

## Chapter 136

### FIREWORKS

**[HISTORY: Adopted by the Town Board of the Town of Summit 6-6-1996 by Ord. No. 216. Amendments noted where applicable.]**

#### **§ 136-1. Adoption of statutory provisions.**

The current and future statutory provisions of § 167.10, Wis. Stats., regulating the use of fireworks, exclusive of any provision therein relating to penalties, are hereby adopted by reference and made a part of this chapter as though fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this chapter. Any future addition, amendment, revision or modification of § 167.10, Wis. Stats., incorporated herein is intended to be made a part of this chapter.

#### **§ 136-2. Restrictions on use of fireworks.**

A. The "use of fireworks," as that term is defined in § 167.10(1), Wis. Stats., is prohibited in the Town of Summit unless the fireworks are used pursuant to a permit issued by the Town of Summit according to the provisions of § 167.10(3), Wis. Stats., and this chapter.

(1) A permit under this subsection may be issued only to the following:

- (a) A public authority;
- (b) A fair association;
- (c) An amusement park;
- (d) A park board;
- (e) A civic organization;
- (f) A group of resident or nonresident individuals; or
- (g) An agricultural producer for the protection of crops from predatory birds or animals.<sup>1</sup>

(2) The fee for a permit issued under this chapter will be \$25 daily to compensate for investigating, monitoring, and enforcing the provisions of this chapter.

B. Any fireworks use shall be subject to the following requirements:

(1) Wind velocity shall not be more than 15 miles per hour as recorded by the US

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1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Weather Bureau, Milwaukee, Wisconsin.

- (2) Wind direction at the time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or so as to cause annoyance or danger to other persons or property.
  - (3) Sufficient fire-fighting implements and personnel shall be available at the scene to control any possible fire.
  - (4) No fireworks may be used between 11:00 p.m. and 8:00 a.m.
  - (5) Only the permit holder or permit holder's agent may discharge fireworks.
  - (6) No fireworks may be used other than from July 1 through July 7 of each year unless all neighbors within 200 feet from the point of discharge have granted permission in writing to the permit holder, and this written permission is on file with the Town of Summit.
- C. Upon the issuance of a citation to any permit holder for the violation of any of the provisions of this chapter, the person's permit to use fireworks in the Town of Summit shall be suspended. Upon conviction of any citation issued under this chapter, a person's permit to use fireworks shall be revoked.
- D. No person in the possession of fireworks pursuant to this chapter may resell those fireworks in the Town of Summit.

**§ 136-3. Permit for use of fireworks.**

- A. Application for permit. Each person, corporation or organization desiring to use fireworks within the Town of Summit shall make application to the Chief of Police. The application shall include:
- (1) The name of the applicant.
  - (2) The address of the applicant.
  - (3) The residential and business telephone numbers of the applicants if any.
  - (4) The date of birth of the applicant.
  - (5) The date requested for the fireworks use.
  - (6) The time and location for the requested use.
  - (7) The kind or quantity of fireworks and where purchased.
  - (8) The classification of the application as noted in § 167.10(3)(c), Wis. Stats.
  - (9) The proposed location for the storage of the fireworks in the Town of Summit.
  - (10) A description of the safety protection to be provided during the permitted use.
  - (11) A description of the firesafety equipment to be provided during the permitted

use.

- (12) A diagram of the ground demonstrating fireworks ignition area, areas where persons will be located and where persons will not be located.
  - (13) Purpose of display, identifying group(s) involved.
  - (14) Proof of insurance in the form of a standard company rider issued by an insurance company satisfactory to the Town for the duration of the permit with minimal limit of comprehensive general liability coverage in the amount of \$2,000,000 with an insurance company licensed to do business within the State of Wisconsin, naming the Town of Summit as a coinsured.<sup>2</sup>
- B. Investigation of permit. Upon receipt of a permit application under the provisions of this chapter, the Police Chief shall conduct an investigation to determine whether the application complies with all applicable regulations, ordinances and laws. Upon completion of the investigation, the Police Chief shall make a determination as to whether or not, in his or her opinion, the permit shall be issued.
- C. Issuance of a permit. No person, corporation or organization shall be issued or reissued a fireworks permit in the Town of Summit until the following requirements have been satisfied:
- (1) The Police Chief has determined that the permit is in compliance with all applicable regulations, ordinances and laws.
  - (2) The Police Chief has determined that all requirements for application have been satisfied.
  - (3) The appropriate fees have been paid to the Town of Summit.
  - (4) The Police Chief has determined that the permittee has not been charged and/or convicted of any violations of regulations, ordinances or laws regulating the use of fireworks.
  - (5) The Police Chief has determined that the permittee will provide adequate firesafety equipment during the requested use.
  - (6) The Police Chief has determined that the permittee has adequate safety protection during the requested use.<sup>3</sup>
  - (7) The Police Chief has determined that the permittee has provided adequate insurance and indemnity.
  - (8) The Police Chief has determined that the permittee will provide adequate security personnel.
  - (9) The Police Chief has determined that the permittee will prevent open fires being ignited at the permitted location during the requested use.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

(10) The Police Chief has determined that the permittee will provide sanitary facilities at the permit location during the requested use.

**§ 136-4. Violations and penalties.**

- A. Any person violating the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article I, Penalties, of the Code of the Town of Summit. Any person under the age of 10 shall be referred to the proper authorities as provided in Ch. 48, Wis. Stats.<sup>4</sup>
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.
- C. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of this chapter, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

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<sup>4</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).