

## CHAPTER 9.01      REGULATION AND LICENSING OF FIREWORKS

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### **Sec. 9.01.01**      **Definitions**

For purposes of this Chapter, the following definitions shall apply:

- A. “Fireworks” as used in this Chapter has the same meaning as that set forth in Wis. Stats. Sec. 167.10(1). “Fireworks” do not include novelty fireworks as defined herein.
- B. “Novelty firework” as used in this Chapter means:
  - (1) 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.
  - (2) A “toy snake” or “black snake” that contains no mercury.
  - (3) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length that is designed to produce audible or visible effects.
  - (4) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
  - (5) A fuseless device that is designed to produce an audible or visible effect, and that contains less than one-quarter (1/4) grain of explosive mixture.
  - (6) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
  - (7) 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.

- (8) 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.
- (9) A novelty device that spins or moves on the ground when ignited.

**Sec. 9.01.02 Regulations**

A. No person shall sell, possess or use fireworks except:

- (1) A person may possess or use fireworks with a user's permit issued by the Town Chairperson or their designee. A permit under this subsection 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) An individual or group of individuals.
  - (g) An agricultural producer for the protection of crops from predatory birds or animals.
- (2) To a city, village, or town; or
- (3) The Town may possess and use fireworks, provided the Sauk Fire District Chief and Sauk County Sheriff's Office are notified of the proposed use of fireworks at least two (2) days in advance.
- (4) When the possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.
- (5) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
- (6) The possession or use of explosive or combustible materials in any manufacturing process.
- (7) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (8) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

- (9) The possession of fireworks in any city, town, or village while transporting the fireworks to a city, town, or village where the possession of the fireworks is authorized by permit or ordinance, except a permit is necessary if the person transporting the fireworks remains in that city, town, or village for a period of at least twelve (12) hours.

B. Use Regulations.

- (1) No person may use fireworks or a novelty firework while attending a fireworks display for which a permit has been issued to a person listed under Section 9.01.02.A(1) if the display is open to the general public or a fireworks display under Section 9.01.02.A(3)
- (2) The Town Chair or their designee may designate a specific time period or duration for the use of fireworks on the permit, provided no person may use or set off fireworks between the hours of 12:00 midnight and 8:00 a.m. This paragraph shall not apply to an agricultural producer who has been issued a permit for the protection of crops from predatory birds or animals.

C. A permit under this subsection shall specify all of the following:

- (1) The name and address of the permit holder, and if a group, the name of each individual that is authorized to make purchases on behalf of the group.
- (2) The date on and after which fireworks may be purchased.
- (3) The kind and quantity of fireworks that may be purchased.
- (4) The date and the specific location of the permitted use. A permit may not specify multiple locations.
- (5) Other special conditions prescribed by ordinance.

D. Copy of Permit. A copy of a permit under this subsection shall be given to the Sauk Fire District Chief and Sauk County Sheriff's Office at least two (2) days before the date of authorized use.

E. Minors Prohibited. A permit under this subsection may not be issued to a minor.

- F. Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- G. Bond. The Town Chair issuing a permit under this subsection 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, 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 Administrator.

**Sec. 9.01.03**      **Storage and Handling**

- A. Fire Extinguishers Required. No wholesaler, dealer, or jobber may store or handle fireworks in premises unless the premises are quipped with fire extinguishers approved by the Sauk Fire District Chief.
- B. Smoking Prohibited. No person may smoke where fireworks are stored or handled.
- C. Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Sauk Fire District Chief of the location of the fireworks.
- D. Storage Distance. No wholesaler, dealer, or jobber may store fireworks within fifty (50) feet of a dwelling.
- E. Restrictions on Storage. No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.

**Sec. 9.01.04**      **Parental Liability**

A parent of legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.