

ORDINANCE _____

FIREWORKS USE ORDINANCE

The Town Board of the Town of Lafayette, Chippewa County, Wisconsin hereby ordains as follows:

Section 1. PURPOSE: The purpose of this ordinance shall be to enact a local regulation for the Town of Lafayette, consistent with Section 167.10, Wis. Stats., with respect to use of what are defined by the Town Board to be fireworks within the Town boundaries.

Section 2. DEFINITIONS: In this Ordinance “person” means any natural person, partnership, corporation, association or any other legal entity. In this Ordinance “use” means to ignite, explode, or in any manner set off. In this Ordinance “fireworks” mean any 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 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 placed for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco or tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding 34 inches in length that is designed to produce audible or visible effects.
- (j) A device designed to spray 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 visual effects that contains less than one-quarter grain of explosive mixture.
- (l) A device that is primarily to burn pyrotechnic smoke producing mixtures, at controlled rate, and that produces audible and visual effects.
- (m) A cylinder 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.

Section 3. USE: No person may use fireworks without a user’s permit from the Town Chairperson of the Town of Lafayette or from an official or employee of the Town of Lafayette designated by the Town Chairperson. No person may use fireworks or device listed under Section 2(e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to a person listed under Section 5(a) to (e) or under Section 5(f) if the display is open to the general public. In addition, even if a permit is issued, no person may use a “salute” or “report” or similar firework shell or device at any time within the Town of Lafayette, other than on (a) the 4th of July or (b) the date designated by the Town Board for the 4th of July celebration. **HOURS:** Fireworks, as permitted by this ordinance, may be discharged up to two hours past sunset with the exception of the 4th of July or the date designated by the Town Board for the 4th of July celebration and New Years Eve when the time limit is extended to one-half hour past midnight local time.

Section 4. EXCEPTIONS: Section 3 does not apply to:

- (a) The Town of Lafayette, but the Fire Protection District and the County Sheriff’s Department shall be notified of the proposed use of fireworks by the Town of Lafayette at least two days in advance.
- (b) The use of explosives in accordance with rules or general orders of the department of commerce.
- (c) The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
- (d) The use of explosive or combustible materials in any manufacturing process.
- (e) The use of explosive or combustible materials in connection with classes conducted by educational institutions.

SECTION 5. PERSONS AUTHORIZED TO RECEIVE A PERMIT: A permit under this section may be issued only to the following:

- (a) A public authority.
- (b) A fair association.
- (c) An amusement park.
- (d) A park board.
- (e) A civic organization.
- (f) A group of resident or nonresident individuals.
- (g) An agricultural producer for the protection of crops from predatory birds or animals.

SECTION 6. WARNING SIGNS: A person issued a permit for crop protection shall erect appropriate warnings signs disclosing use of fireworks for crop protection.

SECTION 7. INDEMNITY BOND: The person issuing a permit under this Ordinance **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 Town of Lafayette 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, if required, together with a copy of the permit shall be filed in the office of the Clerk of the Town of Lafayette.

SECTION 8. PERMIT: A permit under this section shall specify all of the following:

- (a) The name and address of the permit holder.
- (b) The dates on and after which fireworks may be purchased.
- (c) The kind and quantity of fireworks which may be purchased.
- (d) The dates and location of permitted use.
- (e) Other special conditions prescribed by ordinance.
- (f) Specify that the permit holder shall give a copy of the permit to the Fire Protection District and the Chippewa County Sheriff's Department at least two days before the date of the authorized use.

SECTION 9. NO PERMIT TO MINORS: A permit under this Ordinance may not be issued to a minor.

SECTION 10. PERMIT FEE AND OTHER CONDITIONS: Until changed by the Town Board, the permit fee shall be \$0.00. No person shall be issued or reissued a permit in the Town of Lafayette until the appropriate fee has been paid to the Town Clerk. No person shall be issued or reissued a permit who has failed to properly and fully complete and submit to the Town Clerk the application form as developed and provided by the Town of Lafayette. Permits are nonassignable. No person shall be issued or reissued a permit in the Town of Lafayette if the applicant:

- (a) Fails to create or maintain adequate safety protections during the requested or permitted use when established by the Town of Lafayette as a condition of the permit.
- (b) Fails to install or maintain adequate fire safety equipment during the requested or permitted use when established by the Town Chairperson or designee as a permit condition.
- (c) Fails to provide or maintain adequate indemnity bond pursuant to this Ordinance, in the proper amount, when established by the Town Chairperson or designee as a condition of the permit.
- (d) Fails to prevent open fires intentionally ignited at the permitted use location.
- (e) Fails to provide or maintain adequate security personnel as determined by the Town Chairperson or designee at the requested or permitted use location.
- (f) Fails to provide or maintain adequate physical structures, equipment, and operational control as determined by The Town Chairperson or designee to prevent trespassing and littering and to prevent private nuisances on private and public land adjacent to the requested or permitted use location.
- (g) Fails to provide or maintain adequate sanitation personnel as determined by the Town Chairperson or designee.

- (h) Fails to provide or maintain adequate sanitary facilities at the requested or permitted use location.
- (i) Fails to provide for or to keep the requested or permitted use location free of trash, papers, or other debris during and after the requested or permitted use.
- (j) Fails to allow physical access to the requested or permitted use location by the Town Chairperson or designee for inspection purposes upon four (4) hours notice to the applicant or permittee.
- (k) Has had two or more violations of this Ordinance.

SECTION 11. PENALTIES:

- (a) A person who violates the provisions of this Ordinance shall forfeit not more than \$1,000.00.
- (b) A person who violates the provisions of this Ordinance shall be responsible for the applicable costs of prosecution.
- (c) Each day of violation shall constitute a separate offense.
- (d) A person violating this Ordinance shall have their permit revoked and shall not be eligible for the reissuance of a permit for at least one (1) calendar year.

SECTION 12. MISCELLANEOUS PROVISIONS: This Ordinance shall not cover the provisions of Sec. 167.10(4)(6) and (6m) Wi. Stats.

SECTION 13. SEVERABILITY: Should any section, clause, or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction. The same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 14. EFFECTIVE: This Ordinance shall be effective upon its adoption and publication as required by law.

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Lafayette on _____, 2002.

TOWN BOARD, TOWN OF LAFAYETTE
CHIPPEWA COUNTY, WISCONSIN

By: _____
David E. Staber, Chairman

By: _____
Susann Lane, Supervisor

By: _____
Howard Gibbs, Supervisor

By: _____
David Hunt, Supervisor

By: _____
Bruno F. Rahn, Jr., Supervisor

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS ADOPTED BY THE TOWN BOARD OF THE TOWN OF LAFAYETTE ON THE _____ DAY OF _____, 2002, AND WAS POSTED BY ME IN THREE OF THE MOST PUBLIC PLACES IN THE TOWN OF LAFAYETTE ON THE _____ DAY OF _____, 2002.

Dated this _____ day of _____, 2002.

Sandra M. Harvey, Clerk
Town of Lafayette
Chippewa County, Wisconsin.