

Town of Lac du Flambeau

Vilas County • P.O. Box 68 • Lac du Flambeau, Wisconsin 54538 • (715) 588-3358

STATE OF WISCONSIN
TOWN OF LAC DU FLAMBEAU
VILAS COUNTY

FIREWORKS ORDINANCE 2016-01

SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the Town of Lac du Flambeau Fireworks Ordinance. The purpose of this Ordinance is to prohibit the sale, possession or use of Fireworks as defined by Ordinance.

SECTION II - AUTHORITY

The Town Board of the Town of Lac du Flambeau has specific authority under section 167.10 (5) Wis. Stats. and general authority under its village powers under section 60.22 Wis. Stats. to adopt this Ordinance.

SECTION III - ADOPTION OF Ordinance

This Ordinance adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of the sale, possession or use of fireworks as defined by section 167.10(1) Wis. Stats.

SECTION IV - ADOPTED BY REFERENCE

Wis. Stats. Section 167.10, regulating the sale and use of Fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Ordinance as if fully set forth herein.

SECTION V - PERMIT PROCEDURE

Fireworks, other than those prohibited by the laws of the state, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations, individuals or groups of individuals when a permit for such display has been granted by the town chairperson. All applications shall be referred to the fire chief for investigation and no permit shall be granted unless the chairperson, from the report of the fire chief, determines that the applicant will use the Fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner.

Supervisor
Chris Mayer

Chairman
Matthew E. Gaulke

Supervisor
Ginger Schwanebeck

SECTION VI - DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, 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 that 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, water craft 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) Tobacco and a tobacco product.
- (8) A sparkler on a wire or wood stick not exceeding 36 inches in length or one-quarter inch in outside diameter which does not contain magnesium, chlorate or per chlorate.
- (9) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (10) 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 grams in total weight.
- (11) Model rocket engines.
- (12) A device that is designed primarily to burn pyrotechnic smoke producing mixture 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 not classified by the Federal Department of Transportation as a division 1.4 explosive as defined in 49 CFR 173.50

SECTION VII - FIREWORKS PROHIBITED

No person may possess, use, sell or possess with intent to sell Fireworks on any fee owned land in the Town of Lac du Flambeau, except as allowed in this Ordinance.

SECTION VIII - EXCEPTIONS

This Ordinance shall not apply to:

- (1) Explosives, ammunition and blasting agents handled and used for construction or demolition in accordance with applicable state and federal law.
- (2) The use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sporting events, or use by militia, police or military organizations.
- (3) Fireworks in the possession of or being used by a permittee in accordance with a permit issued under Section IX.
- (4) The possession of Fireworks in the town while transporting fireworks to a city, town, village or county where the possession of the fireworks is authorized by permit or Ordinance.
- (5) Existing permanent businesses engaged in the sale of Fireworks in the Town of Lac du Flambeau prior to adoption of this Ordinance.

SECTION IX - PYROTECHNIC DISPLAY PERMITS

- (a) This Ordinance shall not prohibit the use of Fireworks for pyrotechnic displays given by public authorities, fair associations, amusement parks, part boards, civic organizations or groups of individuals that have been granted a permit for such display by the town chairperson. No permits shall be issued to minors.
- (b) Application for permits shall be made in writing at least 30 days in advance of the date of the display, and shall specify the name and address of the permit holder, the kind and quantity which will be displayed, and the date and location of the permitted use. In addition, applicants must submit a site plan and pay a fee of \$50.00 at the time of application. After such permit has been issued, possession, use and

distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.

- (c) Every such display shall be handled by a competent adult operator and shall be of such composition, character, and so located, discharged or fired as in the opinion of the town chairperson, fire chief and the chief of police, shall not be hazardous to property or endanger any person or persons.
- (d) Every permittee shall have and maintain adequate liability insurance with minimum limits of \$1,000,000.00 bodily injury and property damage, combined single limit, naming the town, its officers, employees and agents as additional insureds. Said insurance shall indemnify and defend the town, its officers, employees and agents against all claims, liability loss, damages or expenses, whether caused by or contributed to by the negligence of the town, its officers, employees or agents. Said insurance shall provide that the town receive written notice 30 days prior to any cancellation, non-renewal or material change in the policy. Proof of said insurance shall be submitted to the town chairperson.

SECTION X - PARENTAL LIABILITY

A parent, foster or family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor who is under the age of eighteen years of age is liable for damages caused by the minor's use of fireworks, and in addition shall be subject to the penalty provided in section XII.

SECTION XI - SEIZURE

The chief of police shall seize, at the expense of the owner, all fireworks stored, handled, sold, possessed or used by any person which violates this Ordinance, or who violates Wis. Stats. section 167.10, except as provided in Wis. Stats. Section 968.20(4), only the fireworks that are the subject of a violation of this Ordinance, Wis. Stats. Section 167.10, or of a court order issued under section XIII may be destroyed after conviction for a violation. Fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition, except for age, as they were when seized to the extent practicable.

SECTION XII - PENALTY

Any person who violates any provision of this Ordinance shall be subject to a forfeiture of not more than \$1,000.00, together with the costs of the enforcement action. Each day's violation of this Ordinance shall be considered a separate and distinct violation thereof for the purposes of assessing penalties. Compliance therewith may be enforced by injunction order at the suit of the town.

SECTION XIII - ENFORCEMENT

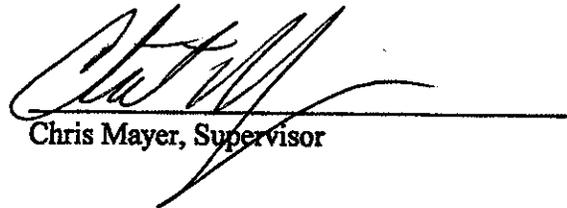
The town may petition the circuit court for an order enjoining violations of this Ordinance and/or violations of Wis. Stats. section 167.10.

Dated this 4th day of May, 2016.


Matt Gaulke, Town Chairman


Ginger Schwanebeck, Supervisor


Nancy Edwards, Town Clerk


Chris Mayer, Supervisor