

**JEFFERSON COUNTY BOARD**  
**ORDINANCE RE: FIREWORKS**

**CHAPTER 13, ARTICLE I OF THE JEFFERSON COUNTY REVISED CODE, AS  
PREVIOUSLY ADOPTED, IS HEREBY STRICKEN IN ITS ENTIRETY AND  
REPLACED WITH THE FOLLOWING:**

Article I - Fireworks

13-1-1 **Definitions.** “Fireworks” are any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect of a temporary exhibitional nature by combustion, explosion, deflagration or detonation; fireworks shall include ‘Consumer Fireworks,’ ‘Display Fireworks,’ and ‘Permitted Fireworks’ as hereinafter described.

“Consumer Display” means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

“Consumer Fireworks” mean those fireworks that must comply with the construction, chemical composition, and labeling regulations of the Consumer Products Safety Commission, as set forth in 16 CFR, Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 CFR 172.101. “Consumer Fireworks” (1.4G Fireworks) do not include “Permitted Fireworks” described hereinafter and shall not include “Display Fireworks” (1.3G Fireworks) as defined within the Illinois Pyrotechnic Use Act, but Consumer Fireworks shall include (but shall not be limited to) the following:

- (a) Blank cartridges;
- (b) Toy cannons in which explosives are used;
- (c) The type of balloons which require fire underneath to propel the same;
- (d) Firecrackers, torpedoes, skyrocket, Roman candles, bombs or other devices of similar construction;
- (e) Any fireworks containing any explosive compound;
- (f) Any tablets or other devices containing any explosive substance, or containing combustible substances providing visual effects;
- (g) Sparkling devices which produce a shower of sparks upon ignition (except Sparklers, defined below) including, but not limited to items commonly known as “fountains,” “spinners,” “wheels,” or similar devices.

“Display 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 CFR 172.101.

“Permitted Fireworks” shall mean and 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 similar devices and toy pistol paper or plastic caps as hereinafter specifically defined:

- (a) Snakes, glow worm - Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.
- (b) Smoke devices - Tube or skewer containing pyrotechnic composition that upon ignition produces white or colored smoke as a primary effect.
- (c) Trick noisemaker - Item that produces a small report intended to surprise the user; these devices include:
  - (1) Party popper - Small plastic or paper item containing not more than 16 mg of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.
  - (2) Booby trap - Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.
  - (3) Snapper - Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.
  - (4) Trick match - 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.
  - (5) Cigarette load - 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.
  - (6) Auto burglar alarm - Tube which contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding 50 mg, may also be used to produce a small report. A squib is used to ignite the device.
- (d) Sparklers - A wire or stick coated with pyrotechnic composition which shall not exceed one hundred grams per item that produces a shower of sparks upon ignition.
- (e) Toy pistols, toy canes, toy guns, and other similar devices - 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 explosive.
- (f) Toy pistol paper or plastic caps - Item which contains less than twenty-five-hundredths grains of explosive material.

“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 Illinois Pyrotechnic Distributor and Operator Licensing Act.

Any term used within this Ordinance not otherwise defined herein shall have the same meaning as provided within the Illinois Pyrotechnic Use Act (425 ILCS 35/0.01 et seq).

Neither the State of Illinois nor Jefferson County recognize the term “Safe and Sane Fireworks” and any item labeled as such are subject to the definitions contained herein. The labeling of a device shall not determine whether the device is a permitted firework or is a consumer firework. If the possession, use, or sale of a firework is not authorized within this Ordinance then it is prohibited; and if authorized, such possession, use, or sale is restricted as provided within this Ordinance.

13-1-2 **Application of Ordinance.** This Ordinance shall only apply to the unincorporated areas of Jefferson County.

13-1-3 **Sale and/or Possession.** No person may sell or hold for sale or distribute or offer for sale or possess or purchase or discharge any “Consumer Firework” within Jefferson County, without first strictly complying with the provisions of the Illinois Pyrotechnic Use Act, and without first complying with the provisions of Chapter 13, Article I of the Revised Code of Ordinances; provided that in the event of a conflict between said Illinois Pyrotechnic Use Act and Chapter 13, Article I of the Revised Code of Ordinances, the more restrictive provision shall control. Only such “Consumer Fireworks” as are authorized by the Illinois State Fire Marshal’s Office pursuant to the Illinois Pyrotechnic Use Act and as are authorized and approved by the chief of the fire department providing fire protection to the area of display, sale, or possession shall be permitted for sale, distribution, or possession within Jefferson County.

