

ORDINANCE NO. O-2022-12

TOWN OF LEDGEVIEW, BROWN COUNTY, WISCONSIN

AN ORDINANCE TO AMEND CHAPTER 19, BURNING, OUTDOOR TO CREATE ARTICLE 2 FIREWORKS

The Town Board of Supervisors of the Town of Ledgeview do hereby ordain as follows:

Section 1: CHAPTER 19 BURNING, OUTDOOR TO CREATE ARTICLE 2 FIREWORKS of the Town of Ledgeview Municipal Code is hereby AMENDED to read as follows:

TITLE: CHAPTER 19 BURNING, OUTDOOR & FIREWORKS

Article 2 Fireworks

§Xyz-1 Purpose.

To properly manage fireworks sales and displays in the Town of Ledgeview

§Xyz-2 State law adopted.

Section 167.10, Wis. Stats., and any future amendments thereto are hereby adopted and incorporated herein by reference insofar as they are not in conflict with the remainder of this section below. In the event of any conflict between this section and this statute, whichever provision is stricter shall apply.

§Xyz-3 Definitions.

Pursuant to § 167.10(5)(a)1, Wis. Stats.,

FIREWORKS

shall be defined, for the purpose of Sales prohibited in section 4 below as including all items under § 167.10(1)(e) through (n), excepting only (g) and (h). "Fireworks" shall be defined for the purpose of Use Regulated in section 5 below as defined in the introduction paragraph of § 167.10(1), Wis. Stats., as anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use.

§Xyz-4 Sale prohibited.

No person, firm or corporation shall sell, offer to sell, possess with the intent to sell, or give away fireworks within the Town of Ledgeview without first obtaining a permit for fireworks sale. Exhibiting fireworks on premises shall be conclusively presumed to represent an offer to sell and possession with intent to sell. As with sale, display of fireworks also requires a permit. State law allows the sale, possession and use, without a permit, of sparklers not exceeding 36 inches in length, stationary cones and fountains, toy snakes, smoke bombs, caps, noisemakers, confetti poppers with less than ¼ grain of explosive mixture, and novelty devices that spin or move on the ground. Wis. Stat. § 167.10(1). There is no age restriction on sale, possession or use of these devices and the statute does not classify them as fireworks.

§Xyz-5 Use regulated.

Except as provided in § 167.10(3), Wis. Stats., no person shall possess or use fireworks as defined in Subsection 3 above without a permit issued pursuant to Subsection 6 below.

§Xyz-6 Seller and display permits.

- A. As provided in § 167.10(3), Wis. Stats., permits may be issued for displays at festivals and public or private celebrations, or for the sale of fireworks, after proper application to the Fire Chief on forms provided by the Town. Notwithstanding § 167.10(3)(c), a permit may not be issued to an individual. The fee for a seller's permit shall be as provided in the Town Fee Schedule. The permit application must be received by the Town Clerk-Treasurer, Fire Chief, or designee not less than 15 days prior to the requested date of sale. A display permit for fireworks is available. The display permit application must be received by the Town Clerk Treasurer, Fire Chief or designee not less than 7 work days prior to the requested date of display. The fee for a display permit shall be fee as provided in the Town Fee Schedule. Display and seller's permits require proof of insurance with limits noted below. Insurance has to specifically cover the display of pyrotechnics. All displays shall comply with NFPA 1123, Code for Fireworks Display. Certain displays used in certain venues must also comply with NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience.
- B. All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the Fire Chief or designee determines that the applicant will use the fireworks in a public or private exhibition and 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. Before granting any fireworks permit, the applicant shall file with the Town Clerk-Treasurer a certificate of liability insurance issued by an insurance company authorized to write such policies in the State of Wisconsin in the amount of \$1,000,000 for bodily injury to any one person, in the amount of \$2,000,000 for injury to more than one person, and in the amount of \$1,000,000 for damage to property that may arise by reason of use or discharge of fireworks under the permit. The Town of Ledgeview shall be named as additional insured in said policy of insurance. The total aggregate insurance coverage for the Town of Ledgeview shall not be less than \$5,000,000.
- C. A permit under this subsection shall specify all of the following:
- (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, time and location of permitted use.
 - (5) Other special conditions prescribed by ordinance.
 - (6) Such other information as the Town may require from time to time.
 - (7) A site plan shall be submitted in the packet indicating the placement of fireworks and the fallout zone of the largest shells being utilized as well as a shot list with shell size.
- D. A notice of such permit under this subsection shall be given to the municipal fire and law enforcement official at least seven work days before the date of authorized use.
- E. A permit under this subsection may not be issued to a person under 18 years of age, and is valid for the date of the display noted on such permit. Any rain dates, conflict dates shall be discussed and may be included in the issuance of the permit.

§Xyz-7 Use of fireworks and devices regulated.

No person may use fireworks or a device listed under § 167.10(1)(e) to (g) or (i) to (n), Wis. Stats., while attending a fireworks display for which a permit has been issued to a person listed under § 167.10(3)(c)1 to 5 or under § 167.10(3)(c)6 if the display is open to the general public.

§XYZ-8 Storage of fireworks.

Storage and handling of fireworks shall be pursuant to the provisions of § 167.10(6), Wis. Stats., and any current or future municipal ordinance of the Town of Ledgeview.

§XYZ-9 Violations and penalties

Pursuant to §1-16(B), Ledgeview Code

§XYZ-10 Miscellaneous

Fireworks displays shall follow NFPA Code 1123, 1126, or 160 as appropriate as referenced in NFPA 1 or the current version of NFPA 1 adopted by the state of WI and incorporated into state administrative code.

Nothing in this ordinance shall impact state of WI, or other Federal or Military use of fireworks for legal purposes when managed by such agencies.

Nothing in this ordinance shall infringe on legal interstate commerce of fireworks transported by legal DOT carrier.

A permit charge following the municipal fee schedule shall be assessed

§XYZ-13 Severability

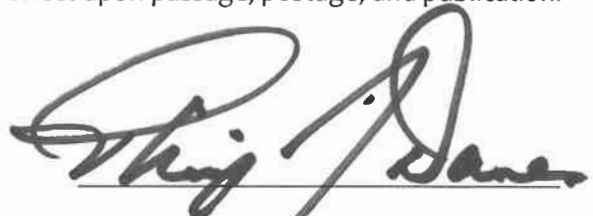
If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provision shall not be affected hereby.

Section 2: Repeal of inconsistent ordinances. All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

Section 3: Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provision shall not be affected hereby.

Section 4: Effective date. This ordinance shall take effect upon passage, postage, and publication.

ADOPTED this 21st day of June, 2022.



Philip J. Danen, Town Board Chairperson
Town of Ledgeview, Brown County, WI

ATTEST:

I, Jennifer L Broich, Clerk of the Town of Ledgeview, do hereby certify that this is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Town of Ledgeview at a meeting held Tuesday, June 21, 2022.



Jennifer L Broich, Town Clerk

VOTE:

Yes:

5

No:

0

Abstain:

1

Posted: June 27, 2022

Published: July 01, 2022