

ORDINANCE NO.
AN ORDINANCE TO REPEAL AND RECREATE
ORDINANCE NO. 03-009 REGULATING
POSSESSION, USE AND SALE OF FIREWORKS

WHEREAS, Town of LaGrange Ordinance No. 03-009 establishes regulations regarding the possession, use, and sale of fireworks within the Town of LaGrange; and

WHEREAS, the Town Board has determined that certain revisions are necessary with regard to such fireworks and related penalties for violation of such regulations;

NOW, THEREFORE, the Town Board for the Town of LaGrange, County of Walworth, Wisconsin, do hereby ordain as follows:

SECTION 1: Ordinance No. 03-009, an Ordinance to Regulate Possession, Use and Sale of Fireworks is hereby repealed and recreated to read as follows:

1. FIREWORKS REGULATED 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 Section 167.10, Wis. Stats. In the event that Section 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 ordinance, the Wisconsin Statute shall control.

2. PERMITS

A. Permits.

1. Permits for pyrotechnic displays may be granted by the Town Chairman to public authorities, civic organizations and groups of individuals meeting the terms of this ordinance.

2. No person shall possess, use or sell fireworks, as defined by Sec 165.10(1) Stats., without a permit from the Town Chairman provided, however, that this Ordinance shall not be deemed to prohibit the possession of fireworks in the Town while transporting the fireworks to a city, town, village or county where the possession of the fireworks is authorized by permit or ordinance provided, in the course of transporting the fireworks through a city, town or village, the person remains in that city, town or village for a period of less than 12 hours..

3. A permit under this Ordinance shall specify all of the following:

- a. The name and address of the permit holder.
- b. The date on and after which fireworks may be purchased.
- c. The general kind and approximate quantity of fireworks which may be

purchased.

d. The date and location of permitted use.

B. Applications. Applications shall be submitted to the Town Clerk at least 30 days in advance of the date set for the display and shall contain the information, documentation and fees established by the Town Board by motion and on file in the office of the Town Clerk. All applicants shall provide a Certificate of insurance from a company licensed to do business in Wisconsin providing liability and property damage insurance in the minimum amounts of \$1 million and \$500,000 respectively, naming the Town of LaGrange as an additional insured.

C. Issuance. Denial and Conditions of Permit. The Town Chairman may issue, deny or condition issuance of the permit based on standards established by the Town Board by motion and on file with the Town Clerk.

3. CONDUCT OF DISPLAY. The display shall be conducted so as to provide maximum safety for the public and, in addition to complying with all provisions in Section 167.10, Wis. Stats., shall also:

- a. Be conducted only outside of buildings;
- b. Restrain spectators behind barriers allowing only authorized persons in charge of the display inside the barriers during preparation, unloading, firing and cleanup;
- c. Provide access to storage and launch areas to persons authorized to inspect for the Town;
- d. No fireworks shall be fired from a location less than 200 feet from the nearest spectator, public road, boat or building, nor less than 50 feet from above ground power lines, cables, trees or other overhead objects;
- e. All fireworks that fire a projectile set to go into the air will be directed as nearly vertical as possible; Any fireworks that remain unfired shall be immediately disposed of or removed promptly and in a safe manner; The operator shall make a thorough search for unfired fireworks and dispose of them in a prompt and safe manner.

4. VIOLATIONS AND PENALTY.

A. Stop Orