



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 021-054
DATE OF PASSAGE October 12, 2021

An Ordinance amending various provisions of the Code of Ordinances, City of Aurora, pertaining to the unlawful sale, possession, and use of fireworks.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; 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, the City has long prohibited the unlawful sale, possession, and use of fireworks under its local ordinances; and

WHEREAS, the City has recently experienced a significant increase in the number of complaints related to individuals unlawful exploding fireworks in residential areas; and

WHEREAS, the unlawfully use of fireworks in residential areas unfairly deprives the community of the quiet enjoyment of their property, and creates an unreasonably dangerous situation for nearby persons, pets, and property; and

WHEREAS, the City Council finds it appropriate to revise and consolidate the provisions of the City's Code of Ordinances pertaining to the unlawful sale, possession, and use of fireworks; and

WHEREAS, the City Council finds the unlawful sale, use, or possession of fireworks endangers the public health, safety, and welfare of the community, and that real property used for such purpose constitutes a public nuisance; and

WHEREAS, in order to better protect and promote the public health, safety, and welfare of the community, the City Council finds it appropriate and in the best interests of the City to amend various provisions of its Code of Ordinances as set forth in Exhibit A.

ORDINANCE NO. 021-054
DATE OF PASSAGE October 12, 2021

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Sections 17-109.1, 29-30, and 29-205 of the Code of Ordinances, City of Aurora, shall be and hereby are amended as set forth in Exhibit A.

ORDINANCE NO. 021-054
LEGISTAR NO. 21-0753

PASSED AND APPROVED ON October 12, 2021

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:

Manila S. Torres
Deputy City Clerk

[Signature]
Mayor

1 Sec 17-109.1 Permits for the Public Exposition of Fireworks

2 Upon written application, the fire marshal, or such other
3 person authorized by the fire chief, may issue a permit authorizing
4 a qualified person to conduct a public exhibition of fireworks
5 within the city consistent the requirements of state law and this
6 code. Any public exhibition of fireworks permitted under this
7 section shall be conducted under the supervision of the fire
8 marshal or the fire chief. As used in this paragraph "fireworks"
9 shall collectively include consumer fireworks, display fireworks,
10 and flame effects as those terms are defined in sec. 29-30(h) of
11 this code as well as any other pyrotechnic prohibited by law or by
12 this code.

13 ~~It shall be unlawful to sell, offer for sale, give, store,~~
14 ~~use, possess, explode, fire, ignite or discharge any fireworks or~~
15 ~~other pyrotechnics within the corporate boundaries of the city. No~~
16 ~~public exhibition of fireworks shall be made or given unless the~~
17 ~~exhibition of the same is previously approved, by the fire marshal,~~
18 ~~upon written application, and the exhibition is supervised by the~~
19 ~~fire marshal, the fire chief, or their designees. Specifically~~
20 ~~permitted consumer fireworks as listed in 425 ILCS 30 shall be~~
21 ~~exempt from the provisions of this section.~~

22 Sec. 29-30 - Unlawful possession or use of fireworks Police
23 Enforcement of Fireworks

1 (a) Possession and Use of Fireworks Is Prohibited. No person
2 shall sell, offer for sale, give, store, possess, explode, fire,
3 ignite, discharge, or otherwise use display fireworks, flame
4 effects, consumer fireworks or any other pyrotechnic prohibited by
5 law or this code except as authorized by this code.

6 (b) Premises Liability. No person shall allow a violation of
7 paragraph (a) to occur on real property which such person owns or
8 otherwise controls. A person owning or otherwise controlling real
9 property on which a violation of paragraph (a) occurs shall not be
10 liable for a violation of this paragraph if such person promptly
11 reports the violation of paragraph (a) to the police department at
12 the time it is occurring. This paragraph shall not apply to real
13 property owned or controlled by a unit of federal, state, or local
14 government or a school district.

