

STATE OF WISCONSIN

TOWN OF COLD SPRING

JEFFERSON COUNTY

ORDINANCE NO. 2026-01

AN ORDINANCE TO REGULATE THE
POSSESSION, USE AND SALE OF FIREWORKS

WHEREAS, the Town Board for the Town of Cold Spring has determined that regulation of the possession, use, and sale of fireworks within the Town of Cold Spring is necessary as related to public displays; and

WHEREAS, the Town Board for the Town of Cold Spring has the authority pursuant to Wisconsin Statutes Section 167.10(5);

NOW, THEREFORE, the Town Board of the Town of Cold Spring, Jefferson County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: FIREWORKS

A. Definitions. For the purposes of this section, the following definitions shall apply:

FIREWORKS. Fireworks means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, and specifically includes everything within the definition of "fireworks" as described within § 167.10(1), Wis. Stats.

PUBLIC DISPLAY. Use of fireworks at an event that is open to the public or to which the public may be invited, which may be on publicly owned or privately owned property, with or without charge.

B. Fireworks Display Permit for Public Displays.

1. As provided in § 167.10(3), Wis. Stats., fireworks display permits may be issued for festivals and public or private celebrations that satisfy the definition of public display set forth in Subsection A of this section. A permit under this Subsection C shall 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. Any individual or group of individuals.

2. **Application and Review Process.** The party responsible for the display shall file an application with the Town Clerk on forms provided by the Town Clerk. The fee for a display permit shall be paid at the time of the application in the amount set by Town Board resolution. The permit application must be received by the Town

Clerk not less than 30 days prior to the requested date of use and not less than two weeks before a scheduled Town Board meeting, except as noted in Section E, below. The application must include a list of the fireworks to be used in the display and a map of the location indicating where the display will take place. The Town Clerk shall provide a copy of all display permit applications to the Town fire protection officials for review and recommendation to the Town Board.

3. **Town Board Action.** No permit shall be granted by the Town Chair unless the Town Board determines that the applicant will use the fireworks in a festival or public or private celebration that constitutes a public display pursuant to Subsection A of this section 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 professional operator and conducted in a suitable, safe place and manner; except as noted in Section E, below. Before the Town Chair executes any fireworks permit approved by the Town Board, the applicant shall file with the Town Clerk 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, 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 Cold Spring and its officers, employees and agents shall be named as additional insured parties on the policy.
4. **Permit Requirements.** A permit under this Subsection shall specify all of the following and shall be subject to the following conditions:
 - a. The name and address of the permit holder.
 - b. The date on and after which fireworks may be purchased.
 - c. An itemized and specific enumeration of the kind and quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
 - e. Other special conditions that may be prescribed by local ordinance or state statute at the time of the issuance of the permit.
 - f. Such other information or limitations as the Town may require from time to time.
 - g. The permit shall be revoked when a no-burn order is in place on the date of display.
 - h. As stated in NFPA 1123, whenever in the opinion of the Town of Cold Spring or the operator any hazardous condition exists, the fireworks display shall be stopped until the condition is corrected. If high winds, precipitation or other adverse weather conditions prevail or begin such that a hazard exists, the fireworks display shall be postponed or discontinued immediately until such time as the situation is corrected. The Town of Cold Spring may revoke the permit due to hazardous conditions or adverse weather conditions on the date of the display.
 - i. Every public fireworks display shall comply with all minimum setback, separation distance, fallout zone, and site safety requirements of NFPA 1123, *Code for Fireworks Display*, including but not limited to:

- (1) A minimum display site radius of at least 70 feet per inch of internal mortar diameter of the largest aerial shell to be fired (or the distances specified in NFPA 1123 Table 5.1.3 or its successor table for the specific fireworks used).
 - (2) Spectator viewing areas, parking areas, buildings, structures, vehicles, overhead obstructions (including power lines), and flammable materials or vegetation shall be located outside all required separation distances and fallout zones.
 - (3) The trajectory of any aerial shell shall not pass within 25 feet of any overhead object.
 - (4) All fireworks materials shall be protected from moisture and adverse weather both before and during the display.
- j. The Town Board may impose greater setbacks, additional safety measures, or site-specific conditions beyond NFPA 1123 minimums when necessary to protect public health, safety, and welfare based on the characteristics of the proposed display or location.
 - k. The display operator shall be responsible for marking, enforcing, and maintaining all setback and restricted zones throughout the event, including effective crowd control, and for ensuring continuous weather monitoring and immediate compliance with any stop or postponement order.

