ORDINANCE NO. 2020-05-26-01

VILLAGE OF MAPLETON, ILLINOIS

ORDINANCE AMENDING CHAPTER 9, PEDDLERS, SOLICITORS, ETC., OF THE MAPLETON VILLAGE CODE

WHEREAS, Section 11-8-4 of the Illinois Municipal Code (65 ILCS 5/11-8-4) authorizes municipalities to regulate the use of fireworks; and

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) authorizes municipalities to define, prevent and abate nuisances; and

WHEREAS, Section 2 of the Illinois Pyrotechnic Use Act (425 ILCS 35/2) provides that the sale of fireworks is unlawful, but that municipalities have the authority to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays; and

WHEREAS, the Village Board has determined that the improper possession and sale of fireworks is a nuisance, and has further determined that the best interests of the Village and its residents will be served by the regulation of the possession and sale of fireworks;

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

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

Section 2: Article III of Chapter 9 of the Village Code, Possession and Sale of Fireworks, shall be deleted in its entirety, and the following Article III shall be substituted in its place:

Article III – Possession and Sale of Fireworks

9-16. *Prohibition*. It shall be unlawful to knowingly possess, offer for sale, expose for sale or sell at retail any fireworks. The term "fireworks" shall mean 1.3 G fireworks, display fireworks and special effect fireworks, as those terms are defined in the Pyrotechnic Use Act (425 ILCS 35/0.01 et seq.) (the "Act"); provided, however, that the term "fireworks" shall not include consumer fireworks, as defined in the Act.

9-17. *License Required*. No person may engage in the business of selling consumer fireworks without first obtaining a license to do so. A separate license is required for each separate location from which consumer fireworks are sold.

9-18. *Application*. An application for a fireworks vendor's license shall be made in writing to the Village Clerk, shall be accompanied by a copy of the State Fire Marshal permit authorizing the applicant to sell consumer fireworks and must contain the following information:

(1) The name of the individual applying for the license.

(2) The residence, telephone number and driver's license number of the applicant.

(3) The address of the principal place of business of the applicant and its phone number.

(4) If the applicant is employed by another person, the name of the employer, and its address and telephone number.

(5) The type of consumer fireworks to be sold or offered for sale.

(6) The location where the applicant plans to sell consumer fireworks.

(7) Whether the applicant has been convicted of any criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.

(8) A certificate of insurance evidencing general liability coverage in the net amount of at least $1,000,000.00, worker's compensation coverage in the net amount of at least $1,000,000.00 showing the Village as an additional insured.

(9) Such other information as the Village shall reasonably require.

9-19. *Fee*. The applicant for a license under this division shall pay to the Village, prior to filing an application, a $1,500.00 fee. This fee will be refunded if the license is denied. There will be no proration of the fee if an applicant obtains a license for less than a full year.

9-20. *License Investigation and Issuance*.

(a) Upon receipt of an application for a fireworks vendor's license, the Village may undertake an investigation of the applicant and the applicant's intended activities within the Village. Applicant agrees to provide the Village with all information requested by the Village with respect to such investigation. If, after such investigation, the Village determines the application should be denied, the Village shall notify the applicant by letter stating the reason for such denial.

(b) Upon approval of an application for a vendor's license, the Village Clerk shall issue the license and immediately deliver a copy to the police department.

9-21. *Transfer*. No license issued pursuant to this article may be transferred, sold or assigned to another person.

9-22. *Posting*. Every license issued under this article shall be displayed by the fireworks vendor in a prominently visible location.

9-23. *Suspension or Revocation*.

(a) Any fireworks vendor's license may be revoked or suspended for a period not to exceed 30 days by the Village President if the Village President shall find, after a hearing, that:

    (1) The licensee violated provisions of this article, the laws of the state or the ordinances of the Village while engaged in the business of consumer fireworks vending.

    (2) The licensee has been convicted of any offenses as set forth in any other section of the Village code or any other applicable law, ordinance or regulation.

    (3) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license or in an investigation into any such license.

(b) Prior to the Village President holding a hearing concerning revocation or suspension of a license, the mayor shall give two (2) days' written notice to the licensee setting forth the specifically alleged violations. The licensee may present evidence to the Village President.

9-24. *Expiration.* Licenses issued under this division expire on December 31 of each year.

Section 3: This ordinance shall be effective on the date of its passage and publication as provided by law.

PASSED AND APPROVED THIS 26th DAY OF May, 2020.

Ayes: _____
Nays: _____
Absent: _____

VILLAGE OF MAPLETON, ILLINOIS

By: _____
     Carl Anthony Bishop, President

Attest: _____
    Patricia S. Briggs, Village Clerk

1220-0016