

Sec. 14-431. General requirements.

No person shall sell, use, keep, discharge or explode any fireworks, except as provided in [section 30-71](#) et seq., without complying with the provisions of this article.

(Code 1982, § 12.09(1))

Sec. 14-432. Fireworks permits.

Fireworks, other than those prohibited by the laws of the state, may be used and displayed in open fields, public parks, private parks or rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and groups of individuals that have been granted a permit for such display by the town chairperson subject to a majority vote of the town board. All permit applications shall be filed with the clerk-treasurer in writing who shall refer the applications to the town board.

(Code 1982, § 12.09(2))

Sec. 14-433. Town chairperson to issue.

If proper authority is given by the town board as provided in this article, the town chairperson shall issue the permit for the use of fireworks at the time and place set out in the application.

(Code 1982, § 12.09(3))

Sec. 14-434. Bond; district restriction.

Before any permit for the use of fireworks shall be granted to any applicant, the applicant shall file with the clerk-treasurer an indemnity bond in the name of the town, in an amount specified by [section 14-35](#), with good and sufficient sureties 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 such permit. No permit shall be granted for the display or use of any fireworks within 100 feet of any gasoline pump, gasoline filling station or bulk station or any building in which gasoline or volatile liquid is sold in quantities in excess of one gallon.

(Code 1982, § 12.09(4); Ord. No. 2008-01, § 9, 12-22-2008)

Sec. 30-71. Definition.

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 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 that is designed to produce audible or visible effects or to produce audible and visible effects.
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.

(Code 1982, § 9.04(1))

Cross reference— *Definitions generally, § 1-2.*

State law reference— *Similar provisions, Wis. Stats. § 167.10(1).*

Sec. 30-72. Sale and use.

- (a) No person may sell or possess with intent to sell any fireworks or those devices described in [section 30-71\(5\)](#) through (14) within the limits of the town. No person may use or possess fireworks within the town without a user's permit from the town following approval of the chiefs of the fire and police departments. A user's permit may be issued by the town chairperson or his designee to a person listed under subsection (b)(1) through (b)(7) of this section.
- (b) A permit under this section 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.
- (c) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (d) No person may use a device listed under [section 30-71\(5\)](#) through (14) within the town, except upon private property with the owner's consent.
- (e) No person may possess or use fireworks or a device listed under [section 30-71\(5\)](#) through (14) while attending any

permitted fireworks display.

- (f) The person issuing a permit under this section 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 surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit, shall be filed in the office of the clerk-treasurer.
- (g) The town chairperson, or his designee, may issue such permit as he deems advisable under the circumstances of each case, but the issuance of any such permit shall not be deemed a guarantee by the town or any of its officers or designees that the use of any fireworks shall be safe.
- (h) A permit under this section shall specify all of the following:
 - (1) The name and address of the permit holder.
 - (2) The kind and quantity of fireworks which will be used.
 - (3) The date and location of permitted use.
 - (4) Other special conditions prescribed by ordinance.
- (i) A copy of a permit under this section shall be given to municipal fire and law enforcement officers at least two days before the date of authorized use.
- (j) A permit under this section may not be issued to a minor.
- (k) A parent or legal guardian of a minor who consents to the use of fireworks by a minor is liable for damages caused by the minor's use of the fireworks.

(Code 1982, § 9.04(2))

Sec. 30-73. Enforcement.

Fireworks stored, handled, sold, possessed or used by a person in violation of this section, except as defined in [section 30-72\(d\)](#), shall be seized. The fireworks shall be destroyed after conviction for a violation; and otherwise returned to the owner.

(Code 1982, § 9.04(3))

Sec. 30-74. Penalty.

A person, or a parent or legal guardian of a minor who consents to the use of fireworks by the minor, who violates this division shall forfeit not more than \$1,000.00.

(Code 1982, § 9.04(4))