

*INTERDEPARTMENTAL CORRESPONDENCE
LEGISLATIVE REFERENCE BUREAU*

MEMO

To: Ald. Joe Davis, Sr.
Ald. Terry L. Witkowski

From: Leslie Silletti, Legislative Research Analyst

Date: April 18, 2007

Re: **Fireworks Task Force: Surrounding Municipalities' Fireworks Ordinances**

This memo responds to your request for information on surrounding municipalities' fireworks ordinances. Please find attached the full text of ordinances from municipalities which allow the sale of fireworks and where there are known fireworks retailers. I have not included ordinances for municipalities which do not allow the possession, use or sale of fireworks; however, those are available upon request.

The following ordinances are attached: Town of Addison, City of Beloit, Town of Caledonia, Town of Genesee, City of Hartford, Village of Lomira, Town of Raymond, City of Sheboygan Falls and the Village of Slinger.

Also attached are 2 articles that discuss the sale of fireworks in many of these municipalities, including the process by which permits are sold and the amount of revenue generated by the sale of permits, and a short summary of persons convicted of selling illegal fireworks.

LRB07226
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Fired up
For sale: The Fourth
in your own backyard
'It's cool to watch something fly and go boom'

By GAY GRIESBACH - GM Today Staff

July 2, 2006

Heading south on Highway 41, dueling billboards just a few hundred yards apart announce firework sales. Business is booming at the big three - American, Phantom and Uncle Sam's - taking on a kind of last-minute Christmas Eve shopping frenzy as the Fourth of July approaches.

Make no mistake, fireworks can be dangerous and destructive and many are illegal to discharge in Wisconsin, but that doesn't stop customers from bringing a Fourth of July display to their backyard or north-woods cottage.

With names like "Land Mines," "Neighbor Hate," "Shagadellic Mojo," and "Glitterator" and brightly colored graphics and shapes like the "Hummer H2" sold at Uncle Sam's in the town of Wayne, they are hard to resist.

As Phantom stocker Brett Boden put it, "You can't say no to fireworks."

"It's the one time of year that (customers) get to celebrate their independence," said Dave Beyer, owner of Uncle Sam's Fireworks. "By celebrating their independence with fireworks, we are honoring those who fought for our independence."

Bill Meyers of Richfield had ancestors who fought in the American Revolution, but he's not too hot on big backyard displays.

"I'm buying them because my wife likes the fountains. He likes the skyrockets," said Meyers, referring to his 9-year-old son, Spencer, who accompanied him on his shopping trip to Uncle Sam's. "The family is coming over, so you've got to buy fireworks and you've got to buy beer."

"It's chaos and mayhem. It's cool to watch something fly and go boom," said Tim Hass, West Allis, who was at Uncle Sam's with a few buddies who chipped in to fund a bang-up celebration. "It's the noise, the color, it's everything. It



Gay Griesbach

A demonstration shoot is held at Phantom Fireworks in the town of Addison.



Gay Griesbach

Workers from Phantom Fireworks in the town of Addison gather near a ground display.



Gay Griesbach

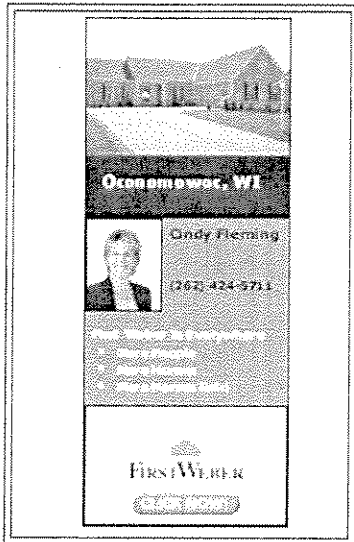
Spencer Meyers, 9, grabs fireworks his dad, Bill, won't buy at Uncle Sam's in the

gets your adrenaline pumping."

town of Wayne. Spencer said he likes this package because it says "beware" and "warning" on it.

"A lot of Class C (fireworks made for the consumer market) are starting to look like the professional shows on a smaller scale," said Chris Beeler, manager at Phantom Fireworks.

advertisement



Two or 3 percent of Beeler's customers are the true fanatics - ones who love to display their explosive independence throughout the year.

Adam Ballman of Milwaukee was buying at Uncle Sam's "for the Fourth and in between."

"I like the colors and the boom," said Ballman, who also knows discharging fireworks in Milwaukee is illegal.

"Usually on the Fourth we hear them going off all the time, all over the place," said Ballman.

"I like the big old booms. It makes the whole truck shake," said Alex Morris of Grafton, who shopped at Phantom for a few rockets, but also attends the Summerfest fireworks.

"I was raised on bottle rockets," said John Burmeister of Chicago as he looked over the selection at American.

While men interviewed enjoyed making a loud noise, women preferred to mention the colors.

"I like fountains, the colors and showers," said Theresa Hopf of the town of Grafton as she shopped at Phantom. "We do a bonfire with the family and fireworks. We don't even go to the big fireworks anymore."

"It's the 'oohs and ahhs' that I like," said Diane Shreves of West Bend. "Even when you see them every year, it's dazzling."

"It was a tradition - a family event," said Shreves, who was buying fireworks at American for a smaller scale show for her grandchildren, Adam and Jacob Elert.

"It's always fun to have a little bit of a show," said Shreves.

Beyer said there is a 10-day period around the Fourth of July when sales really pick up. *

The average sale for his store, open year-round, is \$89.

Fireworks sales have also been showing their hosting townships a little green. *

Permit sales, which cost the customer \$4 at Uncle Sam's, also bring in money for the town of Wayne - last year the total was \$14,456.

Chris Beeler, manager at Phantom, said the average sale at his year-round store is about \$150.

The town of Addison received \$10,836 in 2005 for the \$4 per customer permit.

Vince Siegel, owner of American Fireworks, which has three locations in Slinger (the largest being near Held's) that are open from mid-June to July 9 this year, said he has not calculated average sales, but added that on Monday sales are probably quadruple what they were the previous week.

Slinger has four stands throughout the village, which charge \$3 per permit. The village received \$8,460 for issuing firework possessor permits last year.



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More bucks spent for more bang

Sales of fireworks for private use are skyrocketing

By RICK ROMELL
rromell@journalsentinel.com

Posted: Sept. 8, 2006

Fond du Lac - For Dan Promen, Mick Marietta and Alex Chu, every day is the Fourth of July. It's a good time to be in the fireworks business.

Promen sells them, Marietta distributes them and Chu, as an executive for one of the thousands of Chinese companies that produce almost all of the fireworks that spangle U.S. skies, makes them. All are doing well.

This week, they and hundreds of other industry participants are here for the National Fireworks Association Expo, discussing arcane regulations, shooting off explosives and signing deals in what has become, as Marietta put it without a hint of irony, a booming business.

His family's wholesale operation, Jake's Fireworks Inc. of Pittsburg, Kan., runs six warehouses across the Midwest and South, and has been riding the success of products such as Excalibur, a high-flying artillery shell, and One Bad Mother, a multishot "cake" that explodes in a series of what the firm describes as gold willows and crackling flowers.

Promen, meanwhile, has seen revenue rise every year since 1993, when his summer-only shop south of Fond du Lac joined the growing number of fireworks outlets in Wisconsin, where a convoluted law appears to ban the sale of fireworks but in fact is either easily circumvented or virtually unenforced.

Made in China

As for Chu, he's marketing manager for Centex Development Ltd., a Hong Kong firm that employs more than 600 people at two factories in a Chinese city called Liuyang.

"Liuyang is the hometown for fireworks," Chu said during a break from setting up Centex's booth at the Expo's trade show. "They have about 3,000 manufacturers there."

And their legions of employees, working largely by hand, mix gunpowder with color-producing elements such as lithium (red), sodium (gold) and copper (blue) to produce fireworks for the world.

Last year, China exported 268 million pounds of fireworks to the United States. That represented 98% of all imports, which is to say pretty much all fireworks sold in the country.

"Honestly, American manufacturing of fireworks is a thing of the past," said Bill Weimer, vice president of B.J. Alan Company Inc., an Ohio firm that runs Phantom Fireworks stores nationwide, including Wisconsin.

But sales of fireworks, particularly "backyard" or consumer fireworks, are soaring. Although imports of big professional fireworks have grown only modestly, imports of consumer fireworks since 1999 have doubled.

"A lot of (people) are using them for New Year's Eve, for weddings. Some even have their cremains put in a shell and shot in the air," Promen said. "We've even had requests to do divorces. . . . People are seeing it as more than just the Fourth of July."

Why? Promen and Marietta attribute the gains to improved products - more brilliant colors, new effects, fewer duds - and increased safety that has prompted some states to ease previous restrictions. Since 1998, the number of injuries per 100,000 pounds of fireworks used has dropped in half, according to the American Pyrotechnics Association, another trade group. Since 1980, according to the association, it has fallen 83%.

China could use some of that. According to the state-run Xinhua news agency, at least 187 people were killed in dozens of fireworks explosion accidents last year, with the government blaming rampant illegal manufacturing. Some 1.5 million people work in China's fireworks factories, many of which are still primitive, with poor production conditions, Xinhua said. It said that over the last 20 years, fireworks accidents have killed 9,349.

