

**ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES
AUGUST 2, 2011 – 6:30 P.M.**

Chairman Opper called the meeting to order at 6:30 p.m. Committee members present: Aldermen Opper, Logan, Leyden and Ulmer. Also present were Mayor Nolan, City Clerk Wells, City Administrator Nelson, Aldermen Marzahl and Perkins and Chief Kazy-Garey.

CHAPTER 25, ALCOHOLIC LIQUOR DEALERS

Beer Gardens

After discussion, staff was directed to prepare a draft ordinance and report back to the Committee, with a timeline to implement of May 1, 2012.

Section 25.13, Prohibited Activities

Chief Kazy-Garey reviewed Section 25.13, Prohibited Activities and noted that the section was previously removed from Chapter 25 and recommended that said section be added back in. Moved by Logan, seconded by Ulmer to recommend to the City Council that Section 25.13, Prohibited Activities be added back to the liquor code. All ayes. Motion carried.

ADOPT FIREWORKS ACT OF ILLINOIS

Moved by Ulmer, seconded by Logan to recommend to the City Council that the Fireworks Act of Illinois be adopted. All ayes. Motion carried.

CHAPTER 20.07, MISCELLANEOUS FEES – APPLICATIONS

Moved by Logan, seconded by Ulmer to recommend to the City Council that Section 20.07, be amended to add a Police Dept. Application Fee - \$25. All ayes. Motion carried.

Moved by Ulmer, seconded by Logan to adjourn the meeting. All ayes. Motion carried four to zero.

Submitted by:
Chairman Carl Opper

From: Daniel Kazy-Garey
Sent: Thursday, July 28, 2011 2:17 PM
To: Lori Moller
Subject: ordinance agenda

Lori can you add these items to the ordinance agenda

Fees – Chapter 20.07 applications

Chapter 25.13

(235 ILCS 5/4-4) (from Ch. 43, par. 112)

Sec. 4-4. Each local liquor control commissioner shall also have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats.

2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Act or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

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FIREWORKS 2011

The Illinois Legislature amended the Fireworks Use Act (425 ILCS 35), effective July 25, 2005, and the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227), effective January 1, 2006. The Office of the State Fire Marshal ("OSFM") has posted copies of these Acts, the Administrative Rules implementing these Acts, and a Frequently Asked Questions document on our website, <http://www.state.il.us/osfm/FirePrevention/FireworksDisplays.htm>. As we approach the Fireworks season, these documents contain information that is important to all fire protection jurisdictions in the State of Illinois. This information pertains to all fireworks displays, including those that are operated on a voluntary basis. OSFM is providing this letter to assist your jurisdiction in understanding these Acts.

PYROTECHNIC AND CONSUMER DISPLAYS IN YOUR JURISDICTION

As used in this letter, the term "Pyrotechnic Display" refers to all displays using 1.3G fireworks, display fireworks, and flame effects. In other words, these are displays using professional grade fireworks, regardless of who performs the display. The term "Consumer Display" refers to all displays using consumer fireworks.

Section 2 of the Fireworks Use Act states "[e]xcept 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."

Thus, Pyrotechnic Displays and Consumer Displays are permitted in Villages, Counties and Municipalities that have passed Ordinances allowing such displays, and ONLY in those locations. To the extent that your jurisdiction permits Pyrotechnic and Consumer Displays, they must be performed in compliance with the rules adopted by OSFM, and the reasonable rules and regulations for the granting of permits that have been adopted by your jurisdiction.

SALE OF PROFESSIONAL AND CONSUMER FIREWORKS IN YOUR JURISDICTION

As stated above, it is unlawful for anyone to "knowingly possess, offer for sale, expose for sale, sell at retail . . . any display fireworks, flame effects, or consumer fireworks" unless specifically permitted by your jurisdiction. As used in the above-referenced Acts, two general types of fireworks exist: (1) professional grade fireworks that the Acts define as display fireworks, 1.3G fireworks, and special effects fireworks; and (2) consumer fireworks. Only Pyrotechnic Distributors licensed by OSFM may distribute or sell professional grade fireworks in Illinois. Only consumer distributors or retailers registered with OSFM may distribute or sell consumer fireworks in Illinois. Out-of-state distributors of fireworks must obtain a license or register with the OSFM, depending on the type of fireworks they distribute. No distributor may sell or transfer fireworks to any person who does not possess a valid display permit. The law prohibits the possession of fireworks in Illinois, whether purchased in or out-of-state, by a person who does

not possess a valid display permit. In addition, the law prohibits the purchase of fireworks from an unregistered Consumer Retailer or an unlicensed Pyrotechnic Distributor. Please report violations to the local law enforcement or to the Office of the State Fire Marshal.

OSFM has posted a copy of the application for a Pyrotechnic Distributor's license, including application instructions, and of the application to register as a Consumer Distributor/Consumer Retailer on its website, <http://www.state.il.us/osfm/FirePrevention/FireworksDisplays.htm>.

