

VILLAGE OF LIBERTYVILLE  
ORDINANCE NO. 08- O - 25

ORDINANCE AMENDING CHAPTER 10, SECTION 10-3(b) OF THE MUNICIPAL CODE  
RELATING TO THE  
ISSUANCE OF PERMITS FOR FIREWORKS DISPLAYS

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Adopted by the  
President and Board of Trustees  
of  
the Village of Libertyville  
Lake County, Illinois  
this 13th day of May, 2008

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Published in pamphlet form by  
direction and authority of the  
Village of Libertyville  
Lake County, Illinois  
this 14th day of May, 2008

VILLAGE OF LIBERTYVILLE

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AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-3  
OF THE MUNICIPAL CODE RELATING TO THE  
ISSUANCE OF PERMITS FOR FIREWORKS DISPLAYS

WHEREAS, Section 10-3 of the Libertyville Municipal Code defines fireworks as well as allowable and prohibited uses of fireworks in the Village of Libertyville; and

WHEREAS, the Village of Libertyville (hereinafter, "The Village") is the authority having jurisdiction over the fireworks display permit process; and

WHEREAS, in addition to the annual July 4<sup>th</sup> Village-sponsored fireworks displays, there are from time to time requests for privately-sponsored fireworks displays by local residents, school districts, or businesses which are neither sponsored by the Village nor conducted on Village property; and;

WHEREAS, pursuant to the Municipal Code of the Village of Libertyville, all such privately sponsored firework displays may only be conducted upon the issuance of a permit by the Village.

WHEREAS, the President and Board of Trustees of the Village of Libertyville have found and determined that it is in the best interests of the Village and its residents to provide standards applicable to those persons or companies seeking to obtain permits to conduct a fireworks displays

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTYVILLE, COUNTY OF LAKE, STATE OF ILLINOIS AS FOLLOWS:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Amendment to the Fire Prevention and Protection Code: Section 10-3 (b). Section 10-3(b) of the Libertyville Municipal Code is hereby repealed, in its entirety and replaced by the following:

(b) *Sale, use or explosion prohibited; public displays; permits.* Except as hereinafter provided it shall be an offense for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks.

Permits for fireworks displays may be granted by the Board of Trustees. Every such display shall be handled by a competent individual designated by the Board of Trustees and shall be of such a character and so located, discharged or fired as not to be hazardous to property or endanger any

person or persons. Applications for permits shall comply with and be subject to the following requirements:

1. For any desired fireworks display in the Village of Libertyville, an application for permit from a pyrotechnics distributor licensed by the Illinois Office of the State Fire Marshal pursuant to the Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230) shall be submitted with the appropriate fee to the Fire Prevention Bureau of the Libertyville Fire Department no later than 90 days prior to the proposed display date. The application shall contain:
  - (i) Proof of possession of an Illinois Pyrotechnic Distributor License in accordance with 41 Ill Adm. Code 230;
  - (ii) Identification of the Lead Pyrotechnic Operator that will supervise the set-up and firing of the display and proof of that person's possession of an Illinois Lead Pyrotechnic Operator License in accordance with 41 Ill. Adm. Code 230;
  - (iii) Proof of the Pyrotechnic Operator's company's insurance of not less than \$1,000,000 in product liability insurance, \$1,000,000 in general liability insurance, and workers' compensation insurance, as required pursuant to the Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230) and Pyrotechnic and Consumer Display Permitting Rules (41 Ill. Adm. Code 235);
  - (iv) Identification of any assistants to be used and proof that those assistants are not less than 18 years of age;
  - (vi) A site plan/map which displays the location of the fireworks display and appropriate set backs.
  - (vii) A list of the specifics of the display (numbers, types, and sizes of shells);
  - (viii) Evidence that the owner of the property upon which the display will be conducted maintains comprehensive general liability insurance with limits of liability of not less than \$1,000,000 liability insurance; and
  - (ix) A copy of the letter to be sent to the neighbors notifying them of the display should the application be determined to be acceptable (See 3, ii. below).
2. Following receipt of the application, the Fire Prevention Bureau shall evaluate the application to assure the above items are complied with and, in addition, shall:
  - (i) Assure the proposed set-up and display meet the National Fire Protection Association (NFPA) Standard 1123 in all aspects, including display, buffer distances, clearing distances, safety rules, and operations; and

- (ii) Inspect the proposed launching site.
3. Within 20 days of receipt of the application, the Fire Prevention Bureau shall advise the applicant in writing of one of the following:
  - (i) The application is denied and the reason; or
  - (ii) The application is preliminarily approved;

If preliminarily approved, the applicant will be required to provide proof of written notification about the fireworks display to the neighbors within at least 1,000 feet from the property where the launch is to take place. Proof of written notification and a copy of the letter must be submitted to the Fire Prevention Bureau within 14 days of receipt of the preliminary approval notification. Proof of notification can include a sworn affidavit indicating the letter was sent and to whom, or a receipt from the post office along with a listing of recipients. Once received, the application will be sent to the Village Board for final approval and public comment.

- Date of the display and expected starting time.
- Identification of the owner of the property.
- Identification of the host of the event
- Anticipated length of time of the display.
- General location of the launch site.
- Contact information so that questions may be addressed.
- Date and time of the Village Board meeting/public hearing

Notification to the applicant that the application is preliminarily approved shall also include notice that standby fire department personnel and firefighting equipment will be required with the cost for such personnel and equipment to be borne by the property owner hosting the fireworks display.

4. Interpretation: All questions pertaining to the meaning or applicability of this policy should be submitted in writing to the Libertyville Fire Chief. The Fire Chief or Fire Prevention Bureau will provide a written interpretation to all departments which may serve as a supplement of this policy.

SECTION THREE: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as the conflict herewith.

SECTION FOUR: Effective Date. This ordinance shall be in full force and effect June 1, 2008 from and after its passage, approval and publication in pamphlet form in a manner provided by law.

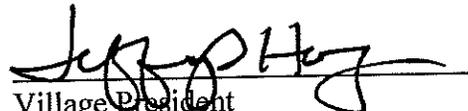
PASSED this 13th day of May, 2008

AYES: LUKENS, PERON, JOHNSON, PROEPPER, CULLUM

NAYS: None

ABSENT: None

APPROVED this 14th day of May, 2008.

  
Village President

ATTEST:

  
Village Clerk