13-1-4 **Permit for Sale of Fireworks.**

(A) No person may sell, possess for sale, distribute or offer for sale any fireworks in the unincorporated areas of Jefferson County unless such person has first obtained a permit to sell fireworks pursuant to this Ordinance and also, if applicable, a peddler’s license under Chapter 8, Article IV of the Revised Code. A fireworks permit shall be required for each location where fireworks are sold, held for sale, distributed or offered for sale. No permit shall issue except for Permitted Fireworks and/or Consumer Fireworks.

An applicant for a permit under this Ordinance shall pay to the Jefferson County Clerk a fee in the amount of \$25.00 per location, which fee shall not be refundable; each permit shall be issued for not longer than one (1) year and shall in all events expire on April 30 following the date of issuance. All permits shall be issued within 15-days from receipt of a proper application if the applicant and location are in compliance with the provisions of this ordinance and with State and Federal law.

Any person who desires to obtain a fireworks permit shall file a written application with the Jefferson County Clerk. The permit application shall be under oath and shall include the applicant's name, permanent business address (which must include a street address), residence address of the applicant (if the applicant is a corporation the residence address of its officers),

residential and business telephone numbers, the location at which the applicant intends to do business, a copy of the applicant's certificate of registration under the Illinois Retailer's Occupation Tax Act, a complete inventory and list of all fireworks to be sold or offered for sale, and a certificate of insurance evidencing a general liability policy in the amount of not less than One Million Dollars (\$1,000,000). In addition, the application shall provide a copy of a written lease or other written evidence from the owner of the location where the applicant proposes to sell indicating permission of the owner to use the location. Each permit issued hereunder shall clearly designate that it is a "Consumer Fireworks Permit" if the permit authorizes the sale of "Consumer Fireworks." Unless the applicant has also complied with each of the provisions of the Illinois Pyrotechnic Use Act no person shall be issued a "Consumer Fireworks" Permit.

(B) No person may purchase or possess any Consumer Fireworks in the unincorporated areas of Jefferson County unless such person has first obtained a permit to possess said fireworks pursuant to this Ordinance and pursuant to the Illinois Pyrotechnic Use Act. An applicant for a permit under this Ordinance to possess Consumer Fireworks shall pay to the unincorporated areas of Jefferson County a fee in the amount of \$25.00 per applicant, which fee shall be non-refundable; each permit shall issue for not longer than one (1) year and shall in all events expire on April 30 following the date of issuance. All permits shall be issued within 15 days from receipt of a proper application if the applicant is in compliance with the provisions of this Ordinance and with the Illinois Pyrotechnic Use Act. Any person who desires to obtain a permit to possess Consumer Fireworks shall file a written application with the Jefferson County Clerk; the permit application shall be under oath and shall include the applicant's name, business address (which must include a street address), a residence address of the applicant (if the applicant is a corporation the residence address of its officers), residential and business telephone numbers, location at which the applicant intends to possess fireworks, and a certificate of insurance evidencing a general liability policy in the amount of not less than One Million Dollars (\$1,000,000.00). In addition to the permit to possess as required herein, the applicant shall also be required to obtain the required display permit under Section 9 herein before discharge or display of any Consumer Fireworks within the the unincorporated areas of Jefferson County. No permit to possess Consumer Fireworks shall be issued unless all requirements, including training requirements, of the Illinois Pyrotechnic Use Act have been complied with.

(C) Prior to the issuance of the permit each applicant shall file with the Jefferson County Clerk a cash deposit in the amount of \$1,000 to secure compliance with this Ordinance unless the applicant is the owner of real estate situated within Jefferson County, Illinois, and provides written proof of same. The County Clerk shall hold the cash deposit as security for compliance with this Ordinance, and if the applicant or permit holder or any employee or agent of same shall fail to comply with this Ordinance and a fine shall be assessed under Subsection 8, then said cash deposit shall be applied to payment of said penalty. Unless an alleged violation is pending, the cash deposit shall be held for 30 days after expiration or surrender or termination of the permit at which time any balance of the cash deposit held by the County Clerk shall be refunded either personally to the permit holder or by certified mail to the permit holder; provided, however, that if the permit holder shall fail to keep the County Clerk informed of a current mailing address then said cash deposit shall be forfeited to the County after one attempt by the County Clerk or his designee to refund the bond by certified mail.

