

Ordinance # 01-05

file copy
9-12-05

REGULATION AND LICENSING OF FIREWORKS

- (1) DEFINITION. In this section, "fireworks" includes anything manufactured, processed or packaged for exploding, emitting sparks or combustion including:
 - (a) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (b) A toy snake.
 - (c) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
 - (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
 - (e) A fuseless device that is designed to produce an audible or visible effects, and that contains less than one-quarter (1/4) grain of explosive mixture.
 - (f) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
 - (g) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1/4 explosive, as defined in 49 CFR 173.50.
 - (h) A cone fountain that is classified by the federal department of transportation as a Division 1/4 explosive, as defined in 49 CFR 173.50.
- (2) A firework does not include the following:
 - (a) Fuel or a lubricant.
 - (b) A firearm cartridge or shotgun shell.
 - (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (e) A model rocket engine.
 - (f) Tobacco and a tobacco product.
- (3) No person shall sell, possess or use fireworks except as follows:
 - (a) A person may possess or use fireworks with a user's permit from the Town Chairperson. A permit under this subsection may be issued only to the following:
 - a. A public authority.
 - b. A fair association.
 - c. An amusement park.
 - d. A park board.
 - e. A civic organization.
 - f. A group of resident or nonresident individuals.

- g. An agricultural producer for the protection of crops from predatory birds or animals.
 - (b) To a city, village or town; or
 - (c) The Town, except that Town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - (d) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.
 - (e) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - (f) The possession or use of explosive or combustible materials in any manufacturing process.
 - (g) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (h) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
 - (i) The possession of fireworks in any city, town or village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance, except a permit is necessary if the person transporting the fireworks remains in that city, town or village for a period of at least 12 hours.
- (4) No person may use fireworks or a device listed under section (1) while attending a fireworks display for which a permit has been issued to a person listed under section (3)(a) if the display is open to the general public.
- (5) A permit under this subsection shall specify all of the following:
- (a) The name and address of the permit holder.
 - (b) The date on and after which fireworks may be purchased.
 - (c) The kind and quantity of fireworks which may be purchased.
 - (d) The date and location of permitted use.
 - (e) Other special conditions prescribed by ordinance.
- (6) Copy of Permit. A copy of a permit under this subsection shall be given to the Fire Chief and Chief of Police at least two (2) days before the date of authorized use.
- (7) Minors Prohibited. A permit under this subsection may not be issued to a minor.
- (8) Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (9) Bond. The Town Chair issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or