

**TOWN OF BAYFIELD  
Bayfield County, WI**

**Ordinance 2022-01:  
Fireworks Sale and Use**

The Town Board of the Town of Bayfield does ordain as follows:

**Section 1: Title.** This ordinance is entitled the Town of Bayfield **Fireworks Sale and Use**.

**Section 2: Purpose & Authority.** The purpose of this ordinance is to regulate the sale and use of fireworks in the Town of Bayfield pursuant to Wis. Stats. § 167.10.

**Section 3: Definitions.**

- A. The definition of “fireworks” contained in Wis. Stats. § 167.10(1) is incorporated herein.
- B. “Fall Out Area” means the designated area in which debris from any firework is intended to fall after said firework is fired.
- C. When used in this Ordinance, “Fire Chief” and “Sheriff” shall include his or her designee.

**Section 4: Sales Regulated.** Except as provided in Wis. Stats. § 167.10(2) and (4), no person shall sell fireworks or possess fireworks with the intent to sell.

**Section 5: Use Regulated.** Except as provided in Wis. Stats. § 167.10(3)(b), no person shall possess or use fireworks in the Town of Bayfield without a valid Fireworks Use Permit issued pursuant to Section

**Section 6: Fireworks Display Permit Required.**

- A. As provided in Wis. Stats. § 167.10(3), The Town Chairperson shall issue a permit to an applicant or issue a notice of denial of the application within five (5) business days of receipt of a completed application, unless a longer period is agreed to by the applicant. Any denial of a permit under this ordinance shall be in writing and state the grounds for such denial.
- B. Upon receipt of an application, the Town Clerk shall refer applications to the Fire Chief and Sheriff for their review as to whether the proposed use will comply with this chapter or be hazardous or endanger any persons or property. If potential violations or hazards are found, they will be reported to the Town Clerk. The Fire Chief and/or Sheriff may visit the proposed display site and request additional information of the applicant to aid in their review.
- C. Permits may be issued with conditions.
- D. A permit application may be denied for any of the following causes:

- a. Making any materially false statement in the application for a permit, any additional information requested by any Town official, or in any other communication related to the application.
- b. Violating any provisions of this chapter or past violations of this chapter by the applicant within the past five years.
- c. The applicant or property owner has unpaid or overdue real or personal property taxes, room taxes, short-term rental license fees, special assessments, special charges, special taxes, delinquent utility charges, ambulance fees, inspection fees, outstanding judgments, or any other monies owed to the Town of Bayfield.
- d. The fire danger level is high, very high, or extreme for the event dates as determined by the Wisconsin Department of Natural Resources.
- e. The fireworks display will violate the National Fire Protection Association ("NFPA") Code 1123.
- f. The applicant fails to submit any additional information pertinent to the event or display requested by any Town Official.
- g. The public health, safety, and/or welfare may be placed at substantial risk if the fireworks display were to occur.
- h. The applicant's insurance is inadequate as determined by the Town Attorney.
- i. The ignitor does not have sufficient experience or training to conduct the fireworks display in the opinion of the Fire Chief.
- j. The applicant or fireworks display would violate federal, state, or local law.

#### Section 7: Permit Applications.

- A. Applications for a permit must be submitted to the Town Clerk in writing on the form provided by the Town. All applications must be received by the Town Clerk by noon at least seven (7) days prior to the requested permit date.
- B. An application shall contain the following information:
  - a. A designation of the type of applicant, whether it is an individual or a group permitted by Wis. Stats. § 167.10(3)(c).
  - b. The applicant's name, address, email address, and telephone number;
  - c. The property owner's name, address, email address, and telephone number;
  - d. The name or business name, address, email address, and telephone number of the person igniting the fireworks, along with a description of the person's experience in conducting firework displays;
  - e. The date, time, and location of the fireworks launch and a rain date for the launch; the dates during which the fireworks will be set up and stored, if different than the launch date;
  - f. A detailed listing of the kinds, quantity, decibel rating, and cost of fireworks that will be used;
  - g. A proposed site plan for the event, with dimensions and measurements showing where the public display will take place, the firing area, the fallout area, and distances to the audience, buildings, roadways, and public pathways;
  - h. A detailed description of security around the fireworks and launch area preventing public access to the fireworks and fallout area;

- i. A statement that by signing the application, the applicant and the fireworks igniter or corporation that employs the igniter agrees to indemnify and defend the Town of Bayfield, its elected and appointed officials, officers, employees, authorized representatives, and authorized volunteers against all claims, liability, loss, damages or expenses, whether or not caused by or contributed to by the negligence of the Town of Bayfield, its elected and appointed officials, officers, employees, authorized representatives, and authorized volunteers.
- C. The applicant shall provide a certificate of insurance and all necessary endorsements showing compliance with the provisions of this chapter with the application.
- D. The applicant shall pay the permit fee of \$50.00 at the time of application.

