

CHAPTER 13

FIREWORKS PROHIBITION

SECTION:

- 3-13-1: PURPOSE
- 3-13-2: STATUTORY AUTHORITY
- 3-13-3: ADOPTION OF ORDINANCE
- 3-13-4: DEFINITIONS
- 3-13-5: REGULATION BY TOWN
- 3-13-6: PARENTAL RESPONSIBILITY
- 3-13-7: VALIDITY
- 3-13-8: CONFLICT CLAUSE
- 3-14-9: PENALTIES

3-13-1 PURPOSE: The Town of Lake Mills recognizes the health risks and dangers associated with the possession, use and sale of Fireworks. The purpose of this Chapter is to promote the public health, safety, prosperity, aesthetics and general welfare of the citizens of the Town of Lake Mills. In order to accomplish that goal it is necessary to ban all sales of Fireworks within the Town limits and to restrict their possession and use by requiring the issuance of a Town permit as prescribed herein.

3-13-2 STATUTORY AUTHORITY: The Town of Lake Mills having Village Powers under Wisconsin State Statute 66.22(3) giving it the authority to enact Ordinances such as those allowed under Wisconsin Statute 167.10 wherein the Town is given general powers of regulation and further under Wisconsin Statute 167.10(5) wherein the Town is given specific powers to regulate Fireworks. In addition Wisconsin Statute 60.24(v) specifically calls for the Town Board Chair person to enforce fireworks regulations created under Wisconsin Statute 167.10(5) pursuant to Wisconsin Statute 167.10(8).

3-13-3 ADOPTION OF ORDINANCE: The Town Board of the Town of Lake Mills, by this Ordinance, adopted on proper notice with a quorum and by roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate Fireworks by banning the sale of the same and requiring a possession and use permit, issued by the Town as prescribed herein. This Ordinance shall be effective on the date of its passage by the Town Board.

3-13-4: DEFINITIONS: The Town of Lake Mills hereby elects under Wisconsin Statute 167.10 (5) (a) 1. to define "fireworks" as defined by Wisconsin Statute 167.10(1) and including (1)(e), (f), (i), (j), (k), (L), (m) and (n).

3-13-5: REGULATION BY TOWN: The Town Board of the Town of Lake Mills hereby elects under Wisconsin Statute 167.10(5)(a) 2 to prohibit the sale of fireworks, and regulate the possession and use of fireworks within the Town of Lake Mills by requiring that a permit be issued by the Town as follows:

- A. Permit Requirements. In order to legally possess and discharge fireworks in the Town of Lake Mills a person or entity must secure a permit issued by the Town Board Chairperson or their designee.
- B. The individual or legal entity applying for the Fireworks Permit shall petition the Town for such a permit which shall require written proof that a State and Federally licensed and bonded Pyrotechnic Company will be discharging the fireworks. Petitioner must present written proof of insurance be provided in an amount of not less than one million dollars, it shall insure against any and all damages, including incidental and consequential costs, arising from the discharge of said fireworks.
- C. Petitioner(s) and their Pyrotechnic Company are required to comply with all aspects of the National Fire Protection Association's latest mandates relating to fire protection in general and specifically regarding fireworks.
- D. Finally, the Petitioner must apply to the Fire Department utilized by the Town, currently the City of Lake Mills through the Lake Mills Fire Department, for written approval of the planned discharge of fireworks, including but not limited to the date and time and location of the planned discharge, duration of the discharge, type of fireworks used and any other appropriate safety considerations.
- E. The Fire Department's approval of the planned discharge is not binding on the Town Chairperson who has the absolute discretion to grant or deny any petition for a Permit to possess and discharge fireworks in the Town of Lake Mills. Except that if the Petitioner appeals to the Town Board it can override the denial or granting of a permit by majority vote by the Town Board on the issue.
- F. It is illegal to discharge fireworks in the Town of Lake Mills except by Permit as previously outlined. It is illegal to possess fireworks in the Town of Lake Mills except by Permit and excepting there from

fireworks passing through the Town of Lake Mills that are being taken to a Town, City or Village where the possession of fireworks is authorized by permit or ordinance. Possession of said fireworks cannot be prohibited pursuant to Wisconsin Statute 167.10(5)(e).

- G. This Ordinance shall not affect the Town's ability to utilize the remedies as outlined in Wisconsin Statute 167.10(8). Any future amendments, revisions, or modifications of Wisconsin Statutes 167.10 are intended to be made part of this chapter.

3-13-6: PARENTAL RESPONSIBILITY: a parent, foster parent, treatment foster parent, family operated group home parent or legal guardian of a minor who knowingly permits such minor to purchase or have in his or her possession or to discharge any fireworks shall be deemed to have violated this chapter. Such parent or guardian shall be subject to any penalty hereunder and personally liable for any damage caused by such possession or discharge of fireworks.

3-13-7: VALIDITY: If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

The Town, through its duly qualified governing body, may amend this Chapter in part or in whole whenever it may deem necessary

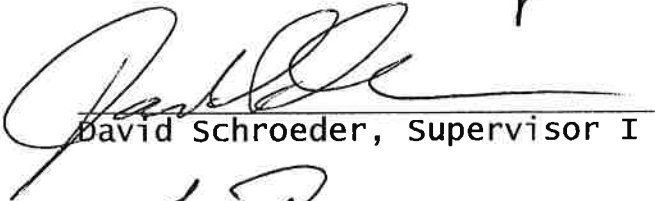
3-13-8: CONFLICT: Should any part of this Ordinance conflict with any other Town of Lake Mills Ordinances regarding the regulation of Fireworks, this Ordinance shall control and supercede any conflicting language.

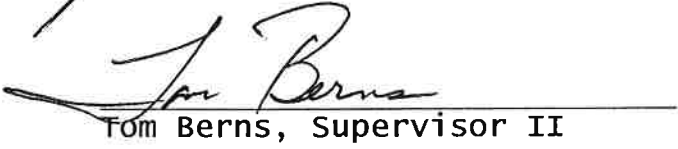
3-13-9: PENALTIES: The Town of Lake Mills hereby elects to adopt the penalties of Wisconsin Statute 167.10(9)(b) and (c) which both call for a forfeiture of not more than \$1,000.00

Dated this 12th day of June, 2007.

BY THE TOWN BOARD OF THE
TOWN OF LAKE MILLS


James Heinz, Chairperson


David Schroeder, Supervisor I


Tom Berns, Supervisor II

ATTEST:


Robin Untz, Clerk

3-13-14