

State of Illinois
Office of the State Fire Marshal
Fire Prevention Division - Licensing
Policy



Release Date: 04/01/19

Subject: Licensing - Mechanical Pyrotechnic
Fountains

Division Manager

RESCINDS: N/A	REVISED: N/A
RELATED DOCUMENTS: N/A	RELATED STANDARDS: None

Policy

Procedure

Directive

PURPOSE:

The purpose of this policy is to provide guidance on the use of the “Sparkular” and other mechanical fountains as Pyrotechnic Services and Pyrotechnics used Before a Proximate Audience.

GENERAL:

The technology for this device was not developed or contemplated at the time of the adoption of the Pyrotechnic Use Act, the Pyrotechnic Distributor and Operator Licensing Act or their associated Administrative Rules Parts 235 and 230, respectively. Spartacular, Inc. began marketing the “Sparkular” device in the United States as “non-pyrotechnic” effect to venues, music services, special effects companies, etc., without formal product review and consideration by the AHJ or other regulatory community. Other companies are currently developing and marketing similar devices in a similar fashion.

The “Sparkular” and similar mechanical fountains use heated chemical mixtures and/or pyrotechnic compounds to produce a visual effect before an audience. These mixtures typically consist of titanium and zirconium, both of which are listed as pyrotechnic compounds.

POLICY:

This type of device operates within the scope of the regulatory definition of “Pyrotechnic Service” and is subject to OSFM licensing and Pyrotechnic Permits issued by the local Authority Having Jurisdiction in Illinois.

Accordingly, this effect shall be operated by an appropriately licensed Pyrotechnic Operator working under a licensed Pyrotechnic Distributor, Production Company or Cover Licensor agreement.

In the event that the device is used within 75 feet of an audience or performer, or inside a building, the device is considered a Proximate Audience effect and the Distributor and Operator must be licensed appropriately.

"Pyrotechnic service" means the detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect. [225 ILCS 227/5]

"Proximate audience display" means a display of special effects fireworks that occurs within a building or structure or that occurs outside before an audience closer than 75' to the pyrotechnic or flame devices. [41 Ill. Admin. Ch.1 Part 230.20]

"Proximate audience license" means a license issued to a qualified lead pyrotechnic operator for proximate audience displays. The license may be limited to a certain type of display, effect or location. . [41 Ill. Admin. Ch.1 Part 230.20]

ADDITIONAL CONSIDERATIONS:

This policy position is consistent with the Illinois regulatory definitions for pyrotechnic licensing, other OSFM's in the United States, and emerging industry standards. Specifically, the Tentative Interim Amendment (TIA) adopted by the of NFPA 1126 Standard for the of Pyrotechnics Before a Proximate Audience Technical Committee for Special Effects and made effective on December 26, 2017 identifies this effect to be within the purview of NFPA 1126 (2016)

The NFPA 1126 TIA includes pyrotechnic effect simulation equipment in the definition of Pyrotechnic Devices as per Section 3 of NFPA 1126 Standard for the Use of Pyrotechnics before a Proximate Audience (2016).

NFPA 1126 (2006) is incorporated by reference in Rules Part 230.25. Additionally, the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227) Section 12 references the most "current edition" of NFPA 1126 as the standard applicable to pyrotechnics displays under a cover licensor. This notwithstanding, the effect at hand and its operations are within the regulatory definition "pyrotechnic service" as noted above.

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