15 (c) Administrative violations. Any officer or employee of
16 the city authorized to enforce any provision of this code may issue
17 an administrative violation to a person who violates paragraph (a)
18 or (b) of this section in the form and manner set forth in sec 3-
19 105 of this code. Consistent with the provisions of sec. 3-105,
20 a code enforcement officer need not personally observe a violation
21 so long as the complaint is accompanied by an affidavit of some
22 other complaining witness attesting to facts establishing the
23 alleged violation. Nothing in this paragraph prohibits a peace
24 officer by way of complaint or the corporation counsel by way of

1 information from commencing a prosecution against a person for a
2 violation of this section in the circuit court.

3 (d) Fines. A person who violates paragraph (a) or (b) of
4 this section shall be subject to a fine of not less than \$250, but
5 not more than \$1,000. In determining the amount of the fine imposed,
6 the court, or the administrative hearing officer, as the case may
7 be, shall consider evidence of the following as factors in
8 aggravation requiring the imposition of a higher fine:

9 (a) That the person has previously been found guilty or
10 otherwise responsible for a violation of this section or any
11 similar provision of law or ordinance;

12 (b) That the person has previously been found guilty or
13 otherwise responsible for a violation of any law or ordinance
14 involving excessive noise or the disturbance of the public
15 peace;

16 (c) That the person has previously been found guilty or
17 otherwise responsible for a violation of any law, ordinance,
18 or regulation pertaining to fire safety;

19 (d) The type and nature of the fireworks, flame effects,
20 or consumer fireworks involved in the violation presented a
21 particular hazard to other persons or property;

22 (e) That the violation, other than if mere possession,
23 occurred between the hours of 10:00 PM and 8:00 AM; and

1 (f) In the case of a violation of subsection (b), that
2 the person owning or otherwise controlling the real property
3 upon which a violation of paragraph (a) occurs, has previously
4 been notified of violations of paragraph (a) on occurring
5 such real property.

6 (e) Nuisance Abatement. Any real property on which two (2)
7 or more violations of section (a) occur within a five (5) year
8 period shall constitute a nuisance property subject to abatement
9 in accordance with article 29-VII of this code, provided that the
10 provisions of this paragraph (d) shall supersede the provisions of
11 Sec. 29-127(a).

12 (f) Cost Recovery. In addition to the fines imposed under
13 paragraph (c), the court or the administrative hearing officer
14 shall assess the actual costs incurred by the city in the
15 investigation, prosecution, and adjudication of the violation as
16 well as any costs associated with the safe confiscation, storage,
17 and disposal of the display fireworks, flame effects, or consumer
18 fireworks prohibited by this ordinance. The corporation counsel
19 shall provide the court or the administrative hearing officer with
20 an itemized accounting of the costs actually incurred by the city,
21 certified by the city treasurer. Said accounting shall constitute
22 prima facia evidence of the costs incurred by the city which the
23 court or the administrative hearing officer shall assess to a

1 person found guilty or otherwise liable for a violation of
2 paragraphs (a) or (b) of this section.

3 (g) Lien against real property. In addition to any other
4 lawful remedy available to the city to recover unpaid fines and
5 costs arising from a violation of this section, including the costs
6 of collection, the corporation counsel may cause a lien to be
7 recorded against any real property owned by a person found liable
8 for a violation of this section in an amount equal to any unpaid
9 fines, costs, or other assessments arising from the violation.

10 (h) Definitions. As used in this section, the following
11 terms are defined as follows:

12 "Consumer fireworks" means those fireworks that
13 must comply with the construction, chemical composition,
14 and labeling regulations of the U.S. Consumer Products
15 Safety Commission, as set forth in 16 C.F.R. Parts 1500
16 and 1507, and classified as fireworks UN0336 or UN0337 by
17 the United States Department of Transportation under 49
18 C.F.R. 172.101.

19 "Display fireworks" means 1.3G or special effects
20 fireworks or as further defined in the Pyrotechnic
21 Distributor and Operator Licensing Act

22 "Flame effect" means the detonation, ignition, or
23 deflagration of flammable gases, liquids, or special
24 materials to produce a thermal, physical, visual, or

1 audible effect before the public, invitees, or licensees,
2 regardless of whether admission is charged, in accordance
3 with National Fire Protection Association 160 guidelines,
4 and as may be further defined in the Pyrotechnic
5 Distributor and Operator Licensing Act.

