

CHAPTER 36

ADOPTING STATE FIREWORKS REGULATIONS

SECTION 1.

It is unlawful for any person to sell, expose or offer for sale, use, keep, discharge, or explode any firecrackers, blank cartridges, toy pistols or cannons in which explosives are used, contrivances using explosive caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedoes, sky rockets, Roman candles, aerial salutes, American or Chinese bombs or other fireworks of like construction or any fireworks containing any explosive or flammable compound, or any tablets or other devices commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other modern explosives within St. Croix County, except as hereinafter provided.

SECTION 2.

Nothing herein contained shall prohibit the use of fireworks other than those prohibited by sec. (6) for pyrotechnic displays given by public authorities, fair association, amusement parks, park boards, civic organizations or groups of individuals or for the protection of crops from predatory birds or animals by agricultural producers that have been granted a permit for such display or protective use by the mayor of the city, president of the village or chairman of the town wherein the display is to be given or the protective use is to occur, and permits issued for crop protection shall state the type of fireworks to be used for such purpose, and the owner or lessee of said land on which said fireworks are installed shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

- a. The issuing officer may require an indemnity bond with good and sufficient sureties 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 such permit. Such bond, if required, shall be taken in the name of the city, village, or town wherein the fireworks display is to be given, and any person injured thereby may bring an action on said bond in his own name to recover the damage he has sustained, but the aggregate liability of the surety to all persons shall in no event exceed the amount of such bond. The bond, if required, together with a copy of the permit, shall be filed in the office of the clerk of such city, village or town.

SECTION 3.

Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events, or use by militia, police or military organizations; nor the use or sale of colored flares or torpedoes for railway, aircraft, or highway signal purposes.

SECTION 4.

Nothing in this section shall be construed to prohibit any resident wholesaler, dealer or jobber from selling fireworks other than those prohibited by sec. (6) at wholesale, but only when the same are shipped or delivered directly outside of St. Croix County or to an organization, agricultural producer or group granted a permit under sec. (2).

SECTION 5.

The following provisions shall apply to places where fireworks are stored or handled:

- a. Such premises shall be equipped with fire extinguishers approved by the fire chief or chief engineer of the fire department in the community in which such premises are located.
- b. Smoking shall be prohibited where fireworks are stored or handled.
- c. It is hereby made the duty of every wholesaler, dealer or jobber keeping, storing or handling, within St. Croix County, fireworks of any description to notify the fire chief or chief engineer of the fire department in the community wherein such fireworks are kept, stored or handled, immediately of the receipt of such fireworks, or the removal thereof from one location to another, and the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within 50 feet of any building used for dwelling purposes, or in places of public assemblage, or within 50 feet of any gasoline pump, gasoline filling station or gasoline bulk station, or any building in which gasoline or volatile liquid is sold in quantities in excess of one gallon.

SECTION 6.

Under no circumstances shall any person sell, keep for sale, manufacture or bring into this county for use therein any fire balloon, mortars excepting mortars used for special display purposes or cannon, or any explosive cane, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese firecrackers more than 2 inches in length or more than three-eights inch in diameter, outside measurements of container, or any article containing a compound of mercury or yellow phosphorus.

SECTION 7.

A parent or legally appointed guardian of any minor who shall knowingly permit such minor to purchase or have in his possession or to discharge any fireworks forbidden by this section shall be deemed to have violated this section and such parent or guardian shall be personally liable for any damage caused by such possession or discharge of fireworks.

SECTION 8.

Any person who shall violate any provision of this section shall pay a forfeiture of not less than \$25 nor more than \$500. Upon failure to pay said forfeiture the person shall be imprisoned in the County Jail for a period not to exceed 30 days, or until said forfeiture has been paid.

SECTION 9.

The prohibitions and penalties provided in this section shall not apply to toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States interstate commerce commission regulations for packing and shipping of toy paper caps are used or to toy pistol paper caps so manufactured, the sale and use of which shall be permitted at all times.

SECTION 10.

The prohibitions and penalties provided in this ordinance shall not apply to:

- a. gold star producing sparklers on wires which contain no magnesium, chlorate, or perchlorate; and
- b. toy snakes which contain no mercury; the sale and use of which shall be permitted at all times.

SECTION 11.

The prohibitions and penalties provided in this ordinance shall not apply to smoke novelties and party novelties which contain less than one-quarter grain of explosive mixture.

Any further amendments, revisions or modifications of Wisconsin Statutes section 167.10 incorporated herein are intended to be made part of this ordinance as such amendments, revisions, or modifications are made to said Statute.

This ordinance shall take effect upon its passage and proper publication.

Ordinance No. 55 (82) - June, 1982