

ORDINANCE NO. 449

VILLAGE OF BELLEVUE, ILLINOIS

ORDINANCE PROHIBITING SALE, USE AND  
POSSESSION OF FIREWORKS

WHEREAS, Section 11-8-4 of the Illinois Municipal Code authorizes municipalities to regulate and prevent the use of fireworks within their corporate limits; and

WHEREAS, Section 11-60-2 of the Illinois Municipal Code authorizes municipalities to define, prevent and abate nuisances; and

WHEREAS, Section 11-1-1 of the Illinois Municipal Code authorizes municipalities to pass all necessary police ordinances; and

WHEREAS, the Village Board of Trustees has determined that the use of fireworks (as such term is defined in this Ordinance) within the Village is a nuisance and is a threat to the health, safety and welfare of the citizens of the Village; and

WHEREAS, the Village Board of Trustees has further determined that the sale of fireworks (as such term is defined in this Ordinance) within the Village is a nuisance and a threat to the health, safety and welfare of the citizens of the Village - because of the difficulty of enforcing the prohibition on the use of fireworks, the sale of fireworks within the Village, which makes fireworks readily available in the Village, is a substantial contributing cause of detrimental effects of the use of fireworks;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS AS FOLLOWS:

Section 1: Recitals. The Village Board hereby finds as fact the recitals set forth above.

Section 2: Definition of Fireworks. For purposes of this Ordinance, "fireworks" shall mean and include any explosive composition or any substance, 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 explosives compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; or snake or glow worm pellets; smoke devices; sparklers; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms". 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, 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.

Section 3: Prohibition of Use. It shall be unlawful for any person or entity to use or explode any fireworks within the Village.

Section 4: Prohibition of Sale. It shall be unlawful for any person or entity to offer for sale, expose for sale or sell any fireworks within the Village.

Section 5: Exceptions. The following are expressly permitted:

- (a) The sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.
- (b) The use of fuses and railway torpedoes by railroads.
- (c) The sale and use of blank cartridges for use in a show or theater; for signal or ceremonial purposes; in athletics or sports; or legal power tools.
- (d) The use of any pyrotechnic device by military organizations.

Section 6: Penalty. Any person or entity violating this ordinance shall be subject to a fine in an amount not less than \$200 nor more than \$750 per occurrence. Each individual sale or use of fireworks shall be a separate violation.

Section 7: Prior Law; Severability. All ordinances which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. If any provision of this Ordinance shall be found to be invalid, such finding shall not invalidate any other portion of this Ordinance.

PASSED AND APPROVED THIS 9 DAY OF June, 1997.

AYES:	<u>4</u>
NAYS:	<u>0</u>
ABSENT:	<u>2</u>

VILLAGE OF BELLEVUE, ILLINOIS

By: \_\_\_\_\_  
Ralph Wilson, President

Attest: \_\_\_\_\_  
Carol S. Howard, Village Clerk