

ORDINANCE # 2023-01

REGULATING FIREWORKS

The Town Board of the Town of Adams does hereby ordain as follows:

SECTION 1 – STATE LAW ADOPTED; PERMIT REQUIRED.

- A. Adopted by reference. Section 167.10, Wis. Stats., as amended and renumbered from time to time, is hereby incorporated herein by reference. This ordinance is intended to be more restrictive than § 167.10, Wis. Stats. In the event that § 167.10, Wis. Stats. or any future amendment or revisions that may be made thereto are amended to prohibit any action/activity permitted in this chapter, the Wisconsin Statute shall control.
- B. Permit required. No person shall use or display fireworks in the Town of Adams, except as permitted by a fireworks permit granted pursuant to this Ordinance.

SECTION 2 – DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. *Fireworks* means anything manufactured, processed or packaged for exploding, emitting sparks or combustion that does not have another common use, but does not include any of the following:
 - I. Fuel or a lubricant.
 - II. A firearm cartridge or shotgun shell.
 - III. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, water craft or motor vehicle.
 - IV. A match, cigarette lighter, stove furnace, candle, lantern or space heater.
 - V. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - VI. A toy snake which contains no mercury.
 - VII. Tobacco and a tobacco product.
 - VIII. A sparkler on a wire or wood stick not exceeding 36 inches in length or one-quarter inch in outside diameter which does not contain magnesium, chlorate or per chlorate.
 - IX. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - X. A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three grams in total weight.
 - XI. Model rocket engines.
 - XII. A device that is designed primarily to burn pyrotechnic smoke producing mixture at a controlled rate, and that produces audible or visible effects or audible and visible effects.
 - XIII. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a division 1.4 explosive as defined in 49 CFR 173.50.

- XIV. A cone fountain that is not classified by the federal department of transportation as a division 1.4 explosive as defined in 49 CFR 173.50.

SECTION 3 – FIREWORKS USE OR DISPLAY. No person shall use or display fireworks, except as permitted by a fireworks permit granted under this section.

- A. Permits for pyrotechnic displays may be granted by the Town Chairperson to public authorities, civic organizations, groups, or individuals meeting the terms of this Ordinance.
- B. No person shall use fireworks, as defined herein without a permit from the Town Chairperson. Applications for permits shall be submitted to the Town Clerk at least five business days in advance of the date set for the requested use or display.
- C. A permit application under this Ordinance shall include all of the following:
- i. The name and address of the permit holder and location of the event, if different.
 - ii. The preferred date on which fireworks are proposed to be displayed and an alternate date in the event of strong winds, dry conditions, inclement weather, etc.
 - iii. An all-inclusive list of class and quantity of fireworks proposed to be discharged.
 - iv. Proof of insurance is required for fireworks display. Applications must include a Certificate of Insurance naming the Town of Adams as an additional insured, and indemnifying the Town of Adams. The minimum amount of liability insurance shall be \$1,000,000.
 - v. The application fee is listed in the Town Fee Schedule.
 - vi. The Fire Chief shall review each application and sign-off before issuing permit
 - vii. As a prerequisite to obtaining a permit, the applicant must provide written consent from all property owners within 200 feet of the fireworks display site as defined in NFPA 1123, Code for Fireworks Display, and its amendment.
- D. Issuance; denial and conditions of permit. The Town Chairperson may issue, deny, or conditionally issue a permit. The following factors may be considered when denying or conditionally issuing a permit:
- I. Complaints from neighbors about events held by the same applicant or at the same location based upon excessive noise, consumption of alcohol, spent fireworks left on neighboring property not owned by the applicant or included on past applications, parking issues, discharge of fireworks in a dangerous manner, exceeding the hours listed on a permit, the applicant has previously caused harm to persons or property when discharging fireworks in the past, etc.
 - II. Inaccurate or misleading information provided on the application.
 - III. Lack or inadequacy of insurance if the event is open to the public.
- E. Conduct of Display. All permitted fireworks displays shall be conducted so as to provide maximum safety, and in accordance with the following guidelines:
- I. Displays must be under direct supervision of experts in handling fireworks.
 - II. Discharge of Fireworks may only occur between the hours of 11:00AM and 11:00PM.
 - III. Displays shall be conducted only outside of buildings.
 - IV. All discharged fireworks need to be contained within the confines of the area designated on the permit application.

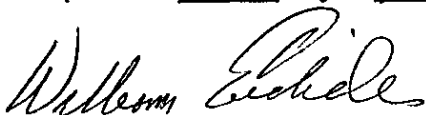
- V. Fireworks should be discharged from a central location of the permitted property to the extent possible and should not be discharged below overhead obstructions that could include power lines, trees, cables, etc.
- VI. All fireworks that fire a projectile set to go into the air will be directed as nearly vertical as possible.
- VII. Any fireworks that remain unfired shall be immediately disposed of or removed promptly and in a safe manner.
- VIII. The operator shall make a thorough search for unfired fireworks and dispose of them in a prompt and safe manner.
- IX. In signing-off on an application for permit, the Fire Chief may require that adequate fire and/or EMS equipment and personnel be present at the property for which the fireworks display is to occur, and the Fire and/or EMS Chief and/or appropriate personnel shall have the right to inspect the property prior to and during the fireworks display to ensure the safety and well-being of those present during the fireworks display and the neighboring property owners. The Fire Chief and/or any appropriate personnel shall have the right, due to weather-related conditions or other emergencies, to require that the fireworks display be postponed or canceled in its entirety.

SECTION 4 – VIOLATIONS AND PENALTY; ENFORCEMENT. This Ordinance may be enforced by an Adams County Sheriff's Deputy issuing a citation pursuant to the provisions of § 66.0113, Wis. Stats., as amended from time to time. Persons and agencies delegated by the Town Board are authorized to delay or terminate pyrotechnics displays for violation of any terms or conditions of this Ordinance or the permit.


SECTION 5 – SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 6 – EFFECTIVE DATE. This Ordinance is effective the day after proper publication or posting by the Clerk as required under Wis. Stats. 60.80, and posting of applicable signs.

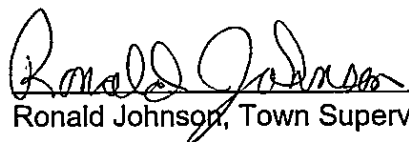
Adopted this 19th day of October, 2023.



 William Euclide, Town Chairperson

Attest: 

 Miranda Christensen, Town Clerk



 Ronald Johnson, Town Supervisor



 Chad Rhinehart, Town Supervisor