CONSUMER FIREWORKS

Section 4.1 of the Fireworks Use Act requires the OSFM to prepare and maintain a list of approved consumer fireworks. This list is posted on the OSFM website at <http://www.state.il.us/osfm/FirePrevention/FireworksDisplays.htm>.

The Fireworks Use Act specifically excludes the following from the definition of consumer fireworks: "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." These are considered novelty fireworks. The Fireworks Use Act states that the sale and use of these items shall be permitted at all times. The Fireworks Use Act further states "a municipality may, by ordinance, prohibit the sale and use of sparklers on public property."

CONSUMER FIREWORKS DISPLAYS

Consumer fireworks displays are permitted in Villages, Counties and Municipalities that have passed Ordinances allowing such displays and ONLY in those locations. In order to operate a consumer display, an adult must:

1. Attend training conducted at the local fire department. OSFM sends this Consumer Fireworks Training information to each jurisdiction that permits consumer fireworks displays and has requested the training.
2. Apply for a site inspection by the local fire department.
3. Apply for a permit issued by the appropriate unit of local government. (The OSFM does not issue fireworks permits.) According to the Fireworks Use Act, these applications "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."
4. Once your jurisdiction issues the permit, the Consumer may purchase **approved consumer fireworks** from a registered Consumer Fireworks Distributor/Retailer. This classification of fireworks is not all-inclusive and reference to the approved list published by the OSFM is required. Any sale of consumer fireworks other than on the list is prohibited by law.

Once your jurisdiction has issued a permit, it is not transferable to another person or entity. The sale, possession, use and distribution of consumer fireworks for display are lawful only for the purpose given by your permit. The Fireworks Use Act does not require insurance coverage for Consumer Displays. Your jurisdiction has the authority to conduct a criminal background check on the applicant as a condition of issuing a permit. In addition, your jurisdiction has the authority to adopt rules regarding Consumer Displays that are more stringent than those adopted by the OSFM.

The OSFM requests that local governments, which permit consumer fireworks displays, contact the OSFM to obtain the Consumer Fireworks Training and testing materials. OSFM will send one set of materials to each jurisdiction for use. **Please send us the name of your contact person, complete address, e-mail address, and telephone number. We prefer that you e-mail this information to Fireworks@sfm.state.il.us. In the event you do not have e-mail, please address your request to the Office of the State Fire Marshal, Attn: Jim Boone, 1035 Stevenson Drive, Springfield, IL 62703.**

PYROTECHNIC DISTRIBUTOR'S LICENSE

OSFM has posted a copy of the application for a Pyrotechnic Distributor's license, including application instructions, on its website, <http://www.state.il.us/osfm/FirePrevention/FireworksDisplays.htm>.

As stated above, 1.3G fireworks, also referred to as display fireworks, are professional grade fireworks. The Pyrotechnic Distributor and Operator Licensing Act defines the term "Pyrotechnic Distributor" as anyone "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." Therefore, the rules require that any person, business, or unit of local government that puts on an outdoor pyrotechnic display using display fireworks must either hire a licensed Pyrotechnic Distributor or apply for a Pyrotechnic Distributor's license.

If a municipality or fire protection district (i.e., a political subdivision of the State) is the entity actually applying for the Distributor's license, it may request a fee reduction to \$50, from \$500.00, for the application fee. In the event a municipality or fire protection district requests such a reduction in fee, its Pyrotechnic Distributor's License will be considered a limited license that will permit it to perform only 3 Pyrotechnic Displays a calendar year.

The requirements for a Pyrotechnic Distributor's License include:

1. A current license from the Federal Bureau of Alcohol Tobacco and Firearms. Pursuant to Section 845(a)(3) of the Federal Explosives Law, 40 C.F.R. §845(a)(3), political subdivisions of the State are exempt from having such a license.
2. Proof of training conducted by Illinois Department of Natural Resources
3. Fingerprint background check conducted by a third party vendor for the OSFM
4. Proof of Illinois Worker's Compensation Insurance unless covered by one of the exemptions to the Worker's Compensation Act
5. Proof of Product Liability and General Liability Insurance coverage in the amount of \$1,000,000 minimum. Municipalities and other political subdivisions of the State that are self-insured may provide OSFM with a sworn statement attesting to its self-insurance status.
6. Proof of a current Identification Number, and a current Hazardous Materials Registration Number from the United States Department of Transportation (USDOT)
7. Payment to the OSFM of the \$500.00 fee for the three-year Pyrotechnic Distributor's License, or of the \$50.00 fee for the three-year limited Pyrotechnic Distributor's License available for political subdivisions of the State

Items 1 through 7 must be completed to obtain the Pyrotechnic Distributor's license. Because the person is transporting and handling professional grade fireworks, the USDOT Identification and Hazardous Materials Registration numbers are required unless the person is having a USDOT identified and registered carrier deliver the fireworks to the display site for the show. The Pyrotechnic Distributor's license and a Lead Pyrotechnic Operator's license must be

obtained before the site inspection, issuance of a permit, purchase of display fireworks, and the Pyrotechnic Display can occur.