The improvement in safety in the U.S., however, has reduced negative publicity surrounding fireworks here, Marietta said. And since the Sept. 11 attacks, he said, fireworks have been enjoying the glow of their association with patriotism.

"We're in a very patriotic period . . . and I think that's got a lot to do with it," Marietta said.

He may be right. During the four years leading up to 2001, the amount of consumer fireworks imported by the U.S. increased by 46 million pounds. Over the four following years, imports increased by 117 million pounds.

Marietta acknowledged that patriotism is in part a business proposition in the fireworks industry, where some products are sold under names such as American Pride, Badge of Honor and Uncle Sam's Answer.

"But, you know, fireworks people are patriotic," he added.

* Skirting local laws

↓ They also seem to know something of how government works. Take Wisconsin. The American Pyrotechnics Association describes it as specifically prohibiting consumer fireworks that get shot into the air, such as skyrockets, Roman candles and aerial salutes. But that doesn't stop them from being sold here.

Since Wisconsin law allows possession of fireworks by those holding a permit issued by the chief official of the community "in which the possession or use is to occur," some retailers provide permits from the local government. The town or village gets the permit fees; the retailer gets legal cover.

The law doesn't allow a permit to be issued to an individual, but Washington County's Town of Addison and the Phantom store there get around that by issuing the permit to the Phantom Fireworks Users Association. Customers, in turn, are enrolled in the group when they pay the \$4 permit fee and buy their fireworks.

"It's just common-sense silly," Lomira Village President Augie Luedtke said of the law, which Lomira also uses to its advantage, collecting \$15,000 this year from sales at a store called Fireworks City.

"It's a nice chunk of change," Luedtke said of the revenue stream.

Both the Village of Lomira and the Town of Addison, incidentally, ban use of fireworks in their communities.

But Wisconsin's law was far from the minds of retailers and wholesalers from across the country Thursday night, as they watched manufacturers demonstrate their latest goods for two hours at Lakeside Park.

Centex featured offerings such as Bloody Shark and Turbulent City. China National Samkwong's demonstration schedule included Happy Hour and Triumph America. Brothers Pyrotechnics won some approval for Major Mojo.

Vickie Antepenka saw plenty to put on the shopping list for American Tradition Fireworks, the Oconto County store she runs with her husband, John.

"Red Light, Green Light - I liked that," she said of one of the Brothers rockets. "That was a real hell-raiser."

So there's a good chance it will hit the shelves at American Traditions, where business, as elsewhere, is good and customers can't seem to get enough. Some people spend thousands at the store, John Antepenka said, and the average purchase has risen in the last few years to probably \$300 to \$400.

"They're coming there to spend big money nowadays," he said.

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From the Sept. 9, 2006 editions of the Milwaukee Journal Sentinel
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Two People Sentenced for Selling Illegal Fireworks in Wisconsin

U.S. District Court Judge Charles N. Clevert sentenced Donald R. Peters, of Green Bay, Wis., and his daughter, Peggy S. Malueg, also of Green Bay, for their role in the illegal sale and transportation of fireworks devices commonly known as quarter-sticks, half-sticks and M-80s. Peters, owner and operator of Uncle Sam's Fireworks stores in Wisconsin's, Washington and Brown counties, was sentenced to 30 months in prison and fined the maximum fine of \$60,000. He also forfeited \$300,000 to the federal government as proceeds from his illegal activities. Malueg, vice president, was sentenced to 8 months in prison and fined \$6,000. Both were banned from owning, operating or taking part in any business involved in the sale of fireworks or explosive devices. Three others plead guilty to charges involving the manufacture and sale of illegal fireworks resulting from this investigation.

U.S. Consumer Product Safety Commission, Office of Information and Public Affairs, Washington 3.3.2000

<http://www.cpsc.gov/CPSCPUB/PREREW/pd000150/00075.html>

Town of Addison (Washington Co)

TOWN OF ADDISON

ORDINANCE NO. 2004-03

AN ORDINANCE FOR REGULATION OF FIREWORKS

THE TOWN BOARD OF THE TOWN OF ADDISON, WASHINGTON COUNTY, WISCONSIN DOES ORDAIN THAT FIREWORKS SHALL BE REGULATED AS FOLLOWS:

SECTION 1. CREATION

Section 167.10 Wisconsin Statutes, Regulation of Fireworks, is hereby adopted for the regulation of fireworks within the Town of Addison. Permit fees shall be set by a Town resolution and may change from time to time.

SECTION 2. EFFECTIVE DATE

This Ordinance shall become effective the day after posting the same in three (3) places in the Town and has been filed and recorded by the Town Clerk.

Dated this 20th day of May, 2004.

TOWN BOARD, TOWN OF ADDISON
WASHINGTON COUNTY, WISCONSIN

Robert A. Bingen
Robert A. Bingen, Chairperson

Norm Faber
Norm Faber, Supervisor

Don Heesen
Don Heesen, Supervisor

Gary Karnitz, Supervisor

Daniel Wolf
Daniel Wolf, Supervisor

Attest:

Ellen Wolf
Ellen Wolf, Clerk

TOWN OF ADDISON
RESOLUTION NO. 2004-03

**A RESOLUTION TO CREATE TOWN OF ADDISON POSSESSOR'S PERMIT FEES
FOR CLASS C CONSUMER FIREWORKS**

WHEREAS, The Town of Addison shall establish a fee for Possessor's permit fees for Class C
Consumer Fireworks;

THEREFORE, BE IT RESOLVED by the Town Board of the Town of Addison, Washington
County, Wisconsin shall establish the fee of \$4.00 per Possessor's Permit.

Passed and adopted this 20th day of May, 2004.

TOWN BOARD, TOWN OF ADDISON
WASHINGTON COUNTY, WISCONSIN



Robert A. Bingen, Chairperson



Norm Faber, Supervisor



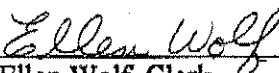
Don Heesen, Supervisor

Gary Karnitz, Supervisor



Daniel Wolf, Supervisor

Attest:



Ellen Wolf, Clerk

14.03 FIREWORKS PERMITS . (Rep. & recr. #2949)

(1) **DEFINITIONS.** (Am. #3108) In this section, the following words and phrases shall have the meanings set forth below.

(a) "Class 1 Fireworks" means fireworks classified by the Federal Department of Transportation as Division 1.3 explosives as defined in 49 CFR 173.50 or any other fireworks for which a manufacturer or a dealer must obtain a license as required by 18 USC 843. "Class 1 Fireworks" are also known as "display" fireworks which must be shipped in cartons or packages having an orange, diamond-shaped label which reads "1.3 G".

(b) "Class 2 Fireworks" means fireworks as defined by §167.10(1), Wis. Stats., excluding Class 1 and Class 3 fireworks. Except as provided in paragraph (c)(7) and (8) below, "Class 2 Fireworks" are explosives classified by the Federal Department of Transportation as Division 1.4 explosives as defined in 49 CFR 173.50. "Class 2 Fireworks" are also known as "common" fireworks which must be shipped in cartons or packages having an orange, diamond-shaped label which reads "1.4 G".

(c) "Class 3 Fireworks" means:

1. A cap containing not more than one-quarter 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.
2. A toy snake which contains no mercury.
3. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to project audible and visible effects.
4. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
5. A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
6. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
7. 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.
8. 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.

(d) "Fireworks" means Class 1, 2 and 3 fireworks.

(e) "Fireworks display" means a display of Class 1 or 2 fireworks by an entity holding a permit to use Class 1 or 2 fireworks.

(f) "Minor" means a person who has not attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated this section of the municipal code, "minor" does not include a person who has attained the age of 17 years. See §990.01(20), Wis. Stats.

(2) SALE OF CLASS 3 FIREWORKS. (Am. #3119)

(a) **Permit Required** . No person may sell Class 3 fireworks or possess Class 3 fireworks with intent to sell the same without having first obtained a permit to do so from the City Clerk. A separate permit is required for each location at which Class 3 fireworks are sold.

(b) **Permit Fee** . The fee for a seller's Class 3 fireworks permit shall be established by Council resolution.

(c) Term of Class 3 Permit.

1. **Annual Class 3 permits.** An annual seller's Class 3 fireworks permit shall be issued for a one-year period commencing on July 1 and ending on June 30. Annual Class 3 fireworks permits may only be issued to entities which hold a Class 2 seller's permit issued pursuant to subsection (3) of this section. (Am. #3108)
2. **Temporary permits.** A temporary Class 3 fireworks permit shall be issued for a 30-day period which shall commence not earlier than June 1 and shall end not later than August 1 in any calendar year. Temporary Class 3 fireworks permits may be issued for indoor or outdoor locations which comply with all Federal, State and local laws regulating the storage and handling of Class 3 fireworks.

(d) **Contents of Application and Permit.** The application for a seller's Class 3 fireworks permit shall be made on a form furnished by the City Clerk. The completed application shall be filed with the Clerk. The application and permit shall specify, at minimum:

1. The name and address of the applicant/permit holder.
2. The dates between which Class 3 fireworks may be sold.
3. The address at which the sale of Class 3 fireworks will be sold.
4. A detailed description of the premises where the licensed activities is authorized.
5. The applicant's Wisconsin sales tax identification number.
6. A description of the Class 3 fireworks that the applicant proposes to sell.