13-1-5 **Additional Restrictions.** Fireworks shall be possessed, kept, stored, held for sale, distributed sold, discharged, and/or delivered subject to the following additional restrictions:

- (a) Fireworks shall not be stored or kept for sale or offered for sale at any location unless there are two (2) approved chemical fire extinguishers readily available and equipped for use in extinguishing fires.
- (b) Over each entrance to any room where fireworks are stored or kept for sale or offered for sale there shall be designated a sign in conspicuous type: CAUTION - FIREWORKS - NO SMOKING.
- (c) No smoking shall be allowed and no person shall smoke within any structure or room where fireworks are stored or kept for sale or offered for sale. In addition, smoking is prohibited and no person shall smoke within twenty-five feet (25') of any location where fireworks are stored or kept for sale or offered for sale.
- (d) Fireworks shall not be exposed in windows where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages; provided, however, that fireworks in open stock may be kept in showcases or in counters out of reach of the public.
- (e) No fireworks shall be stored, kept, sold, held for sale or offered for sale or discharged by any person within one hundred fifty feet (150') of any gasoline pump or gasoline bulk station or in any building in which gasoline or volatile liquids are sold or present in quantities in excess of one gallon, except in retail stores where cleaners, paint, and oils are handled in sealed containers only.
- (f) No firework shall be discharged by any person within one hundred fifty feet (150') of any location where fireworks are sold, held for sale, distributed or offered for sale or within one hundred fifty feet (150') of any gasoline pump or gasoline bulk station or in any building or location at which gasoline or volatile liquids are present.
- (g) No person shall ignite any firework in any motor vehicle or throw a firework from a motor vehicle nor shall any person place or throw any ignited article of firework into or at a motor vehicle or at or near any person or group of people.
- (h) Fireworks shall not be sold to nor purchased by minors under the age of 16 years unless the minor is under the immediate supervision of a responsible adult.
- (i) Fireworks shall not be sold to nor purchased by any intoxicated person or person who appears to be intoxicated nor to any person who is otherwise so diminished in capacity such that it reasonably appears that he creates a danger to himself or others by the use of fireworks.
- (j) There shall be at least two (2) exits from each booth, room, or building from which fireworks are sold, held for sale, distributed or offered for sale.
- (k) At each location where fireworks are sold, held for sale, distributed or offered for sale there shall be a sales clerk who is at least 18 years of age on duty to serve consumers at the time of purchase or delivery.
- (l) No firework shall be discharged upon any public street, alley, parking lot, sidewalk or public way, upon any property owned by the United States, the State of Illinois or other state or any municipality or other political subdivision or

agency thereof or upon any property, including privately owned property, which is open to or held out for use by the public, except a display subject to the provisions of Subsection 9 herein which has been authorized in writing by the owner of the public or private property.

- (m) Each permit holder, his employees, and agents are each subject to the restrictions within this Section and, in addition, said permit holder and his employees and agents shall strictly enforce all smoking and discharge prohibitions described within this Ordinance upon any property owned or controlled or in the possession of the permit holder.
- (n) Fireworks shall be sold only from a permanent, non-residential structure; fireworks shall not be sold from a motor vehicle, a temporary structure or a private residence.
- (o) No “Consumer Firework” shall be sold to nor possessed by any person unless such person holds a valid permit issued by the County complying with the Illinois Pyrotechnic Use Act. Each, the seller and purchaser, shall have committed a violation upon sale of a “Consumer Firework” to any person not possessing the required permit.

13-1-6 **Inspection**. The fire chief of the jurisdiction in which the sale and/or possession of fireworks takes place, and any officer of the Jefferson County Sheriff’s Office may at reasonable hours enter and inspect the location or premises of any permit holder to determine compliance with this Ordinance. If any permit holder or his agent or employee has in his possession any firework in violation of this Ordinance, the permit shall be revoked, and all such fireworks seized, and the fireworks shall be kept to be used as evidence. If any person is observed to have in his possession any fireworks or to be using or possessing any fireworks in violation of this Ordinance, such fireworks may be seized, and the fireworks shall be kept to be used as evidence. Upon conviction of the offender or with the permission of the offender, the fireworks shall be destroyed. If an alleged offender is determined to be innocent of any violation, permissible fireworks shall be made available for return to the person in whose possession they were found, although said person must arrange for delivery of same within 30 days from date of notice to said person.

13-1-7 **Permit Revocation/Suspension**. Any permit issued hereunder may be revoked or suspended by the fire chief of the jurisdiction in which the sale and/or possession of fireworks takes place for good cause after notice and opportunity to be heard. Said fire chief shall afford to the permit holder an opportunity to present evidence bearing upon the question of revocation or suspension of the license. Cause for revocation or suspension shall include the violation of any provision of this Ordinance or of any federal law or statute of the State of Illinois by the permit holder, or by any employee or agent of the permit holder, or that the permit holder has made a false statement on any application for permit under this Ordinance, or for reason that the permit holder has refused to permit any police officer, or member of the governing fire department to inspect the premises or the activities of the premises at reasonable times. The decision of the fire chief suspending or revoking a license shall be in writing.