Types of Pyrotechnic Distributor and Operator Licenses:

Three basic types of Pyrotechnic Distributor and Pyrotechnic Operator licenses exist: Outdoor Professional, Proximate Audience and Flame Effect. As discussed below, a Pyrotechnic Operator must be employed by a Pyrotechnic Distributor. The Pyrotechnic Distributor must be licensed to perform the types of effects its Pyrotechnic Operators are licensed to perform. For instance, if a company performs a display in close proximity to an audience, either indoor or outdoor, using both special effects fireworks and flame effects, both the Pyrotechnic Distributor and the Pyrotechnic Operator must be licensed to perform Proximate Audience and Flame Effect displays. To determine whether or not a Pyrotechnic Distributor and a Pyrotechnic Operator are licensed or have temporary authorization to perform a display, OSFM maintains a list at http://fdmail.sfm.illinois.gov/pdf/List_of_Operators_Temporary_Authorization.pdf.

PYROTECHNIC OPERATOR'S LICENSE (Displays Using Professional Grade Fireworks)

OSFM has posted a copy of the Pyrotechnic Operator's license application, including application instructions, and a copy of the Assistant's Registration form on its website, <http://www.state.il.us/osfm/FirePrevention/FireworksDisplays.htm>.

Each person who is responsible for the actual setting off of the display must have a Pyrotechnic Operator's license. The requirements for the operator's license include:

1. A license or letter of clearance from the Federal Bureau of Alcohol Tobacco and Firearms
2. Proof of training conducted by Illinois Department of Natural Resources for an Outdoor Pyrotechnic Operator's License or an Indoor Proximate Audience Operator's License
3. Applicants for an Indoor Proximate Audience Operator's License or an Indoor Flame Effect Operator's License must also pass a test administered by the OSFM, and provide additional evidence of experience.
4. Fingerprint background check conducted by a third party vendor for the OSFM
5. Payment to the OSFM of the required fee for each type of Pyrotechnic Operator's license requested

The Pyrotechnic Operator must be employed by a Pyrotechnic Distributor. The Pyrotechnic Distributor and Operator may be one and the same person and, in that event, both licenses must be obtained. Only one Pyrotechnic Operator is required for a display. Other employees of the Distributor may act as assistants to the Pyrotechnic Operator. Any assistant used by the Distributor during the display must be at least 18 years old and be registered with the OSFM. There is no fee for registering Assistants. While the Pyrotechnic Distributor and Operator Licensing Act permits assistants to be 18 years of age, Section 4003 of the Illinois Explosives Act, 225 ILCS 210/4003, prohibits explosive licensees from giving explosive material to any person under 21 years of age. Assistants between the ages of 18 and 21 may not handle the display fireworks. They may, however, perform many other functions at the display site that do not require them to handle the fireworks.

PYROTECHNIC DISPLAYS (DISPLAYS USING PROFESSIONAL GRADE FIREWORKS)

Pyrotechnic displays are permitted in Villages, Counties and Municipalities that have passed Ordinances allowing such displays and ONLY in those locations. The local governmental authority may issue a pyrotechnic display permit to any adult applicant that meets the following minimum requirements:

1. The applicant must submit a written application for a permit at least 15 days in advance of the date of the pyrotechnic display.
2. The pyrotechnic display service is provided by a licensed pyrotechnic distributor, and the display is conducted by a licensed lead pyrotechnic operator.
3. The applicant shows proof of liability insurance in a sum not less than \$1,000,000 with an insurance company authorized to do business in Illinois.
4. The fire chief of the local jurisdiction or his/her designee must inspect the display site and ensure the display can be performed in full compliance with the NFPA standards adopted and amended by the OSFM Rules, Part 235, for the type of Pyrotechnic Display to be performed. The Chief of the fire department providing fire protection must sign the display permit.

Once your jurisdiction has issued a permit, it is not transferable to another person or entity. The sale, possession, use and distribution of display fireworks for display are lawful only for the purpose given by your permit. Your jurisdiction has the authority to adopt rules regarding Pyrotechnic Displays that are more stringent than those adopted by the OSFM.

INDOOR PYROTECHNIC DISPLAYS

The OSFM requires local fire jurisdictions that will be inspecting and approving indoor pyrotechnic displays to attend a half-day of training, provided through OSFM, to familiarize the inspectors with the new rules and proper methods for setting up an indoor pyrotechnic display. **We ask that each fire department or fire protection district that requires this training contact OSFM. Please send us the name of your contact person, complete address, e-mail address, telephone number, and the number of inspectors who will be requiring training. We prefer that you e-mail this information to FDFireworks@sfm.state.il.us. In the event you do not have e-mail, please send your information to the Office of the State Fire Marshal, Attn. Jim Boone, 1035 Stevenson Drive, Springfield, IL 62703.**

STATE AND COUNTY FAIR ASSOCIATIONS

No permit is required for supervised public displays by a State or County fair association. This permit exception applies to pyrotechnic displays sponsored by the State or County fair association. This permit exception does **not** apply to a pyrotechnic display that is being sponsored by another entity on the State or County fairgrounds. While a State or County fair association is not required to obtain a permit for a supervised public display it is sponsoring, the State or County fair association must still use an OSFM licensed Pyrotechnic Distributor to perform the display. Moreover, for public safety reasons, OSFM suggests that State and County fair associations have the fire department providing fire protection coverage to the fairgrounds inspect the display site and determine that the display can be performed in full compliance with OSFM's rules and that the display shall not be hazardous to property or endanger any person.

