

REGULATION OF FIREWORKS

ORDINANCE NO.506

An ordinance to create a Town Ordinance relating to the sale, possession and use of fireworks in the Town of Bergen, Vernon County, State of Wisconsin, as well as requiring a permit in connection therewith.

The Town Board of the Town of Bergen, Vernon County, State of Wisconsin, does ordain as follows:

A. DEFINITION.

- (1) Fireworks means anything manufactured, processed or packages for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- a) Fuel or a lubricant.
 - b) A firearm cartridge or shotgun shell.
 - c) 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.
 - d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - e) A cap containing not more than one-quarter 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.
 - f) A toy snake which contains no mercury.
 - g) A model rocket engine.
 - h) Tobacco and a tobacco product.
 - i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 - j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - k) A fuse less device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 - l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
 - m) 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.
 - n) 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
- o) A novelty device that spins or moves on the ground.

B. USE.

- (1) The provisions of Section 167.10(3), Wis. Stats., prohibiting the possession or use of fireworks without a permit from the Town Chair are hereby adopted by reference along with any future amendments or revisions.

C. PERMITS.

- (1) Permits for pyrotechnic displays may be granted by the Town Chairman to public authorities, civic organizations and groups of individuals meeting the terms of this ordinance.
- (2) No person shall possess, use or sell fireworks, as defined by Sec 165.10(1) Stats., without a permit from the Town Chairman provided, however, that this Ordinance shall not be deemed to prohibit the possession of fireworks in the Town while transporting the fireworks to a city, town, village or county where the possession of the fireworks is authorized by permit or ordinance provided, in the course of transporting the fireworks through a city, town or village, the person remains in that city, town or village for a period of less than 12 hours.
- (3) A permit under this Ordinance 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 general kind and approximate quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
- (4) Applications. Applications shall be submitted to the Town Clerk at least 30 days in advance of the date set for the display and shall contain the information, documentation and fees established by the Town Board by motion and on file in the office of the Town Clerk. All applicants shall provide a Certificate of insurance from a company licensed to do business in Wisconsin providing liability and property damage insurance in the minimum amounts of \$1 million and \$500,000 respectively, naming the Town of LaGrange as an additional insured.
- (5) Issuance. Denial and Conditions of Permit. The Town Chairman may issue, deny or condition issuance of the permit based on standards established by the Town Board by motion and on file with the Town Clerk.

D. CONDUCT OF DISPLAY. The display shall be conducted so as to provide maximum safety for the public and, in addition to complying with all provisions in Section 167.10, Wis. Stats., shall also:

- (1) Be conducted only outside of buildings;
- (2) Restrain spectators behind barriers allowing only authorized persons in charge of the display inside the barriers during preparation, unloading, firing and cleanup;
- (3) Provide access to storage and launch areas to persons authorized to inspect for the Town;
- (4) No fireworks shall be fired from location less than 200 feet from the nearest spectator, public road, boat or building, nor less than 50 feet from above ground power lines, cables, trees or other overhead objects;
- (5) All fireworks that fire a projectile set to go into the air will be directed as nearly vertical as possible; Any fireworks that remain unfired shall be immediately disposed of or removed promptly and in a safe manner; The operator shall make a thorough search for unfired fireworks and dispose of them in a prompt and safe manner.

E. PENALTY.

(1) Any person who violates any provision of this Ordinance shall be subject to a bond forfeiture of \$100 and a forfeiture of \$1,000 plus costs and assessments. Each violation is a separate violation.

EFFECTIVE DATE.

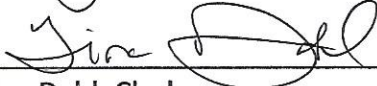
This ordinance is effective upon publication or posting. The Town Clerk shall properly post and publish this ordinance as required under Section 60.80, Wis. Stats.

Adopted this 14th day of May, 2018.

TOWN OF BERGEN



Jeff Cermak, Chairman



Tina Dahl, Clerk