13-1-8 **Holding of Fireworks Pending Permit**. If any person possesses or offers for sale or makes the sale of any fireworks without first having obtained a permit under this

Ordinance, the Jefferson County Sheriff may hold such fireworks or fireworks inventory of the person until he/she obtains the required permit. If the property is held by the Sheriff for more than 60 days, and the person whose property is being held does not obtain the permit under this Ordinance, the County may petition the Circuit Court of Jefferson County, Illinois for an order for the sale of the property being held. If the court finds that the person whose property is held has not obtained a permit under this Ordinance prior to the filing of the Petition, the court may order and authorize the County to sell the property or may order the destruction of the property by the County. The proceeds of sale of the property less reimbursement to the County of the reasonable expenses for the storage and sale of the property shall be deposited in the general corporate fund of the County.

13-1-9 **Display of Fireworks**. It shall be unlawful for any person to display or allow to be displayed Consumer Fireworks and/or Display Fireworks (as defined within the Illinois Pyrotechnic Use Act) within the unincorporated areas of Jefferson County without a permit.

(a) Pyrotechnic Displays

Pyrotechnic displays of Display Fireworks in the unincorporated areas of Jefferson County shall be permitted upon compliance with the following conditions:

- (1) All persons shall file an application for a pyrotechnic display permit at least 15 days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the County Clerk and the fire chief of the jurisdiction in which the display will occur, or his/her designee.
- (2) The application for a pyrotechnic display permit shall contain identifying information for the person sponsoring the display, the exact location of the display, the exact date and time of the display, and identifying information for the individual who is the licensed lead pyrotechnic operator supervising the display.
- (3) The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$1,000,000 in liability coverage.
- (4) The application shall also be accompanied by a current and valid copy of the State issued lead pyrotechnic operator's license.
- (5) The application shall be subject to approval by the fire chief of the jurisdiction in which the display will occur or his/her designee.
- (6) After the permit has been granted, the possession, use and display of Display Fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.
- (7) No permit shall be required for supervised displays of State or County fair associations.
- (8) Applicant shall pay a fee in the amount of \$25.00.
- (9) Provided that the application requirements have been met by the applicant, a Pyrotechnic Fireworks Display Permit shall be issued by the County Clerk.

(b) Consumer Displays

Consumer displays of Consumer Fireworks and/or Permitted Fireworks in the unincorporated areas of Jefferson County shall be permitted upon compliance with the following conditions:

- (1) All persons shall file an application for a consumer display permit at least 15 days in advance of the date of the consumer display, unless agreed to otherwise by the County Clerk and the fire chief of the jurisdiction in which the display will occur, or his/her designee.
- (2) The application for a consumer display permit shall contain identifying information for the person sponsoring the display, the exact location of the display, the exact date and time of the display, and identifying information for the consumer operator handling the display who shall have received training from a Consumer Fireworks training class approved by the State Fire Marshal.
- (3) The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of One Million Dollars (\$1,000,000) in liability coverage.
- (4) The application shall be subject to approval by the fire chief of the jurisdiction in which the display will occur or his/her designee.
- (5) The applicant shall also be subject to a criminal background check as a condition of issuing a permit, which shall be carried out by the Sheriff's Office.
- (6) After the permit has been granted, the possession, use and display of Consumer Fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.
- (7) Applicant shall pay a fee in the amount of \$25.00.
- (8) Provided that the application requirements have been met by the applicant, a Consumer Fireworks Display Permit shall be issued by the County Clerk.

13-1-10 **Adoption by Reference.** The rules and regulations as may from time to time be amended, for the administration of the Pyrotechnic Use Act (425 ILCS 35/0.01 et seq.), by the State Fire Marshal, including, but not limited to, National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, audience proximity distances for Consumer Display Fireworks, and the list of approved Consumer Fireworks are adopted herein by reference.

13-1-11 **Violation/Penalties.** Any person that violates any provision of this Ordinance shall be punished by a fine of not more than \$200.00 for each violation; each consumer firework in the possession of the person shall constitute a separate violation and each day that any firework is sold or offered for sale without a permit or each day that a violation continues shall constitute a separate violation.



In addition, if a person is found guilty of violating any of the provisions of this Ordinance said person shall be subject to the other remedies and provisions of this Ordinance in addition to the imposition of a fine.

Any person who is convicted (including a no contest or supervision plea) of any violation of this Ordinance by a court of competent jurisdiction shall be ineligible to receive a permit under this Ordinance for a period of 2 years from the date of the conviction.

**ADOPTED THIS 26th DAY OF May, 2015.**

**Robert White**  
**Robert White, County Board Chairman**

**ATTEST:**

**Connie Simmons**  
**Connie Simmons,**  
**County Clerk and Clerk of the Board**