

## Chapter 140

### FIREWORKS

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 7, Ch. 6 of the 1992 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Fire Department -- See Ch. 33.

Sale and discharge of fireworks restricted -- See Ch. 134, §134-4.

#### §140-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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:

- A. A fuel or a lubricant.
- B. A firearm cartridge or shotgun shell.
- C. 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.
- D. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- E. A cap containing not more than 1/4 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.
- F. A toy snake which contains no mercury.
- G. A model rocket engine.
- H. Tobacco and a tobacco product.
- I. A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inches in outside diameter which does not contain magnesium, chlorate or perchlorate.

J. A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.

K. 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.

L. A device that emits smoke with no external flame and does not leave the ground.

M. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inches, designed to sit on the ground and emit only sparks and smoke.

N. A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

### **§140-2. Sale.**

No person may sell or possess with intent to sell fireworks, except:

- A. To a person holding a permit under §140-3C;
- B. To a municipality; or
- C. For a purpose specified under §140-3B(1) through (6).

### **§140-3. User's permit.**

A. Permit required. No person may possess or use fireworks without a user's permit from the Village Clerk under direction of the Village Board or from an official or employee of the village as designated by the Village Board. No person may use fireworks or a device listed under §140-1E through G and §140-1I through N while attending a fireworks display for which a permit has been issued to a person listed under Subsection C(1) through (5) or under Subsection C(6) if the display is open to the general public.<sup>1</sup>

B. Permit exceptions. Subsection A above does not apply to:

(1) The village, except that village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.

(2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.

(3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.

(4) The possession or use of explosive or combustible materials in any manufacturing process.

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

(5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

(6) A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. ~§841 to 848 if the possession of the fireworks is authorized under the license or permit.

C. Who may obtain permit. A permit under this section may be issued only to the following:

- (1) A public authority.
- (2) A fair association.
- (3) An amusement park.
- (4) A park board.
- (5) A civic organization.
- (6) An agricultural producer for the protection of crops from predatory birds or animals.

D. Crop protection signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

E. Bond. The Village Clerk under direction of the Village Board issuing a permit under this section 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 discharge of fireworks under the permit. The bond or policy shall be taken in the name of the village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, with a copy of the permit, shall be filed in the office of the village.<sup>2</sup>

F. Required information for permit. A permit under this section shall specify all of the following:

- (1) The name and address of the permit holder.
- (2) The date on and after which fireworks may be purchased.
- (3) The kind and quantity of fireworks which may be purchased.
- (4) The date and location of permitted use.
- (5) Other special conditions prescribed by ordinance.

G. Copy of permit. A copy of a permit under this section shall be given to the Fire Chief and Police Department at least two days before the date of authorized use.

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<sup>2</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

H. Minors prohibited. A permit under this section may not be issued to a minor.

**§140-4. Storage and handling.**

A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.

B. Smoking prohibited. No person may smoke where fireworks are stored or handled.

C. Fire Chief to be notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.

D. Storage distance. No wholesaler, dealer or jobber may store fireworks within 500 feet of a dwelling.

E. Restrictions on storage. No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.<sup>3</sup>

**§140-5. Parental liability.**

A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

State Law Reference: W.S.A. ch. 167.

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).