#### Section 8: General Conditions.

- A. For the permit dates, the permittee shall maintain liability insurance with a minimum limit of \$500,000 each occurrence and \$1,000,000 general aggregate against personal injury and property damage, naming the Town as additional insured, waiving all subrogation rights, and providing notice of cancellation to the Town of Bayfield.
- B. Except for Town-sponsored events, no fireworks display shall be more than 30 minutes in duration.
- C. No fireworks shall be discharged except on Fridays, Saturdays, or federally recognized Holidays between the hours of 8:30 pm and 10:30 pm.
- D. The permittee and property owner shall provide access to the site to the Bayfield Fire Department and Bayfield County Sheriff's Department for inspection prior to and during the event, if requested.
- E. The permittee and display shall comply with NFPA 1123.
- F. Firework displays must comply with any special conditions that are necessary to preserve public health and/or public safety as indicated in the permit.
- G. All debris from any fireworks display must be cleaned up within 24 hours of discharge of any fireworks.
- H. No fireworks shall be permitted when the fireworks will be discharged, or the fall out area will be within fifty (50) feet of any navigable body of water.
- I. An applicant will only be issued one firework display permit per calendar year.
- J. Any location authorized for a fireworks display shall only be permitted for one such display per calendar year.

#### Section 9: Summary Suspension and Reinstatement of Permit.

- A. Whenever the Fire Chief or Sheriff find conditions in the operation of fireworks subject to a permit under this chapter, which in their opinion constitutes a substantial hazard to the public health, safety, or welfare, they may, without warning, notice, or hearing, immediately, suspend the permit and order the fireworks display delayed, canceled, or discontinued unless and until specific corrective action is taken within a specified time period, if applicable. Any such order, corrective actions, and time periods shall be memorialized in writing as soon as possible, but no later than 48 hours from the order.
- B. The permittee may, after taking corrective action, make a written request for the Bayfield Fire Chief or Bayfield County Sheriff's Department who issued the suspension to reinspect the site. The Chief or Sheriff may make as many additional inspections as necessary to ensure that the permittee is complying with the suspension order, and upon

compliance, shall lift the suspension or inform the Town Clerk that a new permit may be issued. The permittee shall pay the actual cost of the reinspection fee within 30 days. Any unpaid reinspection fees may be charged to the property as a special charge, pursuant to Section 66.0627, Wisconsin Statutes.

- C. Any person adversely affected by the Bayfield Fire Chief or Bayfield County Sheriff's decision under subsection (A) or (B) of this section may appeal that decision to the Town Board, which shall decide the issues de novo, and whose written decision will be the final decision of the Town. The Town elects not to be governed by Chapter 68, Wisconsin Statutes, in whole for an appeal under this chapter. Appeals, including the filing fee, shall be filed within 10 business days of the decision of the Fire Chief or Sheriff.

Section 10: Violations. The provisions of Wis. Stats. § 167.10(8) and (9) are incorporated for purposes of enforcement and penalties for violations of this Ordinance.

Effective Date:

The foregoing Ordinance shall be deemed to be in force from and after its passage, approval, posting, publication and recording according to law.

  
Thomas L. Gordon, Chairperson

6/14/22  
Date

Attest:   
Kelly Faye, Clerk

6/14/22  
Date

**TOWN OF BAYFIELD**  
**Bayfield County, Wisconsin**

**Proof of Posting**

I, Kelly Faye, the town clerk of the Town of Bayfield, Bayfield County, Wisconsin, attest and swear that the following action was posted pursuant to s. 60.80, Wis. stats: Ordinance 2022-01: Town of Bayfield Fireworks Sale and Use Ordinance.

I attest and swear that the above noted action was posted as required in the following three places in the Town of Bayfield, Bayfield County, Wisconsin: Bayfield Town Hall, Bayfield Town Garage Pole Building, Bayfield Town Star Route Garage.

I further attest and swear that the posting of this action occurred on the following date: June 23<sup>rd</sup>, 2022.

Finally, I attest and swear that I filed this affidavit in the records of the town clerk for the Town of Bayfield on June 23<sup>rd</sup>, 2022.

Dated this 23<sup>rd</sup> day of June 2022.

  
\_\_\_\_\_

Kelly Faye - Clerk