(e) **Sale of Unlisted Fireworks Prohibited.** No person holding a Class 3 fireworks permit may sell any Class 3 fireworks which are not listed on the seller's application for a Class 3 fireworks permit unless the application is amended to include all Class 3 fireworks the seller proposes to sell and such amendment is approved by the Fire Chief.

(f) **Investigation.** The City Clerk shall refer the application to the Fire Chief and the Chief of Police for investigation. If an application for a Class 3 fireworks license is filed with the City Clerk on or before June 1, the Police Chief and Fire Chief shall approve or deny the application on or before the following July 1. In all other cases, the Fire Chief and the Police Chief shall indicate, within 30 days of the date that the application is filed, whether they approve or disapprove the application. If the Fire Chief or Police Chief disapproves the application, he or she shall state the reason(s) for disapproval. The grounds for disapproving a permit include, but are not limited to, the following:

1. The applicant has been convicted of a violation of a State or local law pertaining to the manufacture, sale, use or possession of fireworks during the past 5 years.
2. The zoning for the licensed premises does not permit the sale, storage or handling of fireworks at the proposed location.
3. The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.
4. The fireworks that the applicant proposes to sell are not Class 3 fireworks as defined in this section.

(g) **Appeal.** (Am. #3108) If a seller's application for a Class 3 fireworks permit is disapproved, the applicant may request a review of the decision or appeal the decision in the manner provided in §1.15 of this Municipal Code.

(h) **Seller's Tax Identification Number.** No person shall be eligible for a seller's Class 3 fireworks permit unless the applicant has a Wisconsin sales tax identification number. The applicant shall provide the Wisconsin sales tax identification number on the license application form.

(3) SALE OF CLASS 2 FIREWORKS. (Am. #3108)

(a) **Permit to Sell or Deal** .] On and after July 1, 2004, no person may sell or deal in Class 2 fireworks in the City of Beloit or possess Class 2 fireworks with intent to sell or deal in Class 2 fireworks in the City of Beloit without first obtaining an annual Class 2 fireworks permit from the City Clerk. A Class 2 fireworks permit authorizes a resident wholesaler or jobber to sell Class 2 fireworks from a permanent indoor location to:

- (1) A person outside of the State of Wisconsin; or
- (2) An entity holding a user's Class 1 fireworks permit issued pursuant to subsection (4) of this section and §167.10(3)(c)1--7, Wis. Stats.

(b) **Rules Pertaining to Sales to Persons Outside of Wisconsin** . No person holding a Class 2 fireworks permit may sell Class 2 fireworks to persons outside of Wisconsin unless:

- (1) The customer provides the permit holder proof that the customer is 18 years of age or older and a nonresident of the State of Wisconsin.
- (2) The customer completes an order form disclosing the customer's name, address, telephone number and a description of the identification presented to establish the customer's age and residency.
- (3) All order forms must be signed by the customer.
- (4) The Class 2 license holder must retain the order forms from each customer for a period of at least one year.

(c) **Term of Permit, Permit Fee** . (Am. #3119) The Class 2 fireworks permit shall be issued for a one-year period commencing on July 1 and ending on June 30. The annual permit fee shall be established by City Council resolution.

(d) **Contents of Application** . The application for a Class 2 fireworks permit shall be on a form furnished by the City Clerk which shall, at minimum, require the following information to be disclosed:

- (1) The name, address and phone number of the applicant and the name, address and phone number of the proposed permit holder, if different from the applicant.
- (2) The address at which Class 2 fireworks will be sold.
- (3) A detailed description of the premises where the licensed activities will occur.
- (4) The applicant's Wisconsin sales tax identification number.
- (5) A description of the Class 2 fireworks that the applicant proposes to sell.

(e) **Approval or Disapproval of Application** .] The City Clerk shall refer the application to the Fire Chief and the Chief of Police for investigation. If an application for a Class 2 fireworks license is filed with the City Clerk on or before June 1, the Police Chief and Fire Chief shall approve or deny the application on or before the following July 1. In all other cases, the Fire Chief and Police Chief shall indicate within 30 days of the date the application is filed whether they approve or disapprove the application. If the Fire Chief or Police Chief disapproves the application, he or she shall state the reason for disapproval. The grounds for disapproving a permit include, but are not limited to the following:

- (1) The applicant has been convicted of a violation of a State law or local law pertaining to the manufacture, sale, use or possession of fireworks during the past 5 years.
- (2) The zoning for the licensed premises does not permit the sale, storage or handling of fireworks at the proposed location.
- (3) The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.
- (4) The fireworks that the applicant proposes to sell are not Class 2 fireworks as defined in this section.

(f) **Appeal** . If a seller's application for a Class 2 fireworks permit is disapproved, the applicant

may request a review of the decision and/or may appeal the decision in the manner provided by §1.15 of this Municipal Code.

(4) MANUFACTURE OF FIREWORKS; CLASS 1 FIREWORKS PERMIT. (Am. #3108)

(a) Manufacture of Fireworks . No person may manufacture Class 1, 2 or 3 fireworks in the City of Beloit without first obtaining a Wisconsin manufacturer's license required by §167.10 (6m), Wis. Stats., and a Federal manufacturer's license required by Title 18 USC 843.

(b) Sale and Possession of Class 1 Fireworks . No person may sell or possess Class 1 fireworks in the City of Beloit without first obtaining a Federal license to do so as required by 18 USC 843.

(c) Use of Class 1 and Class 2 Fireworks . No person shall use Class 1 or 2 fireworks in the City of Beloit without first obtaining a user's Class 1 fireworks permit from the City Clerk. The application for a user's Class 1 fireworks permit shall be made on a form furnished by and filed with the City Clerk. The application and permit shall specify, at minimum, the information required by §167.10(3)(f), Wis. Stats. The applicant shall also provide the name, address and telephone number of the person who will be supervising the operation of the fireworks display. A user's Class 1 fireworks permit may be issued by the City Clerk only to the following:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. A group of resident or nonresident individuals.

The City Fire Chief and Police Chief shall be given a copy of the permit at least 5 days in advance of the date of authorized use. The Police Chief and the Fire Chief shall investigate the applicant and the location where the Class 1 and/or 2 fireworks will be used or displayed. The Fire Chief and the Police Chief shall indicate in writing his or her approval or disapproval of the application, stating the reasons if he or she should disapprove. The grounds for disapproval include, but are not limited to, the grounds for denial specified in subsection (2)(f)1.--3. above. The applicant may appeal the decision of the Police or Fire Chief to the City Council.

(5) FEE FOR USER'S CLASS 1 FIREWORKS PERMIT. (Am. #3108) The fee for a user's Class 1 fireworks permit shall be the fee established by City Council resolution. The applicant shall pay a separate license fee for each day for which a user's Class 1 fireworks permit is issued.

(6) FIREWORKS DISPLAYS. (Am. #3108) No person, other than the holder of a Class 1 user's permit, may use or possess any kind of fireworks, except sparklers described in subsection (1)(c)3., above, while attending a fireworks display which is open to the public and for which a user's Class 1 fireworks permit has been issued pursuant to subsection (4) of this section.

(7) PARENTAL LIABILITY FOR ACTS OF MINORS. A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for the damages caused by the minor's use of the fireworks.

(8) SELLING OR FURNISHING FIREWORKS TO A MINOR PROHIBITED. (Am. #3108)

(a) No person may sell or furnish Class 1 or 2 fireworks to any minor.

(b) No person may possess Class 1 or 2 fireworks with the intent to sell or furnish the same to a minor.

(c) No person shall permit a minor to use Class 1 or 2 fireworks.

(d) No person, except a minor's parent, legal guardian, foster parent or a family-operated group home parent, may sell or furnish Class 3 fireworks to a minor or permit a minor to use Class 3 fireworks.

(9) POSSESSION AND USE OF FIREWORKS BY MINORS PROHIBITED. (Am. #3108) No minor shall:

- (a) Use Class 1 or 2 fireworks.
- (b) Possess Class 1 or 2 fireworks.
- (c) Purchase Class 1, 2 or 3 fireworks.
- (d) Falsely represent that he/she has attained the legal age to purchase, possess or use fireworks.

