

**TOWN OF JACKSONPORT
DOOR COUNTY, WI
ORDINANCE NO. 2023-01
FIREWORKS ORDINANCE**

WHEREAS, Wisconsin State Statute Chapter 167 assigns responsibility to towns for safeguards of persons and property

And WHEREAS, Wis. Stat. Section 167.10 regulates fireworks stating in paragraph 167.10 (3) "Use.(a) No person may possess or use fireworks without a user's permit from the chairperson of the town in which the possession or use is to occur or from an official or employee of that municipality designated by the chairperson."

The Town Board of Supervisors of the Town of Jacksonport, Door County, WI does ordain as follows:

Section 1. Purpose:

The purpose of this ordinance is to promote public safety by establishing provisions for possession and use of fireworks within the Town of Jacksonport. The permit requirements of this ordinance do not apply to a person transporting fireworks through the Town of Jacksonport to another city, town, village or county where the possession of fireworks is authorized by permit or ordinance.

Section 2. Definition:

- A. Under Wis. Stats.167.10 "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include the following:
1. Fuel or lubricant
 2. A firearm cartridge or shot gun 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 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 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects
 10. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 11. A fuse-less device that is designed to produce audible or visible effects, and/or audible and visible effects, and that contains less than one-quarter of explosive mixture.
 12. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, and/or audible and visible effects
 13. 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 DFR 173.50.
 14. 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
 15. A novelty device that spins or moves on the ground

Section 3. Restrictions on Sale:

No one shall sell fireworks to another individual, business or government body except as provided in Wis. Stats. Section 167.10 (2) or a Town of Jacksonport Fireworks Permit

Section 4. Restrictions on Use:

- A. Permit required: No one shall possess or use fireworks except as provided under Wis. Stats. Section 167.10 (3) without a user's permit from the Town Chairperson or from an official or employee of the Town of Jacksonport as designated by the Town Chairperson. A permit may only be issued to one of the following:
 - 1. A public authority
 - 2. A fair association
 - 3. An amusement park
 - 4. A park board/committee
 - 5. A civic association
 - 6. Any individual or group of individuals. A permit issued to a group of individuals confers the privileges under the permit to each member of the group
 - 7. An agricultural producer for the protection of crops from predatory birds or animals.
- B. Permits must be issued at least 10 days prior to the day of the event
- C. The permit must contain the following information:
 - 1. The name and address of the permit holder
 - 2. The date on and after which fireworks may be purchased
 - 3. The general kind and approximate quantity of fireworks which may be purchased.
 - 4. The date or dates and location of permitted use.
 - 5. Other special conditions prescribed by ordinance
- D. The Town 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 of Jacksonport 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. The aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy.
- E. Permits and bond or policy shall be filed in the office of the clerk, Town of Jacksonport
- F. Permits may be rescinded after issuance should weather conditions become unfavorable.
- G. Fireworks permits may not be issued to a minor.
- H. Permits shall be delivered to the Jacksonport Fire Chief upon issuance

Section 5: Penalty

Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00.

Section 6: Enforcement

- A. Enforcement shall be by citation.
- B. Schedule of Deposits. Deposits shall be made in cash, money order, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.
- C. Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. § 66.12.
- D. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, and issuance of a forfeiture hereunder, shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order. Reference to Statutes or reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

Section 7: Severability:

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Jacksonport would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 8: Effective Date

This ordinance shall be effective upon passage and publication.

Adopted this 8th day of March, 2023

(Thomas Wilson, Town Chairperson)

(Renn Jervis, Supervisor 1)

(Theresa Cain-Bieri, Supervisor 2)

Attest:

(Colleen Huberty, Town Clerk-Treasurer)