6 (i) Exemptions. The provisions this section shall not apply
7 to a person who:

8 (a) Sells, possesses or otherwise uses snake or glow
9 worm pellets; smoke devices; trick noisemakers known as
10 "party poppers," "booby traps," "snappers," "trick matches,"
11 "cigarette loads," and "auto burglar alarms;" sparklers; toy
12 pistols, toy canes, toy guns, or other devices in which paper
13 or plastic caps containing twenty-five hundredths grains or
14 less of explosive compound are used, provided they are so
15 constructed that the hand cannot come in contact with the cap
16 when in place for the explosion; and toy pistol paper or
17 plastic caps that contain less than twenty hundredths grains
18 of explosive mixture; or

19 (b) Has obtained a permit from the fire marshal or such
20 other person authorized by the fire chief to permit a public
21 exhibition of fireworks and such exhibition is supervised by
22 the fire chief of the fire marshal in accordance with 17-
23 109.1 of this code.

1 (j) Confiscation and disposal of unlawful fireworks.
2 Whenever unexploded display fireworks, flame effects, or consumer
3 fireworks are found within the city and their use or possession is
4 not otherwise authorized by this code, the fire marshal shall make
5 arrangements for their safe confiscation and storage, and upon a
6 determination of liability, their disposal. In the event the fire
7 marshal determines that the unlawful fireworks cannot be safely
8 stored, he shall reduce such determination to writing, which shall
9 include documentation of the type and quantity of fireworks
10 involved, photographs thereof, any other pertinent information and
11 provide the same to the corporation counsel. Thereafter, the fire
12 marshal may proceed to destroy or otherwise render inert the
13 unlawful fireworks.

14 ~~(a) Intent. The purpose of this section is to give authority~~
15 ~~to the chief of police, or his or her designees, to enforce~~
16 ~~restrictions on fireworks within the city limits as defined herein.~~
17 ~~This section shall be enforced by the chief of police, or his or~~
18 ~~her designees. This section shall not apply to the public exhibition~~
19 ~~or sale of fireworks previously approved by the city's fire marshal,~~
20 ~~pursuant to article III, chapter 17 of the Aurora Code of~~
21 ~~Ordinances. Nothing in this section shall limit or proscribe the~~
22 ~~city's fire marshal, or his or her designees, from enforcing any~~
23 ~~provision of article III, chapter 17, of the Aurora Code of~~
24 ~~Ordinances.~~

1 ~~(b) Fireworks and pyrotechnics violation. It shall be~~
2 ~~unlawful to possess, explode, fire, ignite, use or discharge any~~
3 ~~display fireworks, flame effects and consumer fireworks within the~~
4 ~~corporate boundaries of the city. For purposes of this section,~~
5 ~~display fireworks, flame effects and consumer fireworks shall be~~
6 ~~as defined in ILCS 425-35/ et seq., Definitions.~~

7 ~~(c) Confiscation of fireworks. The chief of police, or his~~
8 ~~or her designees, shall have the authority to immediately~~
9 ~~confiscate any display, fireworks, flame effects, and consumer~~
10 ~~fireworks in violate of this section and to promptly and safely~~
11 ~~destroy said items.~~

12 ~~(d) Penalties. A violation of the provisions set forth~~
13 ~~herein shall be punishable by a fine of two hundred fifty dollars~~
14 ~~(\$250.00) for a first offense. The fine for each subsequent~~
15 ~~violation shall increase by one hundred dollars (\$100.00) with a~~
16 ~~maximum fine of nine hundred fifty dollars (\$950.00).~~

17 ~~(e) Administrative review. Any person issued a ticket or~~
18 ~~citation pursuant to this section shall have the right to seek a~~
19 ~~hearing with an administrative hearing officer subject to the~~
20 ~~provisions set out more fully in the section 29-209, Procedure.~~

21 (Ord. No. 008-49, § 1, 5-27-08; Ord. No. 019-023, § 1 (Exh.
22 A), 4-23-19)

1 **Sec 29-205 Noises Prohibited**

2 The following acts are declared to be per se violations of this
3 article. This list does not constitute an exclusive list.

