

Title 7 ► Chapter 6

Regulation and Licensing of Fireworks

7-6-1	Purpose
7-6-2	Definitions
7-6-3	Possession, Sale and Use of Fireworks Limited
7-6-4	Sale of Fireworks Limited
7-6-5	User's Permits for Possession and Use of Fireworks
7-6-6	User Permits; Limitations
7-6-7	Storage and Handling
7-6-8	Seller's Permits
7-6-9	Seller's Permit Fee; Conditions; Term
7-6-10	Violation — Penalty

Sec. 7-6-1 Purpose.

This Chapter shall regulate the possession, sale and use of fireworks within the City limits. It shall constitute a local regulation adopted pursuant to Sec. 167.10(5), Wis. Stats.

Sec. 7-6-2 Definitions.

The following definitions shall apply to application of this Chapter:

- (a) **City or City Limits.** All land located within the corporate limits of the City of Amery.
- (b) **Dwelling.** A place of residence for human inhabitants and shall include all single family and multiple family residences and all other structures used for human habitation.
- (c) **Fire Chief.** The duly appointed Fire Chief of the City of Amery.
- (d) **Fireworks.** 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 for 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;

- (b) To a city a village or town; or
- (c) For a purpose specified at Sec. 167.10(3)(b)2. to 6., Wis. Stats.
- (d) Under no circumstances shall fireworks including those devices specified at Section 7-6-2(d)(6), (7), (9), (10), (11), (13) and (14) to be sold to minors.
- (e) To out-of-state purchasers in accord with Section 167.10(4), Wis. Stats.

Sec. 7-6-5 User's Permits for Possession and Use of Fireworks.

- (a) No person shall possess with the intent to use or use fireworks in the City unless prior to the purchase or other procurement of fireworks a user's permit shall have been issued to such person by the Mayor or his/her designee. Sellers of fireworks shall obtain a fireworks seller's permit pursuant to Sections 7-6-8 and 7-6-9. Only the following persons shall be eligible for issuance of a possession/use permit:
 - (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.
- (b)
 - (1) Persons procuring a possession permit from an authorized seller of fireworks may possess fireworks in the City but not for the purposes of use in the City. For purposes of this paragraph the City shall designate licensed sellers as agents for the sale of possession permits.
 - (2) In order to obtain a possession permit a person seeking to purchase fireworks from a seller regulated under this Chapter shall first obtain a permit under Sec. 167.10(3), Wis. Stats., or pursuant to this municipal ordinance adopted in accord with Sec. 167.10, Wis. Stats., a copy of said permit must be presented to the seller at the time of purchase. The seller shall, in turn, provide copies of all possession permits issued together with copies of the underlying municipal permits to the City Administrator within twenty-four (24) hours of each such sale, exclusive of Saturdays, Sundays or legal holidays.
- (c) The charge for each possession permit and user's permit shall be as prescribed in Section 1-3-1.
- (d) Prior to issuance of such a user's permit the City shall in accord with Sec. 167.10(3)(e), Wis. Stats., require the filing of an indemnity bond or policy in such amount as the City deems to be adequate under the facts and circumstances of each application. The Mayor or designated official issuing a permit under this Subsection 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

- (d) No seller's permit shall be required if a person limits his/her sale of fireworks to those devices specified at Section 7-6-2(d)(6), (7), (9), (10), (11), (13) and (14). Nonetheless, each such seller shall be subject to and shall obey Subsection (b), above.

Sec. 7-6-9 Seller's Permit Fee; Conditions; Term.

- (a) The annual fee for a permit to sell fireworks under Section 7-6-8 is the sum as prescribed in Section 1-3-1 per calendar year. The entire permit fee shall be charged for every license for the whole or fraction of a year, and shall be paid when application is made for such permit.
- (b) The City Administrator shall provide appropriate permit forms, as approved by the Fire Chief and shall maintain adequate record of the issuance thereof.
- (c) The applicant shall particularly describe the location where the permit will be used and shall at all times publicly and continuously display such permit at such location. Such permit may be transferred to a new location upon payment of a transfer fee as prescribed in Section 1-3-1.
- (d) All sellers shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable, explosive or hazardous materials.

Sec. 7-6-10 Violation — Penalty.

- (a) Any person violating any of the provisions of this Chapter shall be subject to a forfeiture as prescribed by Section 1-1-7, together with the costs of prosecution.
- (b) Pursuant to Sec. 167.10(8)(b), Wis. Stats., fireworks stored, handled, sold, possessed or used by a person in violation of this Chapter may be seized by the Police Department, held as evidence and destroyed after conviction.
- (c) Upon request of the Police Department, the City Attorney may seek injunctive relief against present or future violations of this Chapter.