ADDITIONAL QUESTIONS

The majority of questions you or your constituents have about fireworks displays can be answered by this letter and by reading the Acts, the Emergency Rules, the Frequently Asked Questions, and the other documents on OSFM's website,

<http://www.state.il.us/osfm/FirePrevention/FireworksDisplays.htm>. For questions not covered by the above you can call 217-785-0969. Please be specific with your questions when you call so that you can be directed to the proper person to answer your questions.

2010 Fireworks Season

NOTICE TO LAW ENFORCEMENT AGENCIES

The Illinois Legislature amended the Fireworks Use Act (425 ILCS 35), effective July 25, 2005, and the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227), effective January 1, 2006. The Office of the State Fire Marshal (OSFM) has placed copies of these Acts and the rules implementing them on our web-site, www.state.il.us/osfm. (The information can be found on the Pyrotechnics/Fireworks page of the Fire Prevention Division.) This letter will briefly discuss how these two Acts apply to the use of fireworks in your jurisdiction, and identify the potential criminal penalties for violating these Acts.

PYROTECHNIC AND CONSUMER DISPLAYS IN YOUR JURISDICTION

As used in this letter, the term "Pyrotechnic Display" refers to all displays using 1.3G fireworks, display fireworks, and flame effects. In other words, these are displays using professional grade fireworks, regardless of who performs the display. The term "Consumer Display" refers to all displays using consumer fireworks.

Section 2 of the Fireworks Use Act states "[e]xcept 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.**"

Thus, Pyrotechnic Displays and Consumer Displays are permitted in municipalities and counties that have passed Ordinances allowing such displays, and ONLY in those locations. To the extent that your jurisdiction permits Pyrotechnic and Consumer Displays, they must be performed in compliance with the rules adopted by OSFM, and the reasonable rules and regulations for the granting of permits that have been adopted by your jurisdiction.

SALE OF PROFESSIONAL AND CONSUMER FIREWORKS IN YOUR JURISDICTION

Only Pyrotechnic Distributors licensed by OSFM may distribute or sell professional grade fireworks in Illinois. Only Consumer Distributors or Retailers registered with OSFM may distribute or sell consumer fireworks in Illinois. No distributor may sell or transfer professional grade or consumer fireworks to any person who does not possess a valid display permit. The law prohibits the purchase of fireworks, in or out-of-state, by a person who, intending on possessing and displaying fireworks in Illinois, does not possess a valid display permit. In addition, the law prohibits the purchase of fireworks from an unregistered Consumer Fireworks Distributor/Retailer or an unlicensed Pyrotechnic Distributor.

CONSUMER FIREWORKS DISPLAYS

In order to operate a Consumer Fireworks Display, an adult must:

1. Attend training conducted at a designated local governmental agency, usually the fire department. OSFM has provided this Consumer Fireworks Safety Training to each jurisdiction requesting it.
2. Apply for a site inspection by the local fire department.

3. Apply for a permit issued by the appropriate unit of local government. OSFM does not issue fireworks permits. According to the Fireworks Use Act, these applications “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.”
4. Once your jurisdiction issues the permit, the Consumer may purchase **approved consumer fireworks** from a registered Consumer Fireworks Distributor/Retailer. This classification of fireworks is not all-inclusive and reference to the approved list published by the OSFM is required. The law prohibits the sale of consumer fireworks other than those approved by OSFM.

A Consumer Fireworks Display Permit, issued by your jurisdiction, is not transferable to another person or entity. The sale, possession, use and distribution of consumer fireworks for display are lawful only for the purpose given by the permit. While the Fireworks Use Act does not require insurance coverage for Consumer Displays, your local jurisdiction may require it. Your jurisdiction has the authority to conduct a criminal background check on the applicant as a condition of issuing a permit. In addition, your jurisdiction has the authority to adopt rules regarding Consumer Displays that are more stringent than those adopted by the OSFM.

APPROVED CONSUMER FIREWORKS

All Consumer Fireworks 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.

