

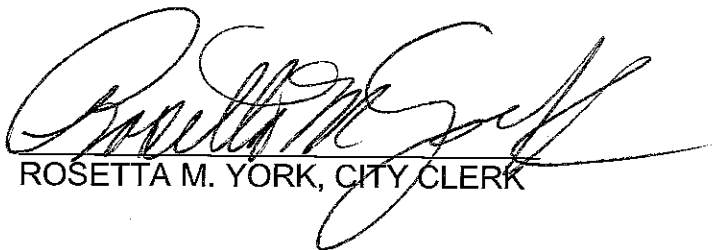
CITY OF NEWTON, ILLINOIS

ORDINANCE NO. 16-07

AN ORDINANCE TO AMEND
SECTION 7-10-1 THROUGH 7-10-9
OF ARTICLE X – FIREWORKS CODE
OF THE CITY OF NEWTON,
JASPER COUNTY, ILLINOIS

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF NEWTON, ILLINOIS
THIS 18th DAY OF OCTOBER, 2016

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE CITY COUNCIL OF THE CITY OF NEWTON,
JASPER COUNTY, ILLINOIS
THIS 18th DAY OF OCTOBER, 2016



ROSETTA M. YORK, CITY CLERK

ORDINANCE NO. 16-07

AN ORDINANCE TO AMEND
SECTION 7-10-1 THROUGH 7-10-9
OF ARTICLE X – FIREWORKS CODE
OF THE CITY OF NEWTON,
JASPER COUNTY, ILLINOIS

BE IT ORDAINED by the City Council of the City of Newton, Illinois, that Sections 7-10-1 through 7-10-9 of ARTICLE X – FIREWORKS CODE of the City of Newton, Illinois are hereby deleted and in their place the following Sections 7-10-1 through 7-10-9 are substituted in their place:

7-10-1 **Definitions.** The following definitions shall apply to this Article:

Chief shall mean the WADE COMMUNITY FIRE PROTECTION DISTRICT Fire Chief or his designee.

Class B fireworks shall mean those fireworks regulated by the Bureau of Alcohol, Tobacco, and Firearms as defined by applicable state and federal law. They are considered professional grade fireworks.

Facility shall mean any tent, building, enclosure, or similar structure used for the sale, offering for sale or display of fireworks.

Fireworks shall have that meaning as defined in 425 ILCS 30/2(a) and shall include fireworks identified as Class C fireworks pursuant to applicable state and federal law.

Fireworks sale permit shall mean the permit issued by the chief authorizing the sale, offering for sale, or display for sale of fireworks within the corporate boundaries of the city.

Permittee shall mean a person, corporation, firm, partnership or association applying for a fireworks sales permit as provided for herein, or otherwise being authorized to sell, offer for sale, display for sale fireworks pursuant to this article.

7-10-2 **Restrictions.**

(a) No person, corporation, firm, partnership or association shall sell, offer for sale, or display for sale fireworks within the corporate boundaries of the city unless said person, corporation, firms, partnership or association has been issued a fireworks sale permit as provided for herein.

(b) No person, corporation, firm, partnership or association shall sell, offer for sale, display for sale, or use Class B fireworks within the corporate boundaries of the city unless said person, corporation, firm, partnership or association has been so authorized by the Bureau of Alcohol Tobacco and Firearms pursuant to applicable state and federal law. An application for permit for Class B fireworks in the form of Exhibit B must also be completed and approved by the City of Newton.

(c) No person, corporation, firm, partnership or association shall sell, offer for sale or display for sale consumer fireworks from a tent unless the following conditions are met:

- (1) The tent may not be larger than one thousand five hundred (1,500) square feet.
- (2) There may be only one (1) tent for each permit granted.
- (3) The tent may not be located closer than one hundred (100) feet from a permanent structure.
- (4) A vehicle may not be parked closer than twenty (20) feet from the edge of the tent.
- (5) The tent must be fire retardant.
- (6) The sales site must comply with all applicable local zoning and land use rules.

