

VILLAGE OF ANTIOCH

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21-08-28

*AN ORDINANCE AMENDING SECTION 6-2-8 OF THE MUNICIPAL CODE OF  
ANTIOCH REGARDING FIREWORKS*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF ANTIOCH, ILLINOIS  
ON  
AUGUST 11, 2021

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Published in pamphlet form by authority of the Village Board of the Village of  
Antioch, Lake County, Illinois,  
this 12<sup>th</sup> day of August, 2021.

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SCOTT J. GARTNER	<b>President</b>	MARY C. DOMINIAK	<b>Trustee</b>
		MARY J. PEDERSEN	<b>Trustee</b>
LORI K. ROMINE	<b>Clerk</b>	ED MACEK	<b>Trustee</b>
		SCOTT A. PIERCE	<b>Trustee</b>
DEL GALDO LAW GROUP, LLC	<b>Attorney</b>	PETRINA A. BURMAN	<b>Trustee</b>
		BRENT C. BLUTHARDT	<b>Trustee</b>

**Ordinance No. 21-08-28**

***AN ORDINANCE AMENDING SECTION 6-2-8 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING FIREWORKS***

**WHEREAS**, the Village of Antioch (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the “Code”); and

**WHEREAS**, the Village President (the “President”) and the Village Board of Trustees (the “Village Board”, and together with the President, the “Corporate Authorities”) are committed to the health, safety, and welfare of its residents; and

**WHEREAS**, Section 6-2-8 of the Municipal Code of Antioch (the “Village Code”) regulates fireworks; and

**WHEREAS**, the Corporate Authorities have determined that the Village’s regulations regarding fireworks are outdated; and

**WHEREAS**, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village, and its residents, to amend Section 6-2-8 of the Village Code;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

**SECTION 1:** This code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 6, Chapter 2, Section 6-2-8 of the Village Code as set forth below (additions underlined; deletions ~~stricken~~):

**6-2-8: FIREWORKS:**

~~A.— Sales Within Village Limits: No person shall sell, barter or exchange any fireworks, firecrackers, torpedoes, roman candles, skyrockets or other articles intended for pyrotechnic display within the limits of the Village. (1976 Code § 92.001)~~

~~—B.— Sales Outside Village: No person shall sell, barter or exchange any fireworks, firecrackers, torpedoes, roman candles, skyrockets or other articles intended for pyrotechnic display within one-half (<sup>1</sup>/<sub>2</sub>) mile of the Village limits and, for the purpose of enforcement of this section, jurisdiction of the Village shall extend to and include all places within one-half (<sup>1</sup>/<sub>2</sub>) mile of the corporate limits of the Village. (1976 Code § 92.002)~~

~~—C.— Violation: Any person who shall rent or lease any real estate or improvements thereon, or who shall knowingly permit any person to occupy or use any real estate or improvements thereon, within the limits of the Village, or within one-half (<sup>1</sup>/<sub>2</sub>) mile of the corporate limits, for the purpose of sale, barter or exchange of any of the articles or things enumerated this section shall be subject to the fine and imprisonment provided in subsection D of this section. (1976 Code § 92.003)~~

~~D. Penalty: Whoever violates any provision of this section shall be fined as provided in section 6-2-10 of this chapter for each offense. In addition to the penalty provided in this subsection, the Chief of Police or other police officers of the Village may seize all such articles or things as may be made by such sale, barter or exchange and confiscate the same. (1976 Code § 92.999(A))~~

### **A. Fireworks prohibited.**

1. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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 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 Pyrotechnics Use Act, 425 ILCS 35/1, as amended.

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.

Fire chief means the chief of the First Fire Protection District of Antioch.

Fireworks means and includes any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "fireworks" shall not include snake or glow worm pellets; smoke devices; sparklers; trick noisemakers known as "party poppers", "booby traps", "model rockets" "snappers", "trick matches", "cigarette loads" and "auto burglar alarms"; 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 which contain less than twenty-five hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times, or as otherwise defined by the Fireworks Regulation Act of Illinois, 25 ILCS 30/1, et seq., amended. Fireworks shall also include the

definition of "consumer fireworks" as provided for in the section 1 of the Pyrotechnics Use Act, 425 ILCS 35/1, as amended.

*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, 225 ILCS 227/1, et seq.

*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.

*Public fireworks display* includes consumer fireworks displays and pyrotechnic displays as defined herein.

*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 Distributor and Operator Licensing Act, 225 ILCS 227/1, et seq.

*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.

2. 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 or pyrotechnics without a permit issued by the Fire Chief, subject to any and all required approvals or inspections of the office of the state fire marshal.
3. Setting off or otherwise exploding fireworks in any manner without a permit is prohibited.
4. The regulations provided for in this article shall be in addition to and supplemental to any other provisions relating to the use, sale, possession, explosion or display of fireworks in this code, including but not limited to those provisions found in section 9-1-2 of this code.

## **B. Nitroglycerine, TNT prohibited.**

It shall be unlawful for any person to keep or store any nitroglycerine or the explosive commonly known as TNT in the village in any quantities, except for medicinal purposes or laboratory purposes, and for such purposes no more than one ounce shall be stored in any one building or premises.

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**C. Storage of explosives.**

All explosives must be stored or kept in accordance with the rules of the office of the state fire marshal, the fire prevention code of the village and the provisions of this division and any other applicable provisions of this code.

**D. Fireworks sales.**

No person shall sell, barter or exchange any fireworks, firecrackers, torpedoes, roman candles, skyrockets or other articles intended for pyrotechnic display within the limits of the Village. No person shall sell, barter or exchange any fireworks, firecrackers, torpedoes, roman candles, skyrockets or other articles intended for pyrotechnic display within one-half (1/2) mile of the Village limits and, for the purpose of enforcement of this section, jurisdiction of the Village shall extend to and include all places within one-half (1/2) mile of the corporate limits of the Village. Any person who shall rent or lease any real estate or improvements thereon, or who shall knowingly permit any person to occupy or use any real estate or improvements thereon, within the limits of the Village, or within one-half (1/2) mile of the corporate limits, for the purpose of sale, barter or exchange of any of the articles or things enumerated this section shall be subject to the fine and other penalties provided in subsection F of this section.

**F. Penalty.**

Whoever violates any provision of this section shall be fined as provided in section 6-2-10 of this chapter for each offense. In addition to the penalty provided in this subsection, the Chief of Police or other police officers of the Village may seize all such articles or things as may be made by such sale, barter or exchange and confiscate the same.

SECTION 2: The Corporate Authorities hereby approve the amendment of Title 6, Chapter 2, Section 6-2-8 of the Village Code.

SECTION 3: All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 4: The Village Clerk shall cause this Ordinance to be published in pamphlet form.

SECTION 5: This Ordinance shall be in full force and effect ten (10) days after passage and publication as provided by law.

PASSED by the President and Board of Trustees of the Village this 11<sup>th</sup> day of August, 2021.

  
SCOTT J. GARTNER, MAYOR

ATTEST:

  
LORI K. ROMINE, VILLAGE CLERK



STATE OF ILLINOIS        )  
                                          ) SS  
COUNTY OF LAKE        )

**CERTIFICATE**

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on August 11, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 21-08-28, entitled “**AN ORDINANCE AMENDING SECTION 6-2-8 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING FIREWORKS**” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 21-08-28**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on August 12, 2021 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 12<sup>th</sup> day of August, 2021



Lori K. Romine, RMC/CMC  
Village Clerk

