

## Ordinance #21-03

### AN ORDINANCE TO AMEND CHAPTER 92: FIREWORKS.

The Common Council of the City of Alma hereby ordains as follows:

#### Chapter 92

#### FIREWORKS

##### GENERAL REFERENCES

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##### § 92-1. Definition.<sup>1</sup>

"Fireworks" shall be as defined in § 167.10(1), Wis. Stats.

##### § 92-2. Sale.

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

- A. To a person holding a permit under § 92-3C;
- B. To a municipality; or
- C. For a purpose specified under § 92-3B(2) through (7).

##### § 92-3. Use.

- A. Permit required. No person may possess or use fireworks without a user's permit from the Common Council referred by the Alma Fire Chief or his designee, and presented to Public Hearing. No person may use fireworks or a device listed under the definition of "fireworks" in § 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) to (5) or under Subsection C(6) if the display is open to the general public.
  - B. Permit exceptions. Subsection A above does not apply to:
    - (1) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Safety and Professional Services.
    - (2) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
    - (3) The possession or use of explosive or combustible materials in any manufacturing process.
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- (4) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
  - (5) 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.
  - (6) The possession of fireworks in the City while transporting the fireworks to a city, town or City 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 City, the person remains in the City for a period of at least 12 hours.
- C. Who may obtain permit. A permit under this subsection 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) An individual or group of 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 Council issuing a permit under this section shall 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 City, 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, together with a copy of the permit, shall be filed in the office of the City 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.
  - (6) Name of the federally certified operator.
  - (7) Letter of permission to display fireworks by the property owner to be on file.
  - (8) Proof of fire department required standby for event.
  - (9) Referral from Fire Chief or his designee, to City Council for formal approval 2 months in advance.
- G. Copy of permit. A copy of a permit, once issued, under this section shall be given to the Fire Chief and Police Department *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.

#### **§ 92-4. Storage and handling.**

- A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks on the 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 500 feet of a dwelling.
- E. Restrictions on storage. No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

#### **§ 92-5. 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.

#### **§ 92-6. Violations and penalties.**

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.

This ordinance hereby repeals Ordinance #77 found in Chapter 92.02 of the City of Alma's Code of Ordinances.

Duly adopted this 9<sup>th</sup> day of September 2021 by the Common Council of the City of Alma with a vote of \_\_\_ aye and \_\_\_ nay.

  
Jim Wilkie, Mayor

  
Linda M. Torgerson, City Clerk-Treasurer

Published: 9-16-21