

Chapter 103

REGULATION OF FIREWORKS

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ARTICLE I General
Provisions Adopted
09-19-2006

§ 103-1 Definition.

"Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, and anything defined in accordance with Wisconsin Statutes, 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 (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 a 0.25 inch in outside diameter which does not exceed three (3) grams in total weight.
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.

§103-2 Sale, Use, Possession and Possession with Intent to Sell [Amended 9/6/11]

A. Possession and Possession with Intent to sell-Except as otherwise allowed in this Section and in accordance with Wis. Stat 167.10, no person may possess with intent To sell fireworks in the Town of Pleasant Springs.

B. Sale of Fireworks

1. Except as provided in §167.10(2) and (4) Wis Stats., no person shall sell or possess with intent to sell fireworks without a seller's permit issued pursuant to subsection below.
2. No fireworks, as that term is generally described in 103-1, which fall outside of the federal classification of class (C) common fireworks, may be possessed with the intent to sell or be sold in the Town.
3. No initial or renewal fireworks seller's permit shall be granted for any premises for which taxes, assessments, or other claims for the Town are delinquent and unpaid.
4. Violations regarding the use of fireworks will be a consideration in granting a permit renewal.
5. The applicant shall particularly describe the location where the permit will be used and shall at all times publicly and continuously display such permit at such location.
6. All sellers shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable, explosive or hazardous materials.
7. Permits shall be annual permits expiring December 31 of every calendar year.

C. Use of Fireworks

1. The use of fireworks, as that term is defined in section 167.10(1), Wisconsin Statutes, is prohibited in the Town of Pleasant Springs unless the fireworks are used pursuant to a permit issued by the Town of Pleasant Springs, according to provisions of WI Stats 167.10(3).
2. Any fireworks shall be subject to the following requirements:
 - a. Wind direction at the time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or cause annoyance or danger to other persons or property.
 - b. Fireworks may only be used from 12:00 P.M. To 11 P.M.
 - c. Only the permit holder may discharge fireworks and is responsible in case of a violation of this section.

d. Firework use permits may only be issued to property owners of the Town of Pleasant Springs.

e. Once approved for Firework Use Permit, applicant will be subject to all local ordinances, state and federal regulations, and statutes regarding firework use, as well as transport or storage of flammable, explosive or hazardous material.

D. Permits

1. Use Permit. Upon completion and review of application, the Clerk shall issue a fireworks use permit. A copy of the permit shall be filed with the Clerk, and copies of the permit shall be given to the Fire Chief and the Chief of Police Dane County Sheriff at least two business days before the authorized use. The fee for a use permit shall be as set by the Town Board

2. Sellers Permit. Upon completion and review of application, the Clerk shall issue the Fireworks seller's permit. The fee for a seller's permit shall be as set by the Town Board.

103-3 Storage and Handling.

1. No person may store or handle fireworks on any premises unless the premises are equipped with fire extinguishers bearing a current inspection and approval, and are approved by the appropriate fire official of the contracted provider where the premises are located.
2. No person may smoke where fireworks are stored or handled.
3. Every person who stores or handles fireworks shall provide information concerning the existence and storage location of all fireworks to the Fire Chief of the contracted provider where the premises are located.
4. No retailer, wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
5. No person may store fireworks within five hundred (500) feet of a place of public accommodation, nor any place of public assemblage, nor any place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
6. No person may store, possess, or possess with intent to sell any fireworks except within a completely enclosed wood, metal, and/or stone structure with a permanent immovable concrete foundation, and which is the principal structure on the premises. This prohibition includes, but is not limited to, outbuildings not considered the principal structure on the premises, vehicles, trailers, metal or wood storage containers, shipping containers, or any other form of moveable enclosed container.

§103-4 Exemptions

1. The Town and Town employees shall be exempt, except that contracted providers of fire protection and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
2. Any person possessing or using explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations or Department of Commerce.

3. Any person disposing of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
4. Any person possessing or using explosive or combustible materials in any manufacturing process.
5. Any person possessing or using 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 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.

ARTICLE II Violations
and Penalties Adopted
09-19-2006

§103-5 Violations and Penalties

Any person violating any provision of this chapter, including officers, directors, employees, or members of any corporation, firm, association, or group, shall, upon conviction thereof, be subject to the penalties provided in Chapter I, General Provisions, Section 1-1.

ARTICLE III
Severability
Adopted 09-19-2006

§103-6 Severability

The several sections of this ordinance are declared to be severable. If any section or portion hereof 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.

ARTICLE IV
Effective Date
Adopted 09-19-2006

§103-7 Effective Date

This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.