(10) STORAGE AND HANDLING OF FIREWORKS. (Am. #3108) No person shall store or handle fireworks in the City of Beloit in violation of any of the provisions of §167.10(6), Wis. Stats., which is incorporated herein by reference. Any person holding a Class 2 fireworks permit shall comply with the following handling and storage requirements:

- (a) All Class 2 fireworks shall be displayed for sale behind a counter or other area inaccessible to customers or the public.
- (b) No fireworks of any kind may be stored outside of any building, including the retail establishment.
- (c) The building in which fireworks are stored and sold shall have a fire wall erected in accordance with the specifications of the Fire Department. The wall shall be placed between the area of the building open to customers and the public and the area used to store fireworks. The wall shall have a minimum 2-hour fire rating.
- (d) Only one sample of each type of Class 2 fireworks may be displayed for public view in the permit holder's showroom.
- (e) The storage area for Class 2 fireworks shall have:
 1. No electric outlets or circuit breakers.
 2. Only explosion-proof lighting.
 3. Appropriate exits.
 4. No windows.
 5. No customer shall be permitted to have contact with Class 2 fireworks while the customer is in the retail establishment.
 6. The holder of the Class 2 fireworks permit shall comply with all local, State and Federal regulations pertaining to the handling and storage of Class 2 fireworks. In addition, the holder of the Class 2 fireworks permit shall comply with any directives of the Fire Chief which the Fire Chief reasonably believes are necessary in order to protect the health, safety and welfare of citizens. Any person aggrieved by any directive or order of the Fire Chief may request review of the order or directive or appeal the Chief's order or directive in the manner provided by §1.15 of this Municipal Code.

(11) SEIZURE OF FIREWORKS. Fireworks which are stored, handled, sold, possessed or used by a person who violates this section may be seized and held as evidence of the violation. Except as provided in §968.20(4), Wis. Stats., only the fireworks that are the subject of the violation of this section may be destroyed after the person is convicted of the violation. Except as provided in §968.20(4), Wis. Stats., fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

(12) PENALTIES.

- (a) Any person who sells Class 3 fireworks or possesses Class 3 fireworks with intent to sell the same in violation of subsection (2)(a) or (e) of this section shall be subject to a forfeiture of not less than \$200 nor more than \$1,000.
- (b) Any person who commits a violation of subsection (3) of this section shall be subject to a forfeiture of not less than \$500 nor more than \$5,000.

- (c) Any person who commits a violation of subsection (4) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$5,000.
- (d) Any person who commits a violation of subsection (6) of this section shall be subject to a forfeiture of not less than \$25 nor more than \$500.
- (e) Any person, other than the minor's parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian, who furnishes or sells Class 3 fireworks to a minor or permits a minor to use Class 3 fireworks in violation of subsection (8) of this section shall be subject to a forfeiture of not less than \$500 nor more than \$5,000.
- (f) Any person who sells or furnishes Class 1 or 2 fireworks to a minor or permits a minor to use Class 1 or 2 fireworks in violation of subsection (8) of this section shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000. (Am. #3108)
- (g) Any minor who uses or possesses fireworks in violation of subsection (9) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.
- (h) Any minor who falsely represents that he has attained the legal age to purchase, possess or use fireworks in violation of subsection (9) of this section shall be subject to a forfeiture of not less than \$200 nor more than \$1,000.
- (i) Any person who stores or handles fireworks in violation of subsection (10) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.

<i>Fireworks and Caps. (Rep. #2949)</i>		
<i>Intoxicating Liquor Licenses. (Am. #2448; #2769; #2870)</i>		
(a)	"Class A" Retailer's License, §125.51(2), Wis. Stats.	\$500, full year
(b)	"Class B" Retailer's License, §125.51(3), Wis. Stats.	\$500, full year
(c)	"Class C" Retailer's License, § 125.51(3m), Wis. Stats.	\$100, full year
(d)	"Class B" Club Retailers License, §125.51(3)(e), Wis. Stats. (Am. #2021)	\$300, full year
(e)	"Class A", "Class B" and "Class C" Retailer's License, §125.51(9)[, Wis. Stats.]	Prorate if more than 6 months but less than 12 months
(f)	"Class A" or "Class B" licenses, §125.51(9)[, Wis. Stats.]	\$250 for 6 months or less
(g)	"Class C" licenses, § 125.51(9)[, Wis. Stats.]	\$50 for 6 months or less
(h)	Initial Reserve "Class B" Retailer's, §125.51(4), Wis. Stats.	\$10,000
(i)	Temporary "Class B" Retailers Wine License, §125.51(10), Wis. Stats.	\$10
(j)	Operator's "Class A", "Class B" and "Class C", §125.17(1)--(3) and (6), Wis. Stats. (Am. #2700)	\$25/yr. or fraction thereof \$35/2 years or fraction thereof
(k)	Provisional "Class A" or "Class B" Operators License, §125.17(5), Wis. Stats.	\$15
(l)	Manager's "Class A", "Class B" and "Class C" License, §125.68, Wis. Stats.	\$25

11.22	Snow removal	100	200	300
14.03(2)(a), (e)	Sale of Class C fireworks without a permit	200	500	1,000
14.03(3)	Sale of Class B fireworks without a permit	500	1,000	2,000
14.03(3)	Manufacture of Class B fireworks without a permit	1,000	2,000	3,000
14.03(3)	Unlawful sale of Class B fireworks to a third party	500	1,000	2,000
14.03(4)	Unlawful use/possession of Class B fireworks	100	200	300
14.03(6)	Unlawful use of Class C fireworks during a fireworks display	25	50	200
14.03(6)	Unlawful use of Class B fireworks during a fireworks	200	500	1,000
14.03(8)	Selling or furnishing Class C fireworks to a minor	500	1,000	2,000
14.03(8)	Selling or furnishing Class B fireworks to a minor	1,000	2,000	5,000
14.03(9)	Unlawful possession or use of fireworks by a minor	100	200	500
14.03(9)	Misrepresentation of age to unlawfully obtain fireworks	200	500	1,000
14.03(10)	Improper storage/handling of fireworks	100	200	500
14.05	Soliciting without a permit	100	200	300
14.17(2)(a)	Failure to obtain rabies vaccination	100	200	300
14.17(2)(d)	Failure to display vaccination tag	100	200	300

CHAPTER 6

Regulation and Licensing of Fireworks

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
7-6-1	Regulation of Fireworks		

SEC. 7-6-1 REGULATION OF FIREWORKS.

(a) **Definition.** In this Section, “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (1) Fuel or a lubricant.
- (2) A firearm cartridge or shotgun shell.
- (3) 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.
- (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (5) 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.
- (6) A toy snake which contains no mercury.
- (7) A model rocket engine.
- (8) Tobacco and a tobacco product.
- (9) 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.
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
- (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
- (12) A device that emits smoke with no external flame and does not leave the ground.
- (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
- (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(b) **Sale.** No person may sell or possess with intent to sell fireworks, except:

- (1) To a person holding a permit under Subsection (c)(3);
- (2) To a municipality; or
- (3) For a purpose specified under Subsection (c)(2)b-f.

(c) **Use.**

- (1) **Permit Required.** No person may possess or use fireworks without a user’s permit from the Town Chairperson. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a

permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.

- (2) Permit Exceptions. Subparagraph (c)(1) above does not apply to:
- a. 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.
 - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
 - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - a. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - b. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (3) Who May Obtain Permit. 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. An agricultural producer for the protection of crops from predatory birds or animals.
- (4) Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (5) Bond. The Town Chairperson issuing a permit under this Subsection shall 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 property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Town, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the office of the Clerk.
- (6) Required Information for Permit. 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.
- (7) 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.

(8) Minors Prohibited. A permit under this Subsection may not be issued to a minor.

(d) **Storage and Handling.**

(1) Fire Extinguishers Required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.

(2) Smoking Prohibited. No person may smoke where fireworks are stored or handled.

(1) Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.

(2) Storage Distance. No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.

(3) Restrictions on Storage. No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.

(e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(Waukesha Co.)
Town of Genesee

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE NO. 06-8

**AN ORDINANCE REGARDING
FIREWORKS LICENSING AND REGULATION**

WHEREAS, the Town of Genesee Town Board recognizes that Wisconsin state law allows the sale, use and possession of fireworks in some very limited circumstances, as described in Wisconsin Statutes §167.10; and

WHEREAS, the Town of Genesee Town Board has been approached by certain individuals and entities who would like to sell fireworks in the Town of Genesee; and

WHEREAS, the Town of Genesee Town Board has significant health, safety and welfare concerns regarding the sale, possession, and use of fireworks in the Town of Genesee; and

WHEREAS, in order to best protect the public, while also allowing certain lawful business activities to take place in the Town, the Town of Genesee Town Board intends by this Ordinance to establish reasonable and appropriate licensing and regulation requirements for the sale of fireworks in the Town of Genesee.

NOW, THEREFORE, the Town Board of the Town of Genesee, Waukesha County, Wisconsin, **DO HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: Incorporation of State Law. Wisconsin Statutes §167.10, including but not limited to the definition of fireworks contained in §167.10(1), excluding the penalties described in §167.10(9), is incorporated herein by reference, including such amendments as may be made thereto from time to time in the future. The terms and requirements of this Ordinance are intended to be, and shall be interpreted to be, more restrictive than the otherwise applicable requirements of §167.10, Stats., as allowed by Wisconsin Statutes §167.10(5)(b).

SECTION 2: Fireworks Sale License.

- 1. No fireworks shall be sold or possessed for sale in the Town of Genesee except by persons holding a Fireworks Sale License issued hereunder.

Post-it® Fax Note	7671	Date	4/18	# of pages	7
To	Luzie Legat RFP Dept	From	Deb		
Co./Dept.	City Milwaukee	Co.	Town Genesee		
Phone #	414 286-2253	Phone #	262-968-2656		
Fax #	414-286-3004	Fax #			

after notifying the licensee and providing the licensee an opportunity to be heard.