In addition, Consumer Fireworks must meet the following requirements to be approved by OSFM:

1. The Consumer Fireworks must be labeled “1.4G Consumer” or must be 1.4S fireworks classified as UN0337 intended for outdoor consumer use.
2. The American Fireworks Standards Laboratory (AFSL) must have inspected the Consumer Fireworks. It is the Consumer Distributor’s and Consumer Retailer’s responsibility to insure that the Consumer Fireworks he or she distributes, sells, offers for sale, exchanges for consideration, transfers, or provides have been AFSL tested. The Consumer Distributor and the Consumer Retailer shall maintain records verifying that such testing has occurred on the Consumer Fireworks he or she distributes, sells, offers for sale, exchanges for consideration, transfers, or provides.
3. The Consumer Fireworks must be ground mounted. **No hand held Consumer Fireworks shall be approved.**

Approved Consumer Fireworks are limited to the following types of fireworks:

1. **Cones including Showers of Sparks, Fountains, and Repeaters (also known as Cakes)**
Single tube fountains must not contain more than 75 grams total of pyrotechnic composition. Cone fountains must not contain more than 50 grams total of pyrotechnic composition. Multiple-tube fountains must not contain more than 200 grams total of pyrotechnic composition.

2. Mines, Comets, Tubes, Shells, Fancy Florals, and Parachutes

These items are firework devices designed to produce low-level aerial effects, which are propelled into the air by a lift charge. Shells will burst at the peak of flight to create a display of stars, reports or other effects or leave a trail of sparks until exhausted. These items contain a maximum of 40 grams of chemical composition and no more than 20 grains of lift charge.

Consumer Fireworks Retailers/Distributors registered with OSFM may sell Approved Consumer Fireworks to consumers who have and display a valid Fireworks Permit, issued by the local county or municipality to that consumer.

PROHIBITED CONSUMER FIREWORKS

OSFM prohibits all Consumer Fireworks unless they meet the above-listed approval requirements. Prohibited Consumer Fireworks include, but are not limited to, the following:

- Hand held fireworks
- Bottle rockets
- Firecrackers of any size or type
- Sky rockets
- Roman candles
- Chasers
- Buzz bombs
- Ground items other than those identified as Approved Consumer Fireworks
- Helicopters
- Missiles
- Pin wheels or any other twirling device whether on the ground or mounted above the ground
- Planes

PENALTIES FOR VIOLATING THE FIREWORKS USE ACT

In addition to injunctive relief and other penalties identified throughout the Fireworks Use Act, Section 5 states “any person, firm, co-partnership, or corporation violating the provisions of this Act shall be guilty of a Class A misdemeanor.”

PYROTECHNIC DISTRIBUTORS AND OPERATORS

As stated above, 1.3G fireworks, also referred to as display fireworks, are professional grade fireworks. The Pyrotechnic Distributor and Operator Licensing Act defines the term “Pyrotechnic Distributor” as anyone “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.” Therefore, the rules require that any person, business, or unit of local government that puts on an outdoor pyrotechnic display using display fireworks must either hire a licensed Pyrotechnic Distributor or apply for a Pyrotechnic Distributor’s license.

All Pyrotechnic Operators must be employed by a Pyrotechnic Distributor. The Pyrotechnic Distributor and Operator may be one and the same person and, in that event, both licenses must be obtained by that person. Only one Pyrotechnic Operator is required for a display. Other employees of the Distributor may act as assistants to the Pyrotechnic Operator. Any assistant used by the Distributor during the display must be at least 18 years old and be registered with

PYROTECHNIC DISPLAYS (DISPLAYS USING PROFESSIONAL GRADE FIREWORKS)

The local governmental authority may issue a pyrotechnic display permit to any adult applicant that meets the following minimum requirements:

1. The applicant must submit a written application for a permit at least 15 days in advance of the date of the pyrotechnic display.
2. The pyrotechnic display service is provided by a licensed Pyrotechnic Distributor, and the display is conducted by a licensed Lead Pyrotechnic Operator.
3. The applicant shows proof of liability insurance in a sum not less than \$1,000,000 with an insurance company authorized to do business in Illinois.
4. The fire chief of the local jurisdiction or his/her designee must inspect the display site and ensure the display can be performed in full compliance with the NFPA standards adopted and amended by the OSFM Rules, Part 235, for the type of Pyrotechnic Display to be performed. The Chief of the fire department providing fire protection must sign the display permit.

Once your jurisdiction has issued a permit, it is not transferable to another person or entity. The sale, possession, use and distribution of display fireworks for display are lawful only for the purpose given by your permit. Your jurisdiction has the authority to adopt rules regarding Pyrotechnic Displays that are more stringent than those adopted by OSFM.

PENALTIES FOR VIOLATING THE PYROTECHNIC DISTRIBUTOR AND OPERATOR LICENSING ACT

In addition to injunctive relief and other penalties identified throughout the Act, Section 90 of the Pyrotechnic Distributor and Operator Licensing Act identifies the following criminal penalties for violating its provisions:

Penalties. Any natural person who violates any of the following provisions is guilty of a Class A misdemeanor for the first offense and a corporation or other entity that violates any of the following provision commits a business offense punishable by a fine not to exceed \$5,000; a second or subsequent offense in violation of any Section of this Act, including this Section, is a Class 4 felony if committed by a natural person, or a business offense punishable by a fine of up to \$10,000 if committed by a corporation or other business entity:

- (1) Practicing or attempting to practice as a pyrotechnic distributor or lead pyrotechnic operator without a license;
- (2) Obtaining or attempting to obtain a license, practice or business, or any other thing of value by fraudulent representation;
- (3) Permitting, directing, or authorizing any person in one's employ or under one's direction or supervision to work or serve as a licensee if that individual does not possess an appropriate valid license.

