

TOWN OF SHARON, PORTAGE COUNTY
ORDINANCE 19-10/A
FIREWORKS ORDINANCE

The Town Board of the Town of Sharon, Portage County, Wisconsin, does hereby ordain as follows:

SECTION I: Title/Purpose: The purpose of this ordinance is to protect the health, welfare and property of Sharon residents and property owners and to ensure as much as possible all fireworks are used safely and in accordance with Wis. Statute (167.10).

Wisconsin law requires certain users of fireworks to have a permit from the Town of Sharon before usage.

Town of Sharon officials must ensure that all fireworks are operated safely and property and persons in Sharon households and neighborhoods are protected from damage and injury. Also, the Town of Sharon's liability must be minimized and protected.

SECTION II: Authority: The Town Board of the Town of Sharon has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Section 60.10, Wis. Statute, to regulate, control, prevent and enforce against in the Town of Sharon, certain uses, activities, businesses and operations by persons that may affect the Town of Sharon.

SECTION III: General Provisions: The Town of Sharon requires Sharon residents and businesses to obtain a fireworks permit - the permit must file the completed application at least thirty (30) days before the actual fireworks date. The town will mail notifications to the surrounding neighbors to obtain feedback who face potential damage, injury, excessive noise or debris from the fireworks usage. Also, any farmer with animals within a quarter mile of the fireworks location will receive a notification letter. The applicant is responsible for contacting the Rosholt Fire District (RFD) and complete their fireworks permit, along with Fire Chief Review and "on site" inspection if necessary and receive approval. This firework permit must be included on the monthly board agenda, prior to the fireworks date, for any discussion or comments from the residents. The Portage County Sheriff's department must be notified of this event after approval is received.

SECTION IV 4: Definitions: In this Ordinance **FIREWORKS**, 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:

- A. Fuel or lubricant

- B. A firearm cartage 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 (thirty-six) inches in length that is designed to produce audible or 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, 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
- 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.

SECTION V: Cost of Permit A \$25.00 non-refundable fireworks fee is required before the permit is issued.

SECTION VI: Use 1. Permit required. No person may possess or use fireworks without a user's permit from either the Town Chair, Town Clerk or Town Deputy Clerk. No person may use fireworks or a device while attending a fireworks display for which a permit has been issued if the display is open to the general public.

2. Who may obtain permit. A permit 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). any individual or group of individuals g). an agricultural producer for the protection of crops from predatory birds or animals

3. Liability insurance. The Town Chair, Town Clerk or Town Deputy Clerk issuing a permit shall require a 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 policy must be for a minimum of \$1,000,000 with a copy of the permit, shall be filed in the office of the Town Clerk.

4. Required information for permit. A permit shall specify all of the following: a). the name and address of the permit holder b). the date and location of permitted use c). other special conditions prescribed by ordinance.

5. Minors prohibited. A permit may not be issued to a minor. Minors are defined as under 18 years of age.

6. Copy of Permit. A copy of a permit shall be given to the Fire Chief.

7. 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.

8. Special conditions. Permit issued pursuant to paragraph above are conditioned on: a). the fireworks not being detonated if weather conditions (ex: wind, rain, dryness of surrounding vegetation due to prolonged lack of precipitation, etc.) do not safely allow their detonation b). no fireworks detonated after 11:00 PM c). the fireworks being detonated are at least 300 feet from the nearest spectator, public road or building and at least 50 feet from above ground power lines, cables, trees or other overhead objects. d). the fireworks being directed when detonated in as vertical a manner as safely possible e). adequate safety protections and firefighting equipment being in place at the permitted site f). a certificate of liability insurance company authorized to write such policies in Wisconsin in the amount of at least One Million Dollars for bodily injury/property damage that may arise by reason of use or discharge of fireworks under Permit.

SECTION VII: Enforcement The Town of Sharon may petition the Circuit Court for an order enjoining any violation of this Ordinance. A person who violates this Ordinance shall forfeit not more than \$1,000.00. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.00.

SECTION VIII: Severability If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IX: Effective date: This Ordinance shall be effective upon passage and publication as required by law.

Jeff Check Town Chair

Curtis Gagas Town Supervisor

Bill Gibbs Town Supervisor

ATTEST:

Lori Printz Town Clerk

Adopted: October 8, 2019

Published: October 15, 2019

Town of Sharon, Portage County, WI

FIREWORKS PERMIT

**Permits are used as required by Wisconsin Statutes 167.10
Applications must be filed at least 30 days prior to the date of intended use.
Each day of use requires a separate permit/application.**

The fireworks permit is issued to:

**** PLEASE PRINT ****

Permit holder name _____ Applicant age 18 or older? YES NO

Address _____ City, State _____ Zip _____

Phone number _____ Email (optional) _____

Date of use _____ Hrs of use (from/to) _____ Location of use (address) _____

Are you the owner of the property where fireworks will be used? YES NO

Alternate date of use (in the event of inclement weather) _____

Additional requirements: Provide a 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 this Permit for no less than \$1,000,000.

***** NO FIREWORKS DETONATED AFTER 11:00 PM ****

The undersigned authorized person by their signature understands that any violation of this permit or Town of Sharon regulations set by state statute can result in the confiscation of fireworks and the issuing of citation(s) that include a forfeiture not to exceed \$1000 plus cost, fees and surcharges imposed under ch. 814, WI Stat.

Attach application fee payable to the Town of Sharon in the amount of \$25.00. Once approved, this application shall also act as the Permit. (application fee is non-refundable)

DATE: _____ APPLICANT: _____

DATE: _____ APPROVED: _____
TOWN CHAIR, CLERK or DEPUTY CLERK

ADOPTED: TOWN OF SHARON BOARD
DATE: OCTOBER 8, 2019