8. Licenses issued hereunder shall not be transferred or assigned without the consent of the Town Board, and no licensee may use a site other than the site licensed.
9. In considering applications for licenses hereunder, without limitation by reason of enumeration, the following shall be deemed to be sufficient cause for denial of the license:
 - A. The applicant previously held a license issued hereunder or operated in the Town in the 2006 calendar year and violated the terms of the license, or violated the terms of this Ordinance or other applicable laws.
 - B. The property where the sale operation would be conducted was previously the location of a licensed fireworks sale operation and the prior operation was conducted in violation of the requirements of the license, or the requirements of this Ordinance or other applicable laws.
 - C. The applicant is:
 1. Delinquent in the payment of any real property taxes, assessments, special assessments, sanitary sewer assessments, personal property taxes, special charges, professional fee reimbursements, or other claim(s) owed to the Town of Genesee.
 2. Delinquent in the payment of a forfeiture resulting from the violation of any Ordinance of the Town of Genesee.
 - D. The premises or property where the Fireworks Sale License operation would be located has delinquent and unpaid real property taxes, assessments, special assessments, sanitary

sewer assessments, personal property taxes, special charges, professional fee reimbursements or other claims of the Town of Genesee.

SECTION 3. Use Permit

1. No person shall possess or use fireworks in the Town of Genesee without a Use Permit issued pursuant to Wisconsin Statutes §167.10(3).
2. No person shall sell fireworks in the Town of Genesee to any person who does not provide proof of holding a Use Permit issued pursuant to Wisconsin Statutes §167.10(3).
3. As provided Wisconsin Statutes §167.10(3), the Town Chair or designee may issue fireworks Use Permits in compliance with the requirements of this ordinance.
4. The Town Chair or designee shall require a Certificate of Liability Insurance or similar proof of insurance coverage in an amount the Town Chair deems necessary. A copy of the permit and proof of insurance shall be filed with the Town Clerk.
5. A Use Permit may be cancelled by the Town Chair, or by the Fire Chief if the Town Chair is unavailable if weather or other situations make it unsafe for the use to be conducted.
6. Use Permits shall only be issued to the officers or directors of a public authority, a fair association, an amusement park, a park board, a civic organization, a group of resident or non-resident individuals, or for an agricultural procedure for the protection of crops from predatory birds or

animals, pursuant to Wisconsin Statutes §167.10(3)(c).

SECTION 4: Exceptions. The Use Permit requirements of this Ordinance, and the Fireworks Sale License prohibition on selling only to holders of Use Permits, are subject to the following exceptions:

1. A Use Permit is not required for possession of fireworks in the Town of Genesee, while the fireworks are being transported through the Town of Genesee to a city, town or village or county where the possession of the fireworks has been authorized by permit or ordinance. This exception is intended to exclude only those uses that are described in Wisconsin Statutes §167.10(5)(e).
2. A Use Permit is not required in order to possess or use explosives in accordance with rules or general orders of the Department of Commerce. This exception is intended to exclude only those uses described in Wisconsin Statutes §167.10(3)(b)(2).
3. A Use Permit is not required for the disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources. This exception is intended to exclude only those uses described in Wisconsin Statutes §167.10(3)(b)(3).
4. A Use Permit is not required for the possession or use of explosive or combustible materials in any manufacturing process. This exception is intended to exclude only those uses described in Wisconsin Statutes §167.10(3)(b)(4).

5. A Use Permit is not required for the possession or use of explosives or combustible materials in connection with classes conducted by educational institutions. This exception is intended to exclude only those uses described in Wisconsin Statutes §167.10(3)(b)(5).
6. A Use Permit is not required for 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. This exception is intended to only exclude those uses described in Wisconsin Statutes §167.10(3)(b)(6).

SECTION 5: Limitation of Liability. A party requesting a Use Permit and/or a Fireworks Sale License has the ultimate responsibility for their own safety and for the safety of all persons who may be affected by their activity. The issuance of a Use Permit or a Fireworks Sale License shall not be interpreted as endorsing or condoning the activity or as ensuring that the activity will be safe. An applicant for a Use Permit and/or a Fireworks Sale License individually and on behalf of any entity for which the applicant submits the application, and also on behalf of the property owner where the activity will be conducted, accepts all risks and agrees to indemnify, defend and hold harmless the Town of Genesee, its officers and agents, from any and all claims arising out of the use, sale or possession of the fireworks.

SECTION 6: Penalties. The penalties described in Town of Genesee Ordinance No. _____ entitled "An Ordinance to Repeal and Recreate the Penalty Provisions of all Previously Adopted Town of Genesee Ordinances", including such amendments as may be made thereto from time to time in the future, are incorporated herein and shall apply to all

violations in this Ordinance, which shall be in addition to such other remedies and penalties as may apply.

SECTION 7: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 8: EFFECTIVE DATE.

This ordinance shall take effect on August 1, 2006, following passage and posting or publication as provided by law.

Dated this 9th day of May, 2006.

TOWN OF GENESEE



Sharon L. Leair, Town Genesee

ATTEST:



Barbara A. Whitmore, Town Clerk

Published and/or posted this 9th day of May, 2006.

- d) Sufficient fire fighting equipment and personnel as determined by the Fire Chief or his designee shall be available at the scene while burning is in progress to contain the fire.
- e) No burning shall take place on lakeshores, roadside ditches, streams or adjacent to other watercourses in the City.
- f) No building or structure, or materials from a razed building shall be burned unless it shall be a fire set for the practice and instruction of the Fire Department or for the testing of fire fighting equipment and shall be under the supervision of the Fire Department.

(3) Notification. Upon issuance of a control burn permit, the applicant shall advise the Police Department Dispatcher of the time the fire shall be set. Should the Fire Department be required to respond in a manner not authorized under the terms of the permit, the applicant shall be responsible to pay the City the cost of the apparatus and fire personnel responding. Application for a control burn permit must be applied for at least five days prior to the scheduled burn.

(4) Emergencies. Whenever, because of extreme dryness or drought, the Fire Chief shall deem it necessary to prohibit the setting of fires upon any land located within the City, he shall issue a directive and cause it to be published in the official newspaper forbidding the setting of fires within the City or any part thereof and have such broadcast on radio, TV, and other appropriate mediums.

(5) Fees. The fee for a control burning permit shall be as determined in Chapter 42 of the Municipal Code. (AMENDED 5/14/96--ORDINANCE NO. E-327)

(6) Penalty. Any person violating this section shall, upon conviction, be subject to a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code together with the costs of prosecution as provided in Chapter 42. (AMENDED 6/11/96--ORDINANCE NO. E-335)

(SECTION 6.12 REPEALED AND RECREATED 8/23/94--ORDINANCE NO. E-268)

6.13 SALE, POSSESSION AND USE OF FIREWORKS. (1) Definitions. As used in this Section, "fireworks" means anything manufactured, processed, or packaged for exploding, emitting sparks or combustion which does not have another common use.

(i) This definition does not include any of the following:

- a. Fuel or 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, lantern or space heater.
- e. A model rocket engine.
- f. Tobacco and tobacco products.

(ii) This definition does include the following:

- a. A cap containing not more than ¼ grain of explosive mixture. If the cap is used or possessed or sold for use in a device which prevents direct bodily contact with the cap when it is in place for explosion.
- b. A toy snake which contains no mercury.
- c. A sparkler on a wire or wood stock not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- d. A device designed to spray out paper confetti or streamers in which contains less than a ¼ grain of explosive mixture.
- e. A fuseless device that is designed to produce audible or visible effects or audible and visible effects and that contains less than ¼ grain of explosive mixture.
- f. A device that is designed merely to burn pyrotechnic smoke producing mixtures at a controlled rate and that produces audible or visible effects, or audible and 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 CFR173.50
- h. A cone fountain that is classified by the Federal Department of Transportation as a division 1.4 explosive, as defined in 49 CFR173.50

(2) Sale and Possession of Fireworks Regulations. No person shall sell or possess with intent to sell fireworks within the City unless they have a Fireworks Seller's Permit issued by the City. The permit shall be limited to those items identified in (1)(i)above.

(i) This Section does not apply to:

- a. The use of fireworks used for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals that have been granted permit for just such display by the fire chief as provided in (6) below.
- b. The use or sale of blank cartridges for circus or theatrical purposes or signal purposes in athletic contests or sports events, or used by militia police or military organizations.
- c. The possession of fireworks while transporting fireworks to City, Town, Village or County where the possession of the fireworks is authorized by permit or ordinance, unless the person doing the transporting remains in the City for at least 12 hours.
- d. Resident wholesalers, jobbers or dealers selling fireworks at wholesale if the wholesaler, jobber, or dealership delivers the fireworks outside the state in sealed opaque containers by common motor carrier, contract motor carrier or private motor carrier as defined in Wis. Stats. Section 194.01(1),(2), and (11) engaged in the business of shipping or delivering property, or to a person or group granted a permit under this Section.
- e. A fireworks device for which a retail or wholesale permit has been issued.

