

FIREWORKS

§ 92.15 PERMIT REQUIRED TO SELL, USE, OR EXPLODE.

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 fireworks [or consumer fireworks](#) in the unincorporated area of the county without first obtaining a permit as required in this subchapter.

(1977 Code, § 3:1-2) (Ord. passed 4-13-1976) Penalty, see § [92.99](#)

§ 92.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply.

FIREWORKS. 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, skyrockets, Roman candles, sparklers, 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: provided, however, that the term **FIREWORKS** shall not include 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, providing 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 hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

CONSUMER FIREWORKS shall mean those fireworks that 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 in 49 C.F.R. 172.101. "Consumer fireworks" shall NOT 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 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; the sale and use of which shall be permitted at times.](#)

(1977 Code, § 3:1-2) (Ord. passed 4-13-1976)

§ 92.17 APPLICATIONS.

Applications for permits for the supervised public display of fireworks shall be made to and permits shall be issued by the Director of the Lake County Planning, Building and Development Department subject to the standards set forth herein. [Upon receipt, the Director of the Lake County Planning, Building and Development Department shall forward a copy to the Patrol Division in the Lake County Sheriff's Office.](#)

(1977 Code, § 3:1-2) (Ord. passed 4-13-1976)

§ 92.18 SUPERVISED PUBLIC DISPLAY.

All of the following conditions must be met for the supervised public display of fireworks.

(A) Application for a permit shall be made in writing on application forms supplied by the Planning, Building and Development Department at least 30 days in advance of the date of the display, and action shall be taken on the application within 48 hours after the application is made.

(B) The application form must be signed by a group of three or more adult individuals.

(C) A written agreement with the local fire department having jurisdiction over the site of the proposed display containing provision for appropriate firefighting apparatus during the fireworks display and provision for the manner and location in which the displays are going to be discharged shall be submitted with the application.

(D) A document from the Lake County Health Department and Community Health Center regarding arrangement for temporary sanitary facilities shall accompany the application.

(E) All permanent or temporary lighting shall be inspected and approved by an inspector from the Lake County Planning, Building and Development Department.

(F) No structures shall be erected without acquiring a building permit and an inspection made.

(G) The duration of the permit and the hours of operation shall be specified in the permit.

(H) The site is to be cleared of all merchandise, all debris is to be cleaned up, and all temporary structures are to be removed within a reasonable length of time after the close of display as specified in the permit.

(I) Adequate public parking shall be provided on the site including a stabilized drive. It is the responsibility of the operators to guide traffic to these areas and to keep patrons from parking along the shoulders of the road in the vicinity of the activity.

(J) Traffic control arrangements in the vicinity at major intersections shall be arranged by the operators with the Lake County Sheriff's Office.

(K) A bond shall be posted with this county in a sum sufficient to guarantee the repair of public rights-of-way of any damage resulting from this activity.

(L) If liquor is to be served, the appropriate liquor permit shall be obtained from the Lake County Liquor Control Commissioner.

(M) A non-refundable fee in an amount determined by the County Board shall accompany each application.

(N) After a permit has been issued, sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only.

(O) No permit granted hereunder shall be transferable.

(1977 Code, § 3:1-2) (Ord. passed 4-13-1976)

XX.XXENFORCEMENT.

Violations of this ordinance shall be enforced by the Lake County Sheriff or his or her designee(s) who, at his or her discretion, may proceed either through a notice to appear before the 19th Judicial Circuit Court or through administrative adjudication pursuant to the Lake County Administrative Adjudication Ordinance ((§§94.50 – 94.66).

§ 92.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Fireworks.* Anyone who violates, or assists in the violation of, any provision of §§ 92.15 through 92.18 shall be guilty of a Class B misdemeanor and shall be fined ~~not more than \$500~~ as set forth below for each such offense, or imprisoned in the county jail for a period of not more than six months, or both.

Comment [SLA1]: Note to publisher, this section reference will need to be updated upon inclusion of the newly identified section.

(1) Lake County Sheriff's Office Citation filed in Circuit Court. If the Ordinance violation is cited for enforcement before the 19th Judicial Circuit, the fine amount shall be as follows:

(1) The first violation of this ordinance shall be punishable by a fine of no less than \$250.00.

(2) A second violation of this ordinance by the same Person, within a twelve month period shall be punishable by a fine of no less than \$500.00.

(3) A third or subsequent violation of this ordinance by the same Person, within a twelve month period shall be punishable by a fine of no less than \$750.00.

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(2) Lake County Administrative Adjudication Citation of Violation. If the Ordinance violation is cited for enforcement through the Lake County Administrative Adjudication Ordinance (§§94.50 – 94.66), the minimum fine amount shall be \$115.00 for each violation.

(1977 Code, § 3:1-2) (Ord. passed 4-13-1976)