Whenever any person is punished as a repeat offender under this Section, the Office may proceed to obtain a permanent injunction against the person under Section 10. If any person in making any oath or affidavit required by this Act swears falsely, the person is guilty of perjury and upon conviction may be punished accordingly.

11. (A) BEER GARDEN LICENSE

The privileges of said beer garden license shall be the same as those of the primary liquor license. The requirements for obtaining a beer garden license shall be the same as for the primary license. A BEER GARDEN license cannot be issued without a primary license.

A sketch and detailed description of the area to be used as a beer garden shall be provided with any application for this license.

Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this license shall conform to the following:

(a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.

(b) The open unroofed area shall be no greater than 1/2 the other floor space of the licensed premises.

(c) The open unroofed area shall have a maximum capacity as defined by the Liquor Commissioner which shall be separately posted at the entrance to the open unroofed area.

(d) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.

(e) All electrical wiring shall comply with the codes of the City.

(f) All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.

(g) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.

(h) The license holder shall be responsible for preventing violations of this chapter.

(i) No open unroofed area where alcoholic beverages are served pursuant to this license shall be permitted within 100 feet of land zoned for residential purposes.

(k) No live entertainment, games of sport, skill or recreation, or any other event that causes or has effect to cause undo noise or disturbance shall be allowed with this license.

(l) Any violations of these conditions may result in immediate revocation of this auxiliary license.

11. (B) BEER GARDEN RECREATION LICENSE

The privileges of said beer garden license shall be the same as those of the primary liquor license. The requirements for obtaining a beer garden license shall be the same as for the primary license. A BEER GARDEN license cannot be issued without a primary license.

A sketch and detailed description of the area to be used as a beer garden shall be provided with any application for this license.

Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this license shall conform to all conditions listed in Section 25.06 11(A) excepting the following:

- (a) live entertainment, games of sport, skill or recreation, or any other event that causes or has effect to cause undue noise or disturbance shall be allowed with this license pursuant to conditions set by the liquor commissioner and/or his agent.
- (b). No open unroofed area where alcoholic beverages are served pursuant to this license shall be permitted within 500 feet of land zoned for residential purposes.

(1)

Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this license shall conform to the following:

(a)

The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.

(b)

The open unroofed area shall be no greater than 1/2 the other floor space of the licensed premises.

(c)

The open unroofed area shall have a maximum capacity as defined by the Liquor Commissioner which shall be separately posted at the entrance to the open unroofed area.

(d)

Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.

(e)

All electrical wiring shall comply with the codes of the City.

(f)

All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.

(g)

The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.

(h)

The license holder shall be responsible for preventing violations of this chapter.

(i)

No open unroofed area where alcoholic beverages are served pursuant to this license shall be permitted within 100 feet of land zoned for residential purposes.

CRYSTAL LAKE

25.06

LIQUOR LICENSE CLASSIFICATIONS; FEES

(Ord. 2005-154, §3)

CERTIFICATES

Liquor licenses shall be divided into the following classifications and fees:

A. Classifications: Liquor licenses shall be divided into the following classifications and fees:

1. Class A: A Class A license authorizes the retail sale of alcoholic liquor for consumption of the licensed premises, as well as other retail sales of such alcoholic liquor.
2. Class B: A Class B license authorizes the retail sale of alcoholic liquor on the licenses premises but not for consumption on the licensed premises.
3. Class R1: Class R1 licenses authorize full bar service for alcoholic liquor on the licensed premises with no restrictions on the type of liquor served provided, however, a separate dining area, exclusive of the bar area, shall be made available. The sale of packaged liquor shall also be allowed. This license classification shall be restricted to businesses generating at least 60 percent of their gross sales from the sale of food. The holder of a Class R1 license shall be eligible to apply for not more than three outdoor liquor auxiliary permits per license year to provide bar service to an outside area of the licensed premises on a per event basis, subject to the following conditions:
 - a. Compliance with all City liquor codes, rules and regulations and conditions of the outdoor liquor auxiliary permit being issued;
 - b. Reimbursement of all costs incurred by the City in responding to complaints or incidents resulting from the outdoor liquor auxiliary permit activity;
 - c. The outdoor area shall be contiguous to and accessible from the licensed premises and in a location approved by the Liquor Commissioner or his official designee.
 - d. The outdoor area shall be enclosed to prevent any alcoholic beverages from leaving the immediate area. The enclosure shall be approved by the Liquor Commissioner or his official designee.
 - e. The operating hours of the outdoor area shall be approved by the Liquor Commissioner or his official designee.
 - f. The outdoor liquor auxiliary permit expiration shall be approved by the Liquor Commissioner or his official designee.