(3) Fees. The fee for seller's permit shall be \$50 and this fee shall be incorporated in Chapter 42 of the municipal code by the City Clerk and shall be in addition to any transient merchant license fee. The fee for fireworks user shall be \$200.

(4) Seizure of Fireworks. The police or fire department shall seize, at the expense of the owner, all fireworks stored, handled, sold, possessed, or used by any person who violates this Section. Such seized fireworks shall be destroyed after conviction for a violation or if no conviction occurs, shall be returned to the owner.

(5) Use Regulated. Except as provided in Section 167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to (6) below. No users permit is required for those items in (1)(ii) above.

(6) User's Permit. As provided in Section 167.10(3), Wis. Stats., fireworks user's permits may be issued by the Mayor or other City Official designated by the Mayor. The Official issuing the permit shall require a Certificate of Liability Insurance or similar proof of coverage where fireworks liability coverage in the combined single limit of \$1,000,000. A copy of the permit and proof of insurance shall be filed with the City Clerk and copies of the permit shall be given to the Fire Chief and the Chief of Police at least two days before the authorized use.

(7) Obligation for Clean Up. Any person who has obtained a fireworks usage permit shall be required to remove all packaging material, spent fireworks debris, and all litter from the area of the fireworks sale or display which are under the control of the permittee.

(8) Use of Certain Devices Regulated. No person may use firework devices listed in Sections 167.10(1)(e) to (g) and (i)2(n), Wis. Stats., including, but not limited to caps, toy snakes, model rocket engines, sparklers or cone fountains at fireworks displays for which a permit has been issued if the display is open to the general public.

(9) Parental Liability. A parent, foster parent, treatment foster parent, family-operated group home parent, or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(10) Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances are unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions and applications of this ordinance which can be given effect without the invalid of constitutional provisions or its application.

(11) Penalty. The penalty for violation of Section 6.13(2) shall upon conviction be a forfeiture of not less than \$300 nor more than \$1,000. The penalty for a violation of Section 6.13(5) and (6) upon conviction shall be a forfeiture of not less than \$75. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit a penalty upon conviction of not less than \$75 nor more than \$1,000.

(SECTION 6.13 REPEALED AND RECREATED IN ITS ENTIRETY 6/11/02-ORDINANCE NO. E-485)

6.14 SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances invalid are unconstitutional, such invalidity of unconstitutionality shall not effect the above provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or its application.

approaching an intersection or pedestrian crosswalk;

- (d) All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street;
- (e) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the city;
- (f) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
- (g) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground;
- (h) All loud and discordant noises or vibrations of any kind;
- (i) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
- (j) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
- (k) All abandoned refrigerators or ice-boxes or containers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only, with the strength of a small child;
- (l) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;
- (m) Any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof;
- (n) Any sign, marquee, or awning which is in any unsafe condition, or which overhangs any roadway, or which overhangs any sidewalk less than eight feet above the sidewalk surface;
- (o) Any condition, thing or practice constituting a fire hazard;
- (p) Any nuisance so defined by the Wisconsin Statutes.

(5) Littering. 1) "Litter" means garbage, refuse and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare, or tends to reduce property values.

- (a) It is unlawful for any person or persons to place or cause to be left any human waste products, or to put or throw or leave any litter which is unsightly or which may cause an unpleasant smell or sight or constitute a hindrance to the public use of the premises or public place upon which it is placed.

Village of Lomira (Dodge Co.)

Chapter 19

FIRE PREVENTION CODE 19.60(6)(b)

(b) Every such fire extinguisher which has passed the hydrostatic pressure test as required and shall be fitted with a test record of metal or equally durable material on which the following shall appear:

1. Date of test.
2. Test pressure.
3. Name of person making test.

REGULATION OF FIREWORKS

19.70 REGULATION OF FIREWORKS. (1) AUTHORITY AND TITLE. This section is enacted under authority granted to the Village by §167.10(5), Wis. Stats., and shall be known and cited as, "Village of Lomira Regulation of Fireworks". (See also §9.03(3) of this Code.)

(2) DEFINITION. In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of 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 cap containing not more than one-quarter 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.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25

Chapter 19**FIRE PREVENTION CODE 19.70(4)(b)3.**

3. The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.

4. The possession or use of explosive or combustible materials in any manufacturing process.

5. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

6. 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.

(c) A permit under this subsection may be issued only to the following:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. A group of resident or nonresident individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

(d) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(e) The Village when 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 property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Village. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Village Clerk/Treasurer.

(f) A permit under this subsection shall specify all of the following:

Chapter 19**FIRE PREVENTION CODE 19.70(4)(f)1.**

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The kind and quantity of fireworks which may be purchased.
4. The date and location of permitted use.
5. Proof of \$2,000,000.00 liability insurance.

(g) A copy of a permit under this subsection shall be given to the Village fire and law enforcement officials at least 1 week before the date of authorized use.

(h) A permit under this subsection shall not be issued to a minor.

(5) OUT-OF-STATE. This section does not prohibit a resident wholesaler, dealer or jobber from selling fireworks at wholesale, if that wholesaler, dealer or jobber ships or delivers the fireworks outside of this state in sealed opaque containers by, as defined in §§194.01(1), (2) and (11), Wis. Stats., common motor carrier, contract motor carrier or private motor carrier engaged in the business of shipping or delivering property, or to a person or group granted a permit under sub. (4)(c)1. to 7.

(6) STORAGE AND HANDLING. (a) No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the fire official of the Village.

(b) No person may smoke where fireworks are stored or handled.

(c) A person who stores or handles fireworks in the Village shall notify the fire and police official of the Village.

(d) No wholesaler, dealer or jobber may store fireworks within 100 feet of a dwelling.

(e) No person may store fireworks within 100 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(7) PARENTAL LIABILITY. A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

Chapter 19**FIRE PREVENTION CODE 19.70(8)**

(8) **ENFORCEMENT.** (a) In accordance with §167.10(8)(a), Wis. Stats., the Village may petition the circuit court for an order enjoining violations of sub. (3), (4) or (6).

(b) Fireworks stored, handled, sold, possessed or used by a person who violates this section or a court order under par. (a) shall be seized. The fireworks shall be destroyed after conviction for a violation, unless be returned by court order.

(9) **PENALTIES.** (a) A person who violates a court order under sub. (8) (a) shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

(b) A person who violates sub. (3), (4) or (6) shall forfeit not more than \$1,000.

(c) A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.

(d) The prohibitions and penalties provided in this section shall not apply to (a) gold star producing sparklers on wires which contain no magnesium, chlorate or perchlorate and (toy snakes which contain no mercury; the sale and use of which shall be permitted at all times.

(e) The prohibitions and penalties provided in this section shall not apply to smoke novelties and party novelties which contain less than 25/100ths of a grain of explosive mixture.

FIRE PREVENTION IN OTHER PLACES

19.75 **FIRE THROUGH NEGLIGENCE.** (1) **SCOPE.** No person shall, within the Village of Lomira, in any hotel, motel, rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility, multiple dwelling, or similar place of abode, by any means whatsoever, through carelessness, neglect or negligence, set fire to, or cause the burning of, any bedding, furniture, rugs, curtains, drapes, house or other household furnishings or fittings or any other part of said buildings or premises in such manner as to endanger the safety of person or property.

(2) **POSTING.** It shall be the duty of the, manager, owner or lessee of any hotel or motel to post the provisions of this section in a conspicuous place in each room occupied by guests in such hotel or motel, and it shall be the duty of the manager, owner or lessee of any rooming home, hospital, child care facility, multiple dwelling, or similar place of abode, to post the provisions of this section in conspicuous places upon such premises. (See also §§254.76(1) and (2), Wis. Stats.)

19.76 **SCHOOLS.** The person having direct charge of any public, private or

Town of Raymond (Racine Co.)

ARTICLE VII. FIREWORKS*

*Cross references: Fire prevention and protection, ch. 18.

Sec. 30-271. Purpose.

The town has determined that the public health, safety and welfare will be promoted by adopting ordinances regulating the safe and orderly sale and use of fireworks.

(Ord. of 2-14-2000(1), § 3.11(I))

Sec. 30-272. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fireworks means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (1) Fuel or lubricant.
- (2) A firearm cartridge or shotgun shell.
- (3) 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.
- (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (5) A cap containing not more than one-quarter 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.
- (6) A toy snake which contains no mercury.
- (7) A model rocket engine.
- (8) Tobacco and a tobacco product.
- (9) A sparkler on a wire or wood stick not exceeding 36 inches in length or one-fourth inch in outside diameter, which does not contain magnesium, chlorate or perchlorate.
- (10) A device designed to spray out paper confetti or streamers and contains less than one-quarter grain of explosive mixture.
- (11) A device designed to produce an audible sound, but not explode, spark, move or emit an external flame after ignition and does not exceed three grams in total weight.
- (12) A device that emits smoke with no external flame and does not leave the ground.
- (13) A cylindrical fountain not exceeding 100 grams in total weight, with an inside tube diameter not exceeding three-fourths inch, and designed to sit on the ground and emit only sparks and smoke.
- (14) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(Ord. of 2-14-2000(1), § 3.11(I)(1))

Cross references: Definitions generally, § 1-2.

Sec. 30-273. Sales.

