

Title 3 Chapter 2

Regulation and Licensing of Fireworks

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Sec. 3-2-1 Title/Purpose

The title of this Chapter is Regulation and Licensing of Fireworks. The purpose of this Chapter is to regulate the sale, possession and use of fireworks.

Sec. 3-2-2 Authority

The Town Board of the Town of Arlington has the specific authority under 167.10, Wis. Stats. to adopt this Chapter.

Sec. 3-2-3 Definitions

(A) Fireworks. In this section, “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:

- (1) Fuel or a lubricant;
- (2) A firearm cartridge or shotgun 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 fuseless 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;
- (12) 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;
- (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 CFR 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.

Sec. 3-2-4 Uses and Permits

(A) Application for Permit. No person shall sell, possess or use fireworks in the Town without receiving a permit from the Town Board Chairperson. The application for a permit shall be submitted to the Town Clerk and shall specify all of the following:

- (1) Name, address and business telephone number of the applicant;
- (2) The proposed date on which the applicant wishes to commence the sale or use of fireworks;
- (3) The kind of fireworks which the applicant wishes to sell or use;
- (4) The proposed location for the storage of the fireworks in the Town;
- (5) A description of the fire safety equipment and precautions to be installed and maintained on the premises where the fireworks are to be sold, possessed or use;\

- (6) The existing zoning of the proposed location;
- (7) A listing of any arrests and convictions of the applicant for crimes;
- (8) Submission of an application fee in the amount of \$100 for a fireworks sales permit, and \$20 for a fireworks display permit.

(B) Appeal. Any person aggrieved by the issuance or denial of a fireworks permit may appeal to the Town Board pursuant to Wis. Stats., Sec. 68.08, et seq.

Sec. 3-2-5 Types of Permits

There shall be a fireworks sales permit and a fireworks display permit.

(A) Fireworks Sales. A fireworks sales permit entitles the permittee to sell fireworks to the public in compliance with all federal, state and local regulations applicable to the selling of fireworks. The application for such a permit shall be submitted no less than 25 days before the proposed date on which the applicant wishes to commence the sale of fireworks. The Town Clerk shall give notice of the filing of the application to the owners of all lands lying within 300 feet of any exterior property line of the proposed location.

(B) Fireworks Use/Displays. A fireworks display permit entitles the permittee to stage a public or private display of fireworks in compliance with all federal, state and local regulations applicable to fireworks displays. The application for such a permit shall be submitted not less than 10 days before the proposed display. The Town's fire and law enforcement officials shall be notified of the proposed display as soon as possible after the application and at least 48 hours before the proposed display. In addition, the Town Clerk shall give notice of the filing of the application to the owners of all lands lying within 500 feet of any exterior property line of the proposed location.

Sec. 3-2-6 Term of Permit

(A) Sales Permit. A fireworks sales permit issued by the Town Board Chairperson shall be for a period of up to one year. All fireworks sales permits shall expire on June 30 of each year.

(B) Display Permit. A fireworks display permit issued by the Town Board Chairperson shall be for a single occasion of not over two hours.

Sec. 3-2-7 Issuance of Permit

The Town Board Chairperson shall issue the permit upon satisfactory compliance by the applicant with all provisions of this Ordinance. Prior to issuance of the fireworks permit, the applicant shall furnish the Town Board Chairperson with a certificate of insurance showing public liability insurance for the proposed location of selling or using/displaying

fireworks as follows:

- (A) For selling fireworks: Insurance in an amount of not less than \$1,000,000 per person, \$3,000,000 aggregate and \$500,000 in property damage.
- (B) For using/displaying fireworks: Insurance in an amount of not less than \$1,000,000 per person/aggregate and \$500,000 in property damage.

Sec. 3-2-8 Operational Restrictions

No person shall be issued or reissued a fireworks permit in the Town if the applicant or permittee:

- (A) Safety Equipment. Fails to install or maintain adequate fire safety equipment for the premises on which fireworks are being sold, possessed or used;
- (B) Insurance. Fails to provide or maintain the policy of insurance set forth in Sec. 3-2-7 of this Chapter.
- (C) Trespass Prohibition. Fails to provide or maintain adequate physical structures, equipment and operational control as determined by the Town Board Chairperson to prevent trespassing;
- (D) Sanitary Facilities. Fails to provide or maintain adequate sanitary facilities at the location where the fireworks are to be sold, possessed or used;
- (E) Access for Inspection. Fails to allow physical access to the location where fireworks are sold, possessed or used by the Town Board Chairperson or designee for inspection purposes;
- (F) Fire Extinguishers. Fails to equip the structure where the fireworks are sold, possessed or used with state approved fire extinguishers;
- (G) Public Buildings, Hazards. Seeks the permit for premises located within 300 feet of a dwelling or of any public building, as defined in Wis. Stats. Sec. 101.01(12), or place where gasoline or other volatile liquid is kept or dispensed;
- (H) Notice. Fails to notify the Town Board Chairperson of the applicant's desire to sell, possess or use fireworks prior to application and approval of a permit;
- (I) Minor Sales. Allows fireworks to be sold by a person who has not attained the age of eighteen.

Sec. 3-2-9 Exemptions

The permit requirements do not apply to:

- (A) Transients. Persons possessing fireworks in the Town while transporting the fireworks to another municipality where the possession of the fireworks is authorized by permit or ordinance; however, the person must obtain a fireworks permit if the person stays in the Town for a period of at least 12 hours;
- (B) Authorized Use. The possession or use of explosives in accordance with rules or general orders of the State Department of Commerce;
- (C) Hazardous Substance. The disposal of hazardous substances in accordance with rules adopted by the State Department of Natural Resources;
- (D) Manufacturers. The possession of or use of explosive or combustible materials in any manufacturing process;
- (E) Classes. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions;
- (F) Permit Holders. The possession or manufacture of explosives by a person holding a permit under 18 U.S.C. §§ 841-848 if the possession of the fireworks is authorized under the license or permit.

Sec. 3-2-10 Penalty

Any person violating any provision of this Chapter shall be subject to a penalty as provided in Sec. 9-3-4 of this code. Any permittee violating any of the terms of this Chapter shall be subject to permit revocation or suspension by the Town Board.