5. Revocation of Permit.

- a. If a permit is revoked under Subsection C(7)(g) or (h), at the request of the applicant:
 - (1) The permit may be reissued for a subsequent date within 60 days of the revoked date of display subject to staff approval; or
 - (2) The permit application fee may be reimbursed to the applicant less a \$25 administrative fee.
- b. The permit holder shall give notice of such display to the applicable fire chief and Town law enforcement officials at least five days before the date of authorized use, along with a copy of the permit, or the display permit is void.
- c. A permit under this subsection may not be issued to a minor.

C. Penalties.

1. Any person who shall violate any of the provisions of this Ordinance, upon conviction of such violation, shall be subject to a penalty as follows:
 - a. *First offense penalty.* \$500.00 upon conviction thereof.
 - b. *Second offense penalty.* Any person found guilty of violating any part of an Ordinance within one year of the previous conviction shall, upon conviction thereof, forfeit \$1,000.00 for each such offense.

- c. *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense.

D. Enforcement.

1. In addition to and not to the prejudice or exclusion of such other penalties and remedies as may apply, fireworks stored, handled, sold, possessed or used by a person who violates the terms of this section may be seized and held as evidence of the violation. In the event a person is convicted of violating this section, all fireworks seized shall be destroyed pursuant to the provisions of § 167.10(8)(b), Wis. Stats., and any license or permit issued to the person under this section shall be revoked.

E. Implementation in 2026. In 2026, and only 2026, permits for displays related to Independence Day are subject to an abbreviated process as follows: Applications are due not less than 14 days prior to the requested date, rather than 30 days, as otherwise required. Such applications may be granted by the Town Chair alone, without referral to the Town Board or Town Board action. All other terms and conditions of this Ordinance shall apply.

Section 2: Severability.

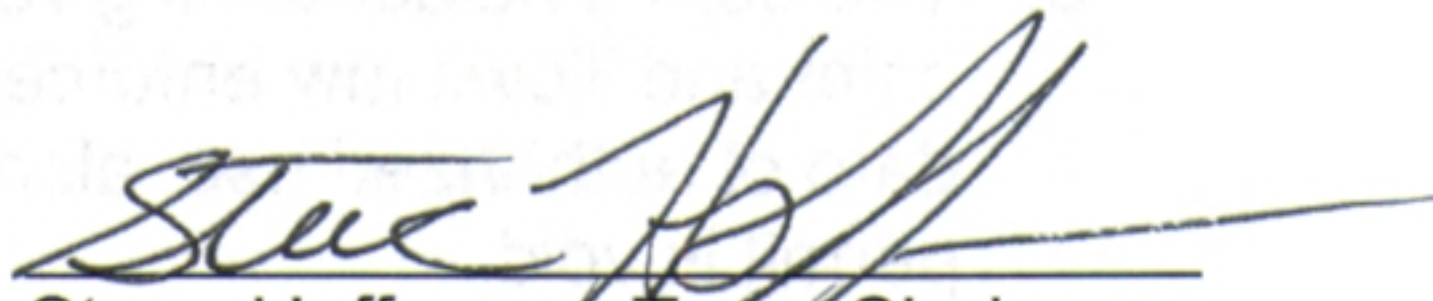
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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.

Section 3: Effective Date.

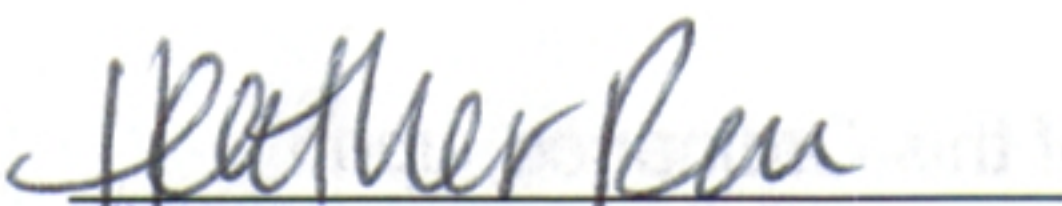
This ordinance shall take effect on the date of publication or posting as provided by law.

Dated this 12th day of June, 2026.

TOWN OF COLD SPRING


Steve Hoffmann, Town Chair

ATTEST:


Heather Reu, Town Clerk

This ordinance posted or published June 14, 2026.