4 (a) *Unreasonable noises:* The unreasonable making of, or
5 knowingly and unreasonably permitting to be made, any
6 unreasonably loud, boisterous or unusual noise,
7 disturbance, commotion or vibration in any boarding
8 facility, dwelling, place of business or other structure,
9 or upon any public street, park, or other place or building.
10 The ordinary and usual sounds, noises, commotion or
11 vibration incidental to the operation of these places when
12 conducted in accordance with the usual standards of
13 practice and in a manner which will not unreasonably
14 disturb the peace and comfort of residences or which will
15 not detrimentally affect the operators of other places of
16 business are exempted from this provision.

17 (b) *Non-emergency signaling devices:* Sounding or permitting
18 sounding any amplified signal from any bell, chime, siren,
19 whistle or similar device, intended primarily for non-
20 emergency purposes, from any place for more than ten (10)
21 consecutive seconds in any hourly period. The reasonable
22 sounding of such devices by houses of religious worship,
23 seasonal contribution solicitors, or by the city for

1 traffic control purposes are exempt from the operation of
2 this provision.

3 (c) *Emergency signaling devices:* The intentional sounding or
4 permitting the sounding outdoors of any emergency signaling
5 device including fire, burglar, civil defense alarm, siren,
6 whistle, or similar emergency signaling device, except in
7 an emergency or except as provided in subsection a. below.
8 Local, state, and federal governments are exempt from this
9 prohibition.

10 (1) Testing of an emergency signaling device shall
11 occur between 7:00 a.m. and 7:00 p.m. Any testing shall
12 use only the minimum cycle test time. In no case shall
13 such test time exceed five (5) minutes. Testing of the
14 emergency signaling system shall not occur more than
15 once in each calendar month.

16 (d) *Radios, televisions, boom boxes, phonographs, stereos,*
17 *musical instruments and similar devices:* The use or
18 operation of a radio, television, boom box, stereo, musical
19 instrument, or similar device that produces or reproduces
20 sound in a manner that is plainly audible to any person
21 other than the player(s) or operator(s) of the device, and
22 those who are voluntarily listening to the sound, and which
23 unreasonably disturbs the peace, quiet, and comfort of
24 neighbors and passers-by, or is plainly audible at a

1 distance of seventy-five (75) feet from any person in a
2 commercial, industrial area, or public space. The use or
3 operation of a radio, television, boom box, stereo, musical
4 instrument, or similar device that produces or reproduces
5 sound in a manner that is plainly audible to any person
6 other than the player(s) or operator(s) of the device, and
7 those who are voluntarily listening to the sound, and
8 unreasonably disturbs the peace, quiet, and comfort of
9 neighbors in residential or noise sensitive areas,
10 including multi-family or single-family dwellings. This
11 subsection shall not apply to violations of 5/12-611 of
12 the Illinois Vehicle Code.

13 (e) *Loudspeakers, amplifiers, public address systems, and*
14 *similar devices:* The unreasonably loud and raucous use or
15 operation of a loudspeaker, amplifier, public address
16 system, or other device for producing or reproducing sound,
17 except as may be permitted by section 29-22 of the City of
18 Aurora Code of Ordinances, between the hours of 10:00 p.m.
19 and 7:00 a.m. of the following day on weekdays, and 10:00
20 p.m. and 10:00 a.m. of the following day on weekends and
21 holidays (holidays shall consist of Christmas Day,
22 Thanksgiving Day, New Year's Eve, New Year's Day, Memorial
23 Day, and Independence Day) in the following areas:

1 (1) Within or adjacent to residential or noise-
2 sensitive areas;

3 (2) Within public space if the sound is plainly audible
4 across the real property line of the public space from
5 which the sound emanates, and is unreasonably loud and
6 raucous. This shall not apply to any public performance,
7 gathering, or parade or which a permit has been obtained
8 from the local government.

9 (f) *Yelling, shouting, and similar activities:* Yelling,
10 shouting, hooting, whistling, or singing in residential or
11 noise sensitive areas or in public places, between the
12 hours of 10:00 p.m. and 7:00 a.m. of the following day, or
13 at any time or place so as to unreasonably disturb the
14 quiet, comfort, or repose of reasonable persons of ordinary
15 sensitivities.

