

## **VILLAGE OF CARPENTERSVILLE**

### **ORDINANCE 19-25**

#### **AN ORDINANCE AMENDING TITLE 15, CHAPTER 15.14, SECTION 15.14.070 AND TITLE 20, CHAPTER 20.06, SECTION 20.06.020 OF THE CARPENTERSVILLE MUNICIPAL CODE CONCERNING FIREWORKS**

**WHEREAS**, the Village of Carpentersville, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

**WHEREAS**, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, this ordinance better ensures proper regulation over the practice of safety measures and precautions in the storage, handling and use of hazardous substance materials and devices.

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

**SECTION 1:** That TITLE 15, CHAPTER 15.14, SECTION 15.14.070 of the Carpentersville Municipal Code shall be amended to read as follows, with underlined text being added:

15.14.070 - Limits for flammable, hazardous or toxic chemicals, liquids and gases.

- A. Purpose. This section shall regulate the storage, handling, processing, manufacturing and transportation of flammable, hazardous or toxic chemicals, liquids and gases.
- B. Establishment of Limits. Limits are established prohibiting or restricting the storage, handling, processing, manufacturing and transportation of flammable, hazardous, or toxic chemicals, liquids, and gases as set forth herein.
- C. Manufacturing or Storage of Explosives and Blasting Agents. The storage of explosives and blasting agents is prohibited within the corporate limits of the village of Carpentersville, except by special permit issued by the *fire official*.
- D. Manufacturing, Sales or Storage of Fireworks. The manufacture, sales (including Class C fireworks/1.4G consumer fireworks) or storage of fireworks is prohibited within the corporate limits of the village of Carpentersville, except

by special permit issued by the *fire official*. In addition, any violation of the Fireworks Regulation Act of Illinois, 425 ILCS 30, as amended from time to time, shall be a violation of this subsection.

1. Violation—Penalty. Any person, firm or corporation violating or being liable under this subsection shall be fined in the amount as set forth in Chapter 20.06, “Fines,” for each offense of storage, and a separate offense shall be deemed committed on each day that such violation continues unabated.
2. Violation—Penalty. Any person, firm or corporation violating or being liable under this subsection shall be fined in the amount as set forth in Chapter 20.06, “Fines,” for each offense of manufacture or sales, and a separate offense shall be deemed committed with each recurrence of such violation of the manufacture or sales provisions of this subsection.

E. Fireworks Display. Fireworks displays are only allowed by special permit from the *fire official*. All displays shall comply with the requirements of the state fire marshal.

1. Violation—Penalty. Any person, firm or corporation violating or being liable under this subsection shall be fined in the amount as set forth in Chapter 20.06, “Fines,” for each offense, and a separate offense shall be deemed committed with each recurrence of such violations of this subsection.

F. Pyrotechnics. The use of indoor pyrotechnics is banned in the village.

G. Storage of Flammable Liquids in Outside Above-Ground Tanks. The storage of flammable liquid in outside above-ground tanks is prohibited within the corporate limits of the village of Carpentersville, except by special permit issued by the *fire official*.

H. Storage of Liquefied Petroleum Gases. The above-ground (over five hundred (500) gallons capacity) storage of liquefied petroleum gases is prohibited within the corporate limits of the village of Carpentersville, except by special permit issued by the *fire official*.

I. Routes for motor vehicles transporting explosives and blasting agents are established as follows:

1. Illinois State Route 68;
2. Illinois State Route 25;
3. Illinois State Route 31;
4. Randall Road.

There shall be no other routes permitted.

J. Routes for motor vehicles transporting hazardous chemicals or other dangerous articles are established as follows:

1. Illinois State Route 68;
2. Illinois State Route 25;
3. Illinois State Route 31;
4. Randall Road;
5. Lake Marian Road.

There shall be no other routes permitted.

**SECTION 2:** That TITLE 20, CHAPTER 20.06, SECTION 20.06.020 of the Carpentersville Municipal Code shall be amended as follows, with underlined text being added to the Schedule of Non-Standard Fines:

Violation	Minimum Fine	Maximum Fine
<u>Title 15, Section 15.14.070.D, Manufacturing, Sales or Storage of Fireworks</u>	1st offense: \$50.00	1st offense: \$50.00
	2nd offense: \$250.00	2nd offense: \$250.00
	3rd offense: \$500.00	3rd offense: \$500.00
<u>Title 15, Section 15.14.070.E, Fireworks Display</u>	1st offense: \$50.00	1st offense: \$50.00
	2nd offense: \$250.00	2nd offense: \$250.00
	3rd offense: \$500.00	3rd offense: \$500.00

**SECTION 4:** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**SECTION 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6:** This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Passed this 3rd day of September, 2019, by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Maria Vela	X _____	_____	_____	_____
Trustee Jeff Frost (Motion)	X _____	_____	_____	_____
Trustee Jim Malone	X _____	_____	_____	_____
Trustee Humberto Garcia (Second)	X _____	_____	_____	_____
Trustee John O'Sullivan	X _____	_____	_____	_____
Trustee Roberta Andresen	X _____	_____	_____	_____
President John Skillman	X _____	_____	_____	_____

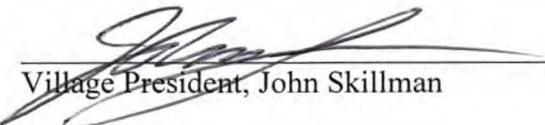


ATTEST:

  
\_\_\_\_\_  
Village Clerk, Kelly Mastera

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APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

  
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Village President, John Skillman