(a) *Permit required.*

(1) No person may sell, or possess with the intent to sell, fireworks without a seller's permit from the town obtained in accordance with this article.

(2) Sellers' permits are issued on an annual basis, with an annual fee charged by the town and is on file in the clerk's office and may be revised by town board resolution. The quantity of permits issued by the town board shall be limited, based on the township population. The criteria shall be one permit for every 3,000 residents, or part thereof. The unadjusted ten-year U.S. Constitutional Census number for the town shall be used for such criteria. The reason for such population criteria is to:

- a. Promote public safety and the perception of public safety held by the public and governmental agencies of the town and other neighboring communities;
- b. Alleviate the excessive burden of inspecting and regulating fireworks places of business;
- c. Improve property values through the slow, orderly development of fireworks permitted businesses.

(3) The town, prior to issuing the annual permit under this subsection (a), shall require a:

- a. Minimum cash bond of \$5,000.00, to be filed with the town clerk along with the application for the permit, to ensure compliance with permit conditions; and
- b. Policy of liability insurance in the amount of \$2,000,000.00 per person and \$4,000,000.00 in the aggregate for the payment of all claims that may arise by reason of injury to persons or property from the handling, use or discharge of fireworks under the permit. The liability policy shall name the town as a covered party and shall be filed with the town clerk along with the application for the permit.

(b) *Exceptions.* No person may sell, or possess with the intent to sell, fireworks, except:

- (1) To a person holding a permit under section 30-275(a);
- (2) To a city, village or town; or
- (3) For a purpose specified under section 30-275(c)(1)--(6).

(c) *Hours of sale.* No person may sell fireworks before 9:00 a.m. or after 9:00 p.m. Additional hours of sale may be permitted during the ten-day period preceding July 4th, with the approval and written consent of the town board, and such approval is to be required annually.

(d) *Location of sale.* Sales of fireworks may only occur from a permanent structure which has been inspected and given written approval by the town building inspector and the town fire chief. All structures, which hold (for the intent of later selling) or sell fireworks, shall be equipped with a fire sprinkler system, knock box, fire alarm and any other fire safety equipment approved by the town fire chief and town board. Any additions to or changes of location must be approved by the town board.

(e) *Signage.* The town planning commission shall approve all signage used to promote or advertise the sale of fireworks.

(f) *Number of permits limited.* Only one seller's permit shall be issued to any individual, group of individuals, family, partnership, business, proprietorship or corporation.

(g) *Permit transferability.* All seller's permits are issued at the pleasure of the town board and may not be transferred, bartered, sold, given or assigned to another individual, group of individuals, family, partnership, business, proprietorship or corporation.

(Ord. of 2-14-2000(1), § 3.11(l)(2))

Sec. 30-274. Possession.

(a) *Permit required.* No person may possess fireworks without a possessor's permit from the town, obtained in accordance with the provisions of this article. Possessor's permits are issued on an annual basis by the town.

(b) *Scope of permit.* A possessor's permit shall specifically prohibit use of fireworks in the town unless a separate user's permit is obtained under section 30-275(a).

(Ord. of 2-14-2000(1), § 3.11(l)(3))

Sec. 30-275. Use.

(a) *Permit required.* No person may use fireworks without both a permit to possess and a user's permit from the town, obtained in accordance with the provisions of this article.

(b) *Prohibitions.* No person may use fireworks or a device listed under subsections (5)--(7) and (9)--(14) of the definition of the term *Fireworks*, as set forth in section 30-272, while attending a fireworks display for which a permit has been issued to a person listed under this article if the display is open to the general public.

(c) *Permit exceptions.* Subsection (a) of this section does not apply to:

(1) The town, except that town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.

(2) The possession or use of explosives in accordance with rules or general orders of the state department of commerce.

(3) The disposal of hazardous substances in accordance with rules adopted by the state department of natural resources.

(4) The possession or use of explosive or combustible materials in any manufacturing process.

(5) The possession or use of explosive or combustible material in connection with classes conducted by educational institutions.

(6) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841--848 if the possession of the fireworks is authorized under the license or permit.

(d) *Permit issuance.* A permit under this section may be issued on an event only basis and only to the following:

(1) A public authority or other governmental body within the town.

(2) A fair association.

(3) An amusement park.

(4) A park board.

(5) A civic organization.

(6) A group of resident or nonresident individuals.

(7) An agricultural producer for the protection of crops from predatory birds or animals.

(e) *Crop protection signs.* A person issued a permit for crop protection shall erect appropriate warning signs, approved by the town planning commission, disclosing the use of fireworks for crop protection.

(Ord. of 2-14-2000(1), § 3.11(l)(4))

Sec. 30-276. Permit requirements.*(a) Seller's permit.*

(1) A seller's permit shall specify the following:

- a. The name and address of the permit holder.
- b. A description of the permanent structure to be used for the storage and sale of the fireworks.
- c. The kind and quantity of fireworks which may be sold under the permit.
- d. The dates and locations of permitted sales.
- e. The financial statement of the selling company, and a financial guarantee of any parent company shall be attached.
- f. A description of the signage to be used in promoting and/or advertising the sale of fireworks.
- g. Other special conditions prescribed by ordinance.

(2) The permit holder shall be assumed to be the applicant named on the permit. If the business operation or location is leased, owned or controlled by a third party, disclosure of such information must be included on the permit application.

(b) Possessor's permit. A possessor's permit shall specify the following:

- (1) The names and addresses of all persons authorized to possess fireworks under the permit.
- (2) The location and time periods during which the fireworks will be stored or possessed in the town.
- (3) The kind and quantity of fireworks which may be possessed.
- (4) A description of the purpose for which the fireworks are possessed.
- (5) Other special conditions prescribed by ordinance.

(c) User's permit.

(1) A user's permit shall specify the following:

- a. The names and addresses of all persons authorized to use fireworks under the permit.
- b. Designation of the dates and locations for which the permit authorizes the use of fireworks.
- c. The kind and quantity of fireworks to be used under the permit.
- d. The event for which the fireworks will be used.
- e. Other special conditions prescribed by ordinance.

(2) Copies of all user's permits issued under this article shall be given to the fire chief and chief of police at least two days before the date of authorized use.

(Ord. of 2-14-2000(1), § 3.11(I)(5)(A)--(D))

Sec. 30-277. Minors prohibited.

All permits under this article shall not be issued to a minor, nor shall the holder of a permit sell or provide fireworks to a minor.

(Ord. of 2-14-2000(1), § 3.11(I)(5)(E))

Sec. 30-278. Permit fees.

(a) *Seller's permit.* At the time of filing the permit application for the sale of fireworks, a nonrefundable annual fee shall be paid to the town clerk to cover the costs of processing and investigation of the application. The fee shall be on file in the clerk's office and may be revised by town board resolution.

(b) *Possessor's permit.* At the time of filing the permit application for the possession of fireworks, a nonrefundable annual fee per person to be authorized under the permit for possession shall be paid to the town clerk to cover the costs of processing and investigating such application. A possessor's permit shall specifically prohibit usage in the town, unless a separate permit is obtained under this article. The annual fee shall be on file in the clerk's office and may be revised by town board resolution.

(c) *User's permit.* At the time of filing the permit application for the use of fireworks, a nonrefundable fee shall be paid to the town clerk to cover the costs of processing and investigating the application. The fee shall be on file in the clerk's office and may be revised by town board resolution.

(Ord. of 2-14-2000(1), § 3.11(I)(5)(F))

Sec. 30-279. Permit revocation.

Any permit issued under this article may be revoked, in writing, by the town clerk for any of the following reasons:

- (1) Fraud, misrepresentation or a false statement contained in the application for the permit.
- (2) Any violation of this article.
- (3) Conviction of a crime or misdemeanor involving the illegal use of fireworks.
- (4) Conducting the business of fireworks sales in an unlawful manner or in such a manner as to constitute a breach of the peace or general health, safety and welfare of the public.
- (5) Verification by the fire chief or building inspector that the premises, means of storage, methods of sale or other operation related to the sale, storage or handling of fireworks is unsafe or does not meet any applicable governmental regulations.

(Ord. of 2-14-2000(1), § 3.11(I)(5)(G))

Sec. 30-280. Permit expiration.

No permit shall be issued under this article for a longer period than one year. All annual permits issued under the provisions of this article shall expire at 12:00 midnight on December 31 in the year when issued. All event only permits issued under this article shall expire as specifically set forth in the application for the days allowed in the permit.

(Ord. of 2-14-2000(1), § 3.11(I)(5)(H))

Sec. 30-281. Appeals.

Any applicant aggrieved by the action of the town in the denial or revocation of a permit under this article may appeal to the town board. Such appeal shall be taken by filing with the town clerk, within 14 days after notice of the action complained of, a written statement, fully setting forth the grounds of the appeal. The board shall set a time and place for a hearing on such an appeal and notice shall be mailed by the town clerk to the appellant at the last known address at least five days prior to the date set for the hearing, or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for the

hearing.

(Ord. of 2-14-2000(1), § 3.11(I)(5)(I))

Sec. 30-282. Storage and handling.