- g. The licensee shall provide the Liquor Commissioner or his official designee with a current certificate evidencing public liability insurance in compliance with the requirements of Section 25.10 of this Code, including coverage for the outdoor area of service.
 - h. The licensee shall execute a hold harmless and indemnification agreement, the text of which shall be approved by the Liquor Commissioner or his official designee.
 - i. The outdoor area shall be monitored by the license holder to prevent patrons from exiting the area with alcohol or passing alcohol outside the outdoor area during the event.
 - j. Any amplified music, its hours of playing and audible level shall be approved by the Liquor Commissioner or his official designee.
 - k. An outdoor liquor auxiliary permit fee of \$100 per event and a security deposit of \$500 shall be paid and filed with the City. The security deposit is filed to secure compliance by the license holder with all conditions imposed herein. Following the event, the Commissioner shall determine to what extent the deposit is forfeited due to violations referenced herein.
 - l. Outdoor liquor auxiliary permits shall be issued by the Liquor Commissioner or his official designee after consultation with the Chief of Police.
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- 4. Class R2: A Class R2 license authorizes the sale of beer and wine on the licensed premises for consumption at food tables on the license premises. No bar service or sale of packaged alcoholic beverages shall be allowed.
- 5. Class D: A Class D license authorizes the sale of alcoholic liquor for consumption on the licensed premises only by clubs, as defined in the Act.
- 6. Class E: A Class E license authorizes the retail sale of alcoholic liquor only for consumption on the license premises of any motel, hotel or restaurant with separate banquet facilities for not less than 150 persons, provided that such consumption shall take place only at the table at which food is served to individual patrons of any such banquet facility, or in the case of a hotel or motel, in a room occupied by a guest thereof.
- 7. Class AUX: A Class AUX license authorizes the retail sale of alcoholic liquor for consumption on or off the licensed premises in an auxiliary or second building located on the same parcel of real estate or premises described in the primary liquor license. The privileges of said auxiliary

license shall be the same as those of the primary liquor license. The requirements for obtaining a Class AUX license shall be the same as for the primary license. A Class AUX license cannot be issued without a primary license.

8. Special Event Permits and Licenses: (Amended Ord. 2011-107)
 - a. Special Permit: Upon approval of the City Council, the Commissioner may issue a special permit to any qualified person, firm, corporation or organization wishing to sell or deliver alcoholic liquor in connection with any picnic or other gathering sponsored by such person, firm, corporation or organization and shall only be held in a City park. A special permit shall authorize the sale or delivery of alcoholic liquor in the City park designated in the application. No more than three special permits shall be issued to any such firm, firm, corporation or organization in any one licensing year (beginning May 1 and ending the following April 30). Special permits shall not exceed a 24-hour period. The fee for a special permit shall be \$30.
 - b. Special Event Retailer's License: A special event retailer's license (not-for-profit) shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An application for a special event retailer license must include:
 - (i) A resale number issued under 35 ILCS 120/2c (the Retailers' Occupation Tax Act) ("Act") or evidence that the applicant is registered under 35 ILCS 120/c of the Act;
 - (ii) a current, valid exemption identification number issued under 35 ILCS 120/1g of the Act, and a certification to the Commissioner that the purchase of alcoholic liquors will be a tax-exempt purchase; or
 - (iii) A statement that the applicant is not registered under 35 ILCS 120/2a of the Act, does not hold a resale number under 35 ILCS 120/2c of Act, and does not hold an exemption number under 35 ILCS 120/1g of the Act, in which event the Commissioner shall set forth on the special event retailer's license a statement to that effect.
 - (iv) Proof satisfactory to the State Liquor Commission that the applicant will provide dram shop liability insurance in the maximum limits.

The license shall be valid for no more than 72 consecutive hours and shall be subject to any and all conditions as imposed or demanded by the City Council and/or Commissioner. The license fee shall be determined by the City Council and the application shall not be subject to the fee.

9. Extended Hours: An extended hours license is available to all licensees pursuant to Section 25.08 herein. The annual license fee shall be \$1,000 per weekend day for which application is sought.

CERTIFICATE

10. Outdoor Dining ~~License~~: Pursuant to the following regulations, an Outdoor Dining ~~License~~ may be issued, at no charge, to a Class R1 licensee that will permit the consumption of alcoholic liquor in conjunction with food service: (Ord. 2006-110, §2)

- a. Alcoholic liquor shall not be dispensed within the outdoor dining area.
- b. Any alcoholic liquor served in the outdoor dining area shall remain within those premises. ~~Subject to the approval of the Commissioner, the area shall be screened or enclosed by either landscaping or fencing.~~ *AND SHALL BE INCIDENTAL TO THE SERVICE OF FOOD.*
- c. The outdoor dining area shall only be operated from 11 a.m. to 10 p.m.
- d. The outdoor dining area shall be contiguous to ~~and accessible from the licensed premises. Other than access from the licensed premises, there shall be no other ingress or egress to the outdoor dining area.~~
- e. The size of the outdoor dining area shall not exceed one-half of the floor area of the licensed premises. *AND SHALL NOT EXCEED THE BOUNDARIES OF SAID PREMISES IN RELATION TO WIDTH OR*
- f. Entertainment and/or sound amplification is prohibited. *DEPTH*
- g. Lighting shall be approved by the Commissioner.

