

TOWN OF MARION
WAUSHARA COUNTY
167.10(3)*FIREWORKS PERMIT

_____ of _____
(Property Owner's Name/ Applicant) (Complete Address)

is hereby granted permission to purchase fireworks of the kind and quantity (must attach copy of fireworks being used) to be used only on _____
(day of the week and date including year)
at _____. This permit is restricted to the
(address)
above terms and conditions.

You are to adhere to Chapter 5 "Regulation and Licensing of Fireworks", Section 7-5-1 of the Town of Marion Code of Ordinances, (see attached).

X _____ X _____
Signature of Property Owner/Applicant Date

IGNITING OF FIREWORKS MUST TERMINATE AT 11:00 P.M.

Dated this _____ day of _____, 20____.

Signature of Town Clerk

A copy of this permit shall be returned to the Town of Marion, N1279 County Road Z, Wautoma, WI, 54982, NO LATER THAN 1 WEEK BEFORE THE FIREWORKS DATE. A copy will be given to the Town of Marion law enforcement official at least 2 days before the date of authorized use.

TOWN OF MARION ORDINANCE 2023-1

AN ORDINANCE TO AMEND SECTION 7-5-1 OF THE CODE OF ORDINANCES FOR
THE TOWN OF MARION.

THE TOWN BOARD OF THE TOWN OF MARION, WAUSHARA COUNTY, WISCONSIN,
DOES ORDAIN AS FOLLOWS:

SECTION I. Section 7-5-1 of the Code of Ordinances is hereby amended to read as follows:

Sec. 7-5-1 Regulation of Fireworks

(a) **Definitions.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which 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, 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 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
- (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 does 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 only emit sparks and smoke.

(b) Sale. No person may sell or possess with intent to sell fireworks, except:

- (1) To a person holding a permit under Subsection (c)(3);
- (2) To a municipality; or
- (3) For a purpose specified under Subsection (c)(5)b-f.

(c) Use.

- (1) Permit Required. No person may possess or use fireworks without a user's permit from the Town Chairperson or from an official or employee of the Town as designated by the Town Board. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)f if the display is open to the general public.
- (2) Permit Exceptions. Subparagraph (c)(1) above does not apply to:
 - a. The Town, except that Town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
 - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - f. 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.
- (3) Who May Obtain Permit. 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 agricultural producer for the protection of crops from predatory birds or animals.
 - g. A private individual under the following restrictions:
 - (i) From July 1 through July 7 and from December 31 through January 1 of each new year a permit may be obtained from the Town Clerk's office during normal business hours;
 - (ii) At all other times of the year by the permit process which must be approved by and at a meeting of the Town Board.

- (4) Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (5) Bond. The Town Chairperson before 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 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 damages 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, together with a copy of same, shall be filed in the office of the Town Clerk.
- (6) Required Information for Permit. A permit under this Subsection shall specify all of the following:
 - a. The name and address of the permit holder.
 - b. The date on and after which fireworks may be purchased.
 - c. The kind and quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
 - e. Other special conditions prescribed by ordinance.
- (7) Copy of Permit. A Copy of a permit under this Subsection shall be given to the Fire Chief and Town Constable at least two (2) days before the date of authorized use.
- (8) Minor Prohibited. A permit under this Subsection may not be issued to a minor.

(d) Storage and Handling.

- (1) Fire Extinguishers Required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
- (2) Smoking Prohibited. No person may smoke where fireworks are stored or handled.
- (3) Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- (4) Storage Distance. No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
- (5) 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.

- (e) Parental Liability**. A parent or 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.

State Law Reference: Sec. 101(1)(j), Wis. Stats.

SECTION II. Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction,


such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

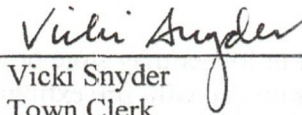
SECTION III. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION IV. This ordinance shall take effect and be in full force and effect if it is passed by the Town Board of the Town of Marion.

PASSED AND ADOPTED by the Town Board of the Town of Marion, Waushara County, Wisconsin this 11th day of May, 2023.

TOWN OF MARION

By: 
Garrel Walejko
Town Board Chairman

Attest: 
Vicki Snyder
Town Clerk

PASSED: May 11, 2023

APPROVED: May 11, 2023

PUBLISHED: May 18, 2023

NOTICE FROM THE TOWNSHIP OF MARION

Due to complaints concerning the use of fireworks in the Township of Marion, the Township of Marion has decided to strengthen the fireworks ordinance.

People wishing to use fireworks in the Township of Marion must obtain a permit from the Township of Marion. Fireworks permits are free of charge. Fireworks will be allowed in the Township of Marion from dusk to 11:00 p.m. with a township permit on the following days:

- July 4th
- 3 days before July 4th
- 3 days after July 4th
- New Year's Eve
- New Year's Day
- Special occasions

Special occasion permits must be approved by the Town Board at a regular monthly town board meeting.

All other permits will be issued by the Township of Marion Clerk during the Clerk's regular office hours, M-T-W from 8:30 to 4:30.

Forfeitures for use of fireworks without a permit or use during undesignated times will be as follows:

- First offense is \$100.00
- Second offense is \$200.00
- Third offense is \$400.00
- Fourth offense is \$800.00

Additional law enforcement will be utilized to help enforce this ordinance.