16 (g) *Animals and birds:* Unreasonably loud and raucous noise
17 emitted by an animal or bird for which a person is
18 responsible. A person is responsible for an animal if the
19 person owns, controls, or otherwise cares for the animal
20 or bird. Sounds made by animals or birds in animal shelters,
21 veterinary hospitals, pet shops, or pet kennels [licensed
22 under, and in compliance with, licensing and permitting
23 provisions set forth in this Code and which use reasonable

1 measures to minimize such sounds emanating from their
2 property] are exempt from this subsection.

3 (h) *Loading or unloading merchandise, materials, equipment:*

4 The creation of unreasonably loud, raucous, and excessive
5 noise in connection with the loading or unloading of any
6 vehicle at a place of business or residence between the
7 hours of 10:00 p.m. and 6:00 a.m. of the following day.

8 (i) *Construction or repair of buildings, excavation of streets*

9 *and highways:* The construction, demolition, alteration or
10 repair of any building or the excavation of streets and
11 highways other than between the hours of 6:00 a.m. and 9:00
12 p.m., on weekdays and 8:00 a.m. and 6:00 p.m. on weekends.
13 Local, state, and federal governments are exempt from this
14 prohibition. In cases of emergency, construction or repair
15 noises are exempt from this provision. In non-emergency
16 situations, the following shall apply:

- 17 (1) The director of property standards may, at his
18 discretion, issue written permission, upon application,
19 if he determines that the public health and safety, as
20 affected by loud and raucous noise caused by
21 construction or repair of buildings between the hours of
22 6:00 p.m. and 9:00 a.m. of the following day, will not
23 be impaired, and if he further determines that loss or
24 inconvenience would not result to a party in interest.

1 The written permission shall grant permission in non-
2 emergency cases for a period of not more than three (3)
3 days. The permit may be renewed once for a period of
4 three (3) days or less.

5 (2) The director of public works may, at his discretion,
6 issue written permission, upon application, if he
7 determines that the public health and safety, as
8 affected by loud and raucous noise caused by
9 construction or excavation of roadways and sidewalks
10 between the hours of 6:00 p.m. and 9:00 a.m. of the
11 following day, will not be impaired, and if he further
12 determines that loss or inconvenience would not result
13 to a party in interest. The written permission shall
14 grant permission in non-emergency cases for a period of
15 not more than three (3) days. The permit may be renewed
16 once for a period of three (3) days or less.

17 (j) Noise sensitive areas--Schools, courts, churches, hospitals,
18 and similar institutions: The creation of any unreasonably
19 loud and raucous noise adjacent to any noise sensitive area
20 while it is in use, which unreasonably interferes with the
21 workings of the institution or which unreasonably disturbs
22 the persons in these institutions.

23 (k) Blowers, and similar devices: In residential or noise
24 sensitive areas, between the hours of 9:00 p.m. and 6:00

1 a.m. of the following day, the operation of any noise-
2 creating blower, power fan, or any internal combustion
3 engine, the operation of which causes noise due to the
4 explosion of operating gases, fuels, or fluids, provided
5 that the noise is unreasonably loud and raucous and can be
6 heard across the property line of the property from which
7 it emanates. This subsection shall not apply to snow
8 blowers and other snow removal machinery nor to landscaping
9 operations conducted on golf courses.

10 (l) *Commercial establishments.* Unreasonably loud and raucous
11 noise from the premises of any commercial establishment,
12 including any outdoor area which is part of or under the
13 control of the establishment, between the hours of 10:00
14 p.m. and 6:00 a.m. of the following day which is plainly
15 audible at a distance of fifty (50) feet from any
16 residential property.

17 (m) Unlawful Fireworks: Noise produced by the detonation or
18 explosion of fireworks in violation of sec. 29-30 of this
19 code.

20 (Ord. No. 004-57, § 1, 5-25-04; Ord. No. 004-68, § 1, 6-29-04; Ord.
21 No. 019-012, § 1 (Exh. A), 3-26-19)