13. ~~11.~~

Application Fee: A non-refundable application fee in the amount of \$500 shall be payable upon initial application for a liquor license. (Ord. 2006-110, §2)

B. License Fees: The following fees shall be paid upon application for a new or renewed license: (effective May 1, 2006)

1.	Class A:	\$1,300	8a SPECIAL PERMIT	30.00
2.	Class B:	\$1,060	8b SPECIAL EVENT	TBD
3.	Class R1:	\$1,180	9 EXTENDED HOURS	1000.
4.	Class R2:	\$ 880	10. OUTDOOR DINING	?
5.	Class D:	\$ 820	11a BEER GARDEN	100
6.	Class E:	\$1,300	11b BEER GARDEN	500.
7.	Class AUX:	\$ 280	12 MILK DAY EVENT	100. } CERTIFICATES

C. One Time License Fee: Any applicant who requests the City to create an additional license in any license classification may have the option of paying a one time license fee, subject to the approval of the Commissioner. The one time license fee shall be \$10,000. (Ord. 2006-110, §3)

25.07 NUMBER OF LIQUOR LICENSES ISSUED

The number of available licenses in each classification and special permits shall be determined from time to time by the City Council. (Ord. 2006-110, §4)

11. (A) BEER GARDEN CERTIFICATE

The privileges of said beer garden certificate shall be the same as those of the primary liquor certificate. The requirements for obtaining a beer garden certificate shall be the same as for the primary license. A BEER GARDEN certificate cannot be issued without a primary license.

A sketch and detailed description of the area to be used as a beer garden shall be provided with any application for this certificate.

Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this certificate shall conform to the following:

- (a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The open unroofed area shall be no greater than 1/2 the other floor space of the licensed premises.
- (c) The open unroofed area shall have a maximum capacity as defined by the Liquor Commissioner which shall be separately posted at the entrance to the open unroofed area.
- (d) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
- (e) All electrical wiring shall comply with the codes of the City.
- (f) All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- (g) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
- (h) The license holder shall be responsible for preventing violations of this chapter.
- (i) No open unroofed area where alcoholic beverages are served pursuant to this certificate shall be permitted within 100 feet of land zoned for residential purposes.
- (k) No live entertainment, games of sport, skill or recreation, or any other event that causes or has effect to cause undo noise or disturbance shall be allowed with this certificate.
- (l) Any violations of these conditions may result in immediate revocation of this auxiliary certificate.

*Maximum/Maximum
Roofing*

11. (B) BEER GARDEN RECREATION CERTIFICATE

The privileges of said beer garden certificate shall be the same as those of the primary liquor license. The requirements for obtaining a beer garden certificate shall be the same as for the primary license. A BEER GARDEN certificate cannot be issued without a primary license.

A sketch and detailed description of the area to be used as a beer garden shall be provided with any application for this certificate.

Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this certificate shall conform to all conditions listed in Section 25.06 11(A) excepting the following:

- (a) live entertainment, games of sport, skill or recreation, or any other event that causes or has effect to cause undue noise or disturbance shall be allowed with this certificate pursuant to conditions set by the liquor commissioner and/or his agent.
- (b). No open unroofed area where alcoholic beverages are served pursuant to this certificate shall be permitted within 500 feet of land zoned for residential purposes.

Freeport, Ill. —

The Stephenson County Board Wednesday approved new revisions to the County Liquor Code that aim to control and regulate beer gardens and other forms of outdoor liquor consumption.

As part of the new guidelines, liquor license holders seeking to operate a beer garden must first submit a sketch to the County Liquor Commission, outlining the dimensions of the garden, the type of barrier that will be used to restrict access, and other information.

Liquor commission members will then inspect the proposed site before voting on whether to grant the establishment a beer garden certificate. The county code only covers establishments in rural Stephenson County. The City of Freeport already had rules in place regulating beer gardens.

“If they meet the criteria and (show that) it’s controllable and safe, we’ll give them a certificate,” said County Board Chairman John Blum, who is also chairman of the liquor commission. “They have to control access.”

The guidelines require establishments to segregate beer gardens from the normal public access area. This is to ensure that access to the garden can only be made through a single control point.

Also, there has to be a fence that is at least 5 feet high surrounding the outdoor beer garden.

County Board member Alvin Wire questioned whether 5 feet was high enough, since a 6-foot-tall man could pass liquor to someone outside the beer garden over the fence.

Blum said liquor commission members will inspect each site to determine what barriers are needed. It may be that additional barriers are required to prevent access at a particular bar. The liquor code’s provisions can be modified if need be, Blum said.

“We have to customize how the license holder meets the requirements,” Blum said. “Each outside area is going to be different.”

Board member Donald Parker stressed that it will ultimately be up to the license holder to ensure that the beer garden is run properly. If unauthorized people gain access to alcohol through the beer garden, that license holder will lose their certificate, he said.

“The bottom line is, the liquor license holder is responsible,” Parker said.