Illinois Compiled Statutes

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

FIRE SAFETY

(425 ILCS 35/) Pyrotechnic Use Act.

(425 ILCS 35/0.01) (from Ch. 127 1/2, par. 126.9)

Sec. 0.01. Short title. This Act may be cited as the Pyrotechnic Use Act.

(Source: P.A. 96-708, eff. 8-25-09.)

(425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

Sec. 1. Definitions. As used in this Act, the following words shall have the following meanings:

"1.3G fireworks" means 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 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 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 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 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 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 this Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"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 Distributor and Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display or pyrotechnic service and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Production company" means any person in the film, digital and video media, television, commercial, and theatrical stage industry who provides pyrotechnic services or pyrotechnic display services as part of a film, digital and video media, television, commercial, or theatrical production in the State of Illinois and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a 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.

"Pyrotechnic distributor" means any person 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 and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic service" means the detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect.

"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 or UN0432 by the United States

Department of Transportation under 49 C.F.R. 172.101.
(Source: P.A. 95-331, eff. 8-21-07; 96-708, eff. 8-25-09.)

(425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

Sec. 2. Possession, sale, and use of fireworks. 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 display fireworks, flame effects, or consumer fireworks; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board, shall have power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays.

(Source: P.A. 93-263, eff. 7-22-03; 94-658, eff. 1-1-06.)

(425 ILCS 35/2.1)

Sec. 2.1. Pyrotechnic displays or pyrotechnic service. Each pyrotechnic display or pyrotechnic service shall be conducted by a licensed lead pyrotechnic operator employed by a licensed pyrotechnic distributor or a licensed production company. Applications for a pyrotechnic display permit shall be made in writing at least 15 days in advance of the date of the pyrotechnic display or pyrotechnic service, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display or pyrotechnic service will occur. After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display or pyrotechnic service shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Pyrotechnic display permits may be granted hereunder to any adult individual applying therefor. No permit shall be required under the provisions of this Act for supervised public displays by State or County fair associations.

The applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than \$1,000,000 to the local governmental entity issuing the permit.

A permit shall be issued only after the chief of the fire department providing fire protection coverage to the area of display or pyrotechnic service, or his or her designee, has inspected the site and determined that the display or pyrotechnic service can be performed in full compliance with the rules adopted by the State Fire Marshal and that the display or pyrotechnic service shall not be hazardous to property or endanger any person or persons. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

All indoor pyrotechnic displays and pyrotechnic services shall be conducted in buildings protected by automatic sprinkler systems and meeting the requirements of rules adopted by the State Fire Marshal pursuant to this Act. At the time an individual applies for an indoor pyrotechnic display permit from the local jurisdiction, written notice of the permit application and the indoor display or pyrotechnic service information shall be made in writing at least 15 days

in advance of the date of the pyrotechnic display or pyrotechnic service to the Office, unless agreed to otherwise by the Office.

Permits shall be signed by the chief of the fire department providing fire protection to the area of display or pyrotechnic service, or his or her designee, and must identify the licensed pyrotechnic distributor or licensed production company and the lead pyrotechnic operator.

(Source: P.A. 96-708, eff. 8-25-09.)

(425 ILCS 35/2.2)

Sec. 2.2. Consumer displays. Each consumer display shall be handled by a competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal. Applications for consumer display permits shall be made in writing at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any adult individual applying for a permit who provides proof that he or she has received the requisite training. The local jurisdiction issuing the permit is authorized to conduct a criminal background check of the applicant as a condition of issuing a permit.

A permit shall be issued only after inspection of the display site by the fire chief providing fire protection coverage to the area of display, or his or her designee, to determine that the display is in full compliance with the rules adopted by the State Fire Marshal. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

(Source: P.A. 94-658, eff. 1-1-06.)

(425 ILCS 35/2.3)

Sec. 2.3. Consumer distributors and retailers. No person may act as a consumer distributor or retailer or advertise or use any title implying that the person is a consumer distributor or retailer unless registered with the Office of the State Fire Marshal. No consumer fireworks may be distributed, sold, transferred, or provided free of charge to an individual who has not been issued a permit in accordance with Section 2.2 of this Act or has not registered with the Office of the State Fire Marshal in accordance with this Section. No person may sell to a single individual a quantity of consumer fireworks exceeding 499 pounds without prior approval by the Office of the State Fire Marshal. The State Fire Marshal, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not registered from distributing or selling consumer fireworks. Upon filing a verified petition in court, the court, if satisfied by affidavit, or otherwise, that the person is or has been distributing in violation of this Act,

may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings are to be conducted as in other civil cases. The court may enter a judgment permanently enjoining a defendant from further unregistered activity if it is established that the defendant has been or is distributing in violation of this Act. In case of violation of any injunctive order or judgment entered under this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings are in addition to all penalties and other remedies in this Act.

(Source: P.A. 94-658, eff. 1-1-06.)

(425 ILCS 35/3.1) (from Ch. 127 1/2, par. 129.1)

Sec. 3.1. No fireworks shall be discharged, ignited or exploded at any point in the State within 600 feet of any hospital, asylum or infirmary.

(Source: P.A. 81-623.)

(425 ILCS 35/3.2) (from Ch. 127 1/2, par. 129.2)

Sec. 3.2. The use of what are technically known as fireworks showers or any mixture containing potassium chlorate, and sulphur in theatres or public halls is hereby prohibited.

(Source: P.A. 81-623.)

(425 ILCS 35/3.3) (from Ch. 127 1/2, par. 129.3)

Sec. 3.3. Nothing in these regulations shall be construed as prohibiting the manufacture, storage or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft, or other instrumentalities of transportation.

(Source: P.A. 81-623.)

(425 ILCS 35/3.4)

Sec. 3.4. Sale and use prohibited on public property. A municipality may, by ordinance, prohibit the sale and use of sparklers on public property.

(Source: P.A. 92-93, eff. 1-1-02.)

(425 ILCS 35/4) (from Ch. 127 1/2, par. 130)

Sec. 4. Whenever any officer or employee of the Office of the State Fire Marshal or the Department of State Police, a Sheriff, a Deputy Sheriff, or a member of any city council or board of trustees of any village or incorporated town or county board has reason to believe that any violation of this Act has occurred within the jurisdiction within which such official is authorized to act and that the person so violating the Act has in his possession fireworks or combustibles, such official 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 Act. In case of a finding that the fireworks or combustibles seized were possessed in violation of this Act, judgment shall be entered confiscating and forfeiting the property and ordering its destruction.

(Source: P.A. 91-357, eff. 7-29-99.)

(425 ILCS 35/4.1) (from Ch. 127 1/2, par. 130.1)

Sec. 4.1. The State Fire Marshal may adopt necessary rules and regulations for the administration of this Act which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, NFPA 160 guidelines for flame effects, and NFPA 140 for motion picture and television production studio soundstages, approved production facilities, and production locations. The State Fire Marshal is authorized to adopt rules that establish audience proximity distances for consumer display fireworks.

The Office of the State Fire Marshal shall maintain a list of approved consumer fireworks and update the list annually or as new consumer fireworks items are submitted to the Office by consumer distributors.

All applications, permits, and site inspection records shall be on forms approved by the State Fire Marshal.

(Source: P.A. 96-708, eff. 8-25-09.)

(425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

Sec. 5. Any person, firm, co-partnership, or corporation violating the provisions of this Act shall be guilty of a Class A misdemeanor.

(Source: P.A. 94-658, eff. 1-1-06; 95-331, eff. 8-21-07.)

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