

Chapter 167

FIREWORKS

§ 167-1. Definitions.

§ 167-2. Sale.

§ 167-3. Use.

§ 167-4. Storage and handling.

§ 167-5. Parental liability.

§ 167-6. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 7, Ch. 7, of the 1987 Village Code. Amendments noted where applicable.]

§ 167-1. Definitions.

In this chapter, the following terms shall have the meanings indicated:

FIREWORKS — As defined in § 167.10(1), Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 167-2. Sale.

No person may sell or possess with intent to sell fireworks, except:

- A. To a person holding a permit under § 167-3C;
- B. To a person who is not a resident of this state; **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. To a city, village or town; or
- D. For a purpose specified under § 167-3B(2) through (6).

§ 167-3. Use.

- A. Permit required. No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under § 167.10(1), Wis. Stats., while attending a fireworks display for which a permit has been issued to a person listed under Subsection C(1) through (5) or under Subsection C(6) if the display is open to the general public. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Permit exceptions. Subsection A above does not apply to:
 - (1) The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
 - (2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Safety and Professional Services.

- (3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - (4) The possession or use of explosive or combustible materials in any manufacturing process.
 - (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (6) 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.
 - (7) The possession of fireworks in the Village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance. Subsection A applies to a person transporting fireworks under this subsection if, in the course of transporting the fireworks through the Village, the person remains in the Village for a period of at least 12 hours. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. Who permit may be issued to. A permit under this section may be issued only to the following:
- (1) A public authority.
 - (2) A fair association.
 - (3) An amusement park.
 - (4) A park board.
 - (5) A civic organization.
 - (6) A group of resident or nonresident individuals.
 - (7) An agricultural producer for the protection of crops from predatory birds or animals.
- D. Crop protection signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- E. Bond. The Village President issuing a permit under this section 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 Village, 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 Village Clerk-Treasurer.

- F. Required information for permit. A permit under this section shall specify all of the following:
- (1) The name and address of the permit holder.
 - (2) The date on and after which fireworks may be purchased.
 - (3) The kind and quantity of fireworks which may be purchased.
 - (4) The date and location of permitted use.
 - (5) Other special conditions prescribed by ordinance.
- G. Copy of permit. A copy of a permit under this section shall be given to the Chief of Police and Fire Chief at least two days before the date of authorized use.
- H. Minors prohibited. A permit under this section may not be issued to a minor.

§ 167-4. Storage and handling.

- A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Fire 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 Fire Chief of the location of the fireworks.
- D. Storage distance. No wholesaler, dealer or jobber may store fireworks within 50 feet of a dwelling.
- E. Restrictions on storage. No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

§ 167-5. 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.

§ 167-6. Violations and penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person violating any of the provisions of this chapter, upon conviction thereof, shall be subject to a forfeiture of not more than \$1,000.