(a) *Fire extinguishers required.* No wholesaler, dealer or jobber may store or handle fireworks in a premises unless the premises is equipped with fire extinguishers approved by the fire chief.

(b) *Smoking prohibited.* No person may smoke where fireworks are stored or handled.

(c) *Notification of fire chief.* A person who stores or handles fireworks shall notify the fire chief of the location and quantity of fireworks stored.

(d) *Storage distance.* No wholesaler, dealer or jobber may store fireworks closer than 250 feet to the storage facility lot line.

(e) *Storage restriction.* No person may store fireworks within 250 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(f) *Storage in vehicles prohibited.* No person may store fireworks within any motor vehicle, vehicle trailer of any kind or part of a vehicle for a period of time greater than 24 hours.

(g) *Annual inspections.* The fire chief and other authorized safety officials shall perform an annual inspection of every premises where fireworks are stored.

(Ord. of 2-14-2000(1), § 3.11(I)(6))

Sec. 30-283. Parental liability.

A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(Ord. of 2-14-2000(1), § 3.11(I)(7))

Secs. 30-284--30-310. Reserved.

feet of any inhabited dwelling or building, park enclosure, except this section shall not apply to the following:

- (a) The shooting or discharging of toy arrows (suctioned cupped);
 - (b) The use of a bow with 20 pound pull or less;
 - (c) A supervised archery or BB gun range approved by the Common Council;
 - (d) Organized school district and Department of Natural Resources activities; and
 - (e) Within the interior of a single-family dwelling.
- (3) No person shall cause or permit arrows, BBs, or any other missiles from crossing property lines.

9.04 Regulation of Fireworks

(1) Definition -⁷

In this section, "fireworks" means anything manufactured, processed, or packaged for exploding, emitting sparks, or combustion, which does not have another common use, but does not include any of 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 cap containing not more than one-quarter grain or 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;
- (f) A toy snake, which contains no mercury;
- (g) A model rocket engine;
- (h) Tobacco and a tobacco product;
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects;

⁷Sec. 9.04(1) Repealed and Recreated by Ordinance No. ___-1997-98, Enacted December 16, 1997.

- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture;
 - (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture;
 - (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects;
 - (m) 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;
 - (n) 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; and
 - (o) Those devices or items set forth in subparagraphs (a) - (n) immediately above shall be referred to as "Exempt Firework Items."
- (2) **Application for Permit -**
- (a) **Uses Allowed -**

Fireworks or other devices included under subsection (1) may be used and displayed in open fields, public parks, private parks, or on rivers, lakes or ponds or as a part of a play, opera, circus or similar entertainment, by public authorities or by private persons or organizations that have been granted a permit for such display by the Mayor.
 - (b) **Inspection and Fee -**

Each application for such a permit shall be referred to the Fire Chief and Building Inspector, who shall inspect the location. If the Fire Chief and Building Inspector report that the location is not objectionable from the standpoint of fire hazards and safety, the Mayor may issue the permit upon the receipt of a permit fee of \$5.00.
 - (c) **Length of Permit -**

Such permit may be granted for a period of not to exceed six (6) days and shall specify the name and address of the applicant or applicants, or the principal officers thereof if a corporation or association; the location where the fireworks are to be used and the nature of the occasion; together with a list of the fireworks to be used. A copy of each permit shall be filed in the office of the City Clerk.
- (3) **Bond -**
- The issuing officer of a permit under this section may require an indemnity bond in the sum of \$5,000.00 with good and sufficient sureties for payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit. Such bond shall be taken in the name of the City and any person injured may bring an action on such bond in his own name to recover the damage sustained to persons or property.

(4) Place of Storage and Discharge -

Fireworks to be used under a permit granted under this section shall not be stored, kept, sold or discharged within 300 feet of any gasoline pump, gasoline filling station or gasoline bulk station or any structure other than motor vehicles in which gasoline or other volatile liquids are kept in quantities in excess of one gallon.

(5) Minimum Age -⁸

(a) No person under fourteen (14) years of age shall purchase, possess, or use Exempt Firework Items unless such purchase, possession, or use is subject to parental or legal guardian supervision.

(b) No person shall sell Exempt Firework Items to any customer who is under fourteen (14) years of age, unless such customer is accompanied by a parent or legal guardian.

(6) Exceptions -

This section shall not apply to articles used by railroads or transportation companies, nor to high explosives used for blasting or similar purposes, when used solely for the necessary conduct of constructions, transportations, manufacturing or industry nor to the conduct of the affairs of the Army, Navy or Militia.

9.05 Obstructing Streets and Sidewalks Prohibited

(1) No person shall stand, sit or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

(2) No person may use skateboards, scooters, roller blades or stunt bicycles on municipal building grounds, including entrances to the Police Department, Fire Department and the Municipal Auditorium. Signs indicating this prohibition shall be posted in a conspicuous place on municipal building grounds.

9.06 Loud and Unnecessary Noise Prohibited

(1) Generally -

No person shall make, or cause to be made, any loud disturbing or unnecessary sounds or noises which may annoy or disturb a person or ordinary sensibilities in or about any public street, alley or park or private residence.

(2) With Motor Vehicles -

No person shall make unnecessary or annoying noise with a motor vehicle by squealing tires or the excessive acceleration of the engine.

⁸Sec. 9.04(5) Amended by Ordinance No. ___-1997-98, Enacted December 16, 1997.

9.03 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

Section 167.10 WI Stats. Regulation of Fireworks is hereby adopted for the Regulation of fireworks within the Village except for Sec 167.10(9). Any person who violates this ordinance shall be fined as set forth in Chapter 21 of the Village Code. Permit fees shall be set by a Village Resolution and may change from time to time.

Temporary Fireworks sales facilities shall conform to the following minimum standards, conditions and requirements:

- A. Prior to the establishment and operation of any temporary fireworks sales facilities, the operator shall obtain a Solicitor's Permit approved by the Village Board, and the operator shall pay a permit fee in accord with the Village's Fee Schedule. An Application shall be made to the Village Clerk a minimum of 60 days prior to the opening date of any location, and shall include the written consent of the owner(s) of the land or building where the temporary fireworks sales are being requested and a site plan which has been approved by the Slinger Fire Department.
- B. Temporary fireworks sales facilities defined: Buildings or structures with no foundation which can be moved from one location to another, such as vehicles mobile homes, stands on skids, semi trailers on wheels, and tents. A temporary facility may remain at a specific location, only after approval by the Village Board, and in conjunction with granting approval of a permit for such sales as described above.
- C. Temporary fireworks sales facilities may be located only in areas zoned for business, commercial or industrial uses. Such facilities shall not be located in areas zoned for residential or other non-business uses.
- D. Temporary fireworks sales facilities shall not be located closer than fifty (50) feet to any other building or structure, nor within one hundred (100) feet of any gas station, oil storage tank or premises where flammable liquids are kept or stored, or within one hundred (100) feet of any residentially zoned property or residential use. Temporary fireworks sales facilities shall not be located closer than ten (10) feet to a public sidewalk or street.
- E. Temporary fireworks sales facilities shall be inspected and approved by the Fire Chief or his designee. Temporary fireworks sales facilities need not comply with all of the provisions of the Village's Building Code; provided, however, that all such facilities shall be erected under the supervision of the Fire Chief or designee, or in accordance with the specified standards of the Fire Chief or designee, including but not limited to the requirement that all such facilities be constructed and operated in a safe manner for both persons selling fireworks and for potential customers. In the event any fireworks sales facility is connected to electric power, the wiring shall be approved by the Electrical Inspector or their designee.
- F. Temporary fireworks sales facilities shall have at least two (2) exits which shall be unobstructed at all times.

- G. Temporary fireworks sales facilities shall have in readily accessible places two (2) or more 5 lb. 2-A, 10BC fire extinguishers. Such extinguishers shall comply with all applicable State regulations and requirements.
- H. All weeds, grass and combustible materials shall be cleared from the location of a fireworks sales facility and the surrounding area for a distance of not less than twenty (20) feet measured from the exterior walls on each side of such facility.
- I. No smoking shall be permitted in or near a temporary fireworks sales facility and such areas shall be posted with "No Smoking" signs with letters at least two (2) inches in height, in conspicuous places on all sides of the facility. Any temporary fireworks sales facility where fireworks are displayed and offered for sale shall have at least one (1) adult in attendance at all times during which fireworks are available for sale.
- J. All unsold and accompanying litter shall be removed from the vicinity of the temporary fireworks sales facilities by 12:00 noon on the day after the Solicitor's Permit expires.
- K. There shall be no discharging or igniting of fireworks within one hundred (100) feet of any temporary fireworks sales facility.
- L. There shall be no sleeping in any temporary fireworks sales facility where fireworks are stored.
- M. There shall be no matches, lighters or other open flame devices stored, nor offered for sale in any temporary fireworks sales facility.
- N. Storage units shall be located at least (25) feet from any part of a fireworks stand and shall be adequately secured from access by the public.
- O. Storage units shall not contain any other incendiary device or hazardous materials; including gasoline or petroleum products.
- P. All storage units must be locked when no employee is present.
- Q. Trailers on site to load and/or unload merchandise can be on site for no longer than 24 hours.