- (7) Sales of fireworks may be made from the tent for not more than forty-five (45) days in a year.
- (8) The weight of consumer fireworks in a tent may not exceed three thousand (3,000) gross pounds of consumer fireworks.

7-10-3 **Permit.** Any person, corporation, firm, partnership or association desiring to sell, offer to sale, or display for sale Class C fireworks within the corporate boundaries of the city shall first apply for a fireworks sale permit with the City Clerk by filing the fireworks sale permit application, a true and accurate copy of which is attached hereto as Exhibit A and hereby incorporated by reference as though fully stated herein. The fireworks sales permit shall be required in addition to any other permits required by local ordinances.

7-10-4 **Permit Issuance.**

(a) Within a reasonable time following the receipt of a fireworks sales permit application, the chief shall conduct such investigation as the chief deems necessary into the background of the permittee, the facilities, and any other matters that the chief deems necessary for the protection of the health and safety of the community. The chief shall deny all fireworks sales permit applications unless:

(1) The facility is equipped with at least one ten-pound ABC fire extinguisher.

(2) The permittee has proof of insurance coverage in a minimum amount of:

a. \$1,000,000.00 of product liability coverage.

b. \$1,000,000.00 of premises liability coverage.

(3) The facility is equipped with adequate signs reading "CAUTION—FIREWORKS—NO SMOKING." Such signs shall be placed in each corner of the facility and over each entrance to the facility.

(4) All electrical outlets in or provision for electrical service to the facility shall be ground fault interface.

(5) The permittee executes an authorization for release of personal information, a true and accurate copy of which is attached hereto as Exhibit C and hereby incorporated by reference as though fully stated herein.

(b) The chief shall deny any fireworks sales permit application if, in the exercise of his official authority and discretion, determines that:

(1) The facility poses an unreasonable danger to the health and safety of the community.

(2) The facility is located, operated, constructed, or maintained in an unsafe manner.

(3) The permittee has been convicted of a violation of the Illinois Fireworks Regulation Act of Illinois, the Illinois Fireworks Use Act, or any applicable local, state or federal law regulating the use, display or sale of fireworks.

(4) The permittee has been convicted of a felony offense in the State of Illinois or any other state.

(c) If the provisions of subsections (a) and (b) are met to the satisfaction of the chief, then the chief shall issue to the permittee a fireworks sales permit in the form of Exhibit D, which is attached hereto and hereby incorporated by reference as though fully stated herein.

(d) Fireworks sales permits shall not be transferable or assignable. The transfer or assignment of a fireworks sales permit to any person, corporation, firm, association, or partnership shall serve to terminate the fireworks sales permit.

7-10-5 **Permit Fee.** Upon issuance of a fireworks sales permit, the permittee shall pay to the City Clerk a permit fee in the amount of Two Hundred Dollars (\$200.00), to be divided \$100 to the City and \$100 to the Fire Protection District.

7-10-6 **Term of Permit.** A fireworks sale permit shall be valid for a period of ninety (90) days from the date of issuance by the Chief.

7-10-7 Inspection.

(a) The chief shall be authorized to inspect the facility at any time, with or without notice to permittee. In the event the chief determines that a violation of this article has occurred, the chief shall:

- (1) Notify the city police department;
- (2) Order the permittee to cease selling, offering for sale, or displaying for sale fireworks;
- (3) Immediately revoke the permittee's fireworks sales permit;
- (4) Take necessary steps to close the facility and otherwise prevent the permittee from selling, offering for sale or displaying for sale fireworks within the corporate boundaries of the city; and
- (5) Direct the city police department to issue appropriate citations to the permittee or such person, corporation, association or partnership violating this article, or to take such other action as authorized by applicable law, including but not limited to the arrest of the permittee or such person, corporation, association or partnership violating this article.

(b) The chief of police and city police department personnel are hereby directed to cooperate with the chief in the enforcement of this article.

7-10-8 Hours of Operation. The permittee shall not operate the facility, nor shall the permittee sell, offer for sale, or display for sale fireworks within the corporate boundaries of the city except during the hours of 9:00 a.m. to 9:00 p.m., Monday through Sunday. Operation of the facility or the sale, offer for sale, or display for sale of fireworks during any other hours shall be a violation of this article.

7-10-9 Violations of this Article. Any person, corporation, firm, partnership, or association found to have violated this article shall be guilty of a Class C misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Any second or subsequent violation of this article shall be a Class B misdemeanor, punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), and a term of incarceration in the Jasper County jail up to six (6) months

Except as amended hereby, the City Code of Newton, Illinois, as Amended, shall remain in full force and effect.

Upon roll call vote the following Alderpersons voted yea: Scott Bloomberg, Steve Rubsam, David Brown, Larry Brooks, Robert Reisner and Eric Blake

Upon roll call vote the following Alderperson voted nay: None

Passed, approved and published in pamphlet form this 18th day of

October, 2016.




MARK BOLANDER, MAYOR

ATTEST:


ROSETTA M. YORK, City Clerk

"Exhibit A"
APPLICATION FOR PERMIT FOR
SALE OF CONSUMER FIREWORKS

A. We hereby make application for a permit to conduct sale of Consumer Fireworks during the period from _____ to _____, 20_____, between the hours of 9:00 a.m. to 9:00 p.m.

B. Full Name, address, and phone number of Applicant:

C. Description of name, address, phone number, date of birth, experience and physical characteristics of all persons designated to assist with the selling of the Consumer Fireworks:

D. Numbers and kinds of Consumer Fireworks:

E. Manner and place of storage of Consumer Fireworks:

I certify that the facts contained in this application are true and complete to the best of my knowledge. I do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District Fire Department, whether the said records are of a public, private or confidential nature.

Attach proof of public liability insurance in the amount of not less than \$ 1,000,000.00 naming the City of Newton as an additional insured on a primary, non-contributory basis: Yes _____ No _____

Attach \$1,000 public liability bond or cash bond with the City of Newton Yes _____ No _____

Attach \$200.00 Consumer fireworks Display fee. Yes _____ No _____

Attach copy of proof of consumer fireworks training approved by the Office of the State Fire Marshall. Yes _____ No _____

Attach copies of releases of personal information and affirmation of all Consumer Fireworks Display assistants. Yes _____ No _____

All accidents must be reported by mail to the office of City of Newton or Wade Community Fire Protection District within twenty-four (24) hours of the occurrence.

Signatures of Applicants:

"Exhibit B"
APPLICATION FOR PERMIT FOR
PUBLIC EXHIBITION OF PYROTECHNIC DISPLAY

A. We hereby make application or a permit to conduct a Public Exhibition of a Pyrotechnic Display on the _____ day of _____, 20____, between the hours of _____ a.m. to _____ p.m.
Said display to be held at _____

B. Full Name, address, and phone number of Applicant sponsoring the Pyrotechnic Display: _____

C. Description of name, address, phone number, date of birth, experience and physical characteristics of all persons designated to assist with the set-up of the Pyrotechnic Display at the Public Exhibition: _____

D. Numbers and kinds of Display Fireworks or Flame Effects to be discharged during the Public Exhibition:

E. Manner and place of storage of Display Fireworks or Flame Effects prior, during, and after the Public Exhibition:

I certify that the facts contained in this application are true and complete to the best of my knowledge. I do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District, whether the said records are of a public private or confidential nature.

Attach proof of public liability insurance in the amount of not less than \$1,000,000.00, naming the City of Newton as an additional insured on a primary, non-contributory basis:

Yes _____ No _____

Attach \$1,000 public liability bond or cash bond with the City of Newton Yes _____
No _____

Attach \$200.00 Consumer fireworks Display fee. Yes _____ No _____

Attach copy of proof of Class B fireworks training approved by the Office of the State Fire Marshall. Yes _____ No _____

Attach copies of releases of personal information and affirmation of all Class B Fireworks Display assistants. Yes _____ No _____

All accidents must be reported by mail to the office of City of Newton or Wade Community Fire Protection District within twenty-four (24) hours of the occurrence.

Signatures of Applicants:

EXHIBIT "C"

(CLASS C FIREWORKS)

**AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION AND
AFFIRMATION OF CONSUMER OPERATOR AND ASSISTANTS
OF CONSUMER FIREWORKS SALES**

I, _____, SSN; _____

Date of Birth: _____ do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District, whether the said records are of a public, private or confidential nature.

I, _____, further solemnly swear or affirm that I am:

1. At least 21 years of age; and,
2. Have not been declared incompetent by any competent court by reasons of mental or physical defect or disease; and,
3. Do not have any addiction to or dependency on alcohol or drugs; and,
4. Have not been convicted in any jurisdiction of any felony within the past five years; and,
5. Am not a fugitive from justice.

By: _____

EXHIBIT "C"

(CLASS B FIREWORKS)

**AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION AND
AFFIRMATION OF ASSISTANTS TO PYROTECHNIC DISPLAY**

I, _____, SSN: _____

Date of Birth: _____ do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District, whether the said records are of a public, private or confidential nature.

I, _____, further solemnly swear or affirm that I am:

1. At least 21 years of age; and,
2. Registered to assist a Licensed Lead Pyrotechnics Operator with the Office of the Illinois State Fire Marshall; and,
3. Have not been declared incompetent by any competent court by reasons of mental or physical defect or disease; and,
4. Have not willfully violated any provision of the Pyrotechnic Distributor and Operator Licensing Act, 227 ILCS21/1 *ex seq.*; and,
5. Do not have any addiction to or dependency on alcohol or drugs; and,
6. Have not been convicted in any jurisdiction of any felony within the past five years; and,
7. Am not a fugitive from justice.

By: _____

EXHIBIT "D"

FIREWORKS SALES PERMIT

Pursuant to City of Newton, Illinois Ordinance No. _____, and the Fireworks Regulation Act of Illinois, 425 ILCS 30/1 et. seq., the Wade Community Fire Protection District Fire Chief hereby grants a Fireworks Sales Permit to:

Name: _____

Address: _____

Phone #: _____

This Permit authorized the above-named Permittee to sell, offer for sale, and display for sale fireworks within the corporate boundaries of the City of Newton, Illinois in accordance with the regulations set forth in Ordinance No. _____ and applicable State and Federal Law at the facility located at: _____

This Permit may be revoked by the Wade Community Fire Protection District Fire Chief as provided for in Ordinance No. _____. The Permittee has paid to the City of Newton the sum of \$_____ as to a permit fee. This Permit shall expire ninety (90) days from the date of issuance. This Permit is non-transferrable and non-assignable. This Permit shall terminate if transferred or assigned.

THE PERMITTEE HEREBY KNOWINGLY AND VOLUNTARILY GRANTS HIS/HER CONSENT TO THE WADE COMMUNITY FIRE PROTECTION DISTRICT FIRE CHIEF, HIS DESIGNEE, OFFICERS OF THE CITY OF NEWTON POLICE DEPARTMENT, AND OTHER LAW ENFORCEMENT OFFICERS ASSISTING THEM TO SEARCH THE FOLLOWING AT ANY TIME WITH OR WITHOUT NOTICE:

The facility located at _____, including any part, container, compartment, vehicle, motor vehicle, object, box, contents, items or are located within or immediately surrounding said facility.

SIGNED: _____

, Permittee

SIGNED: _____

, Fire Chief of Wade Community Fire Protection District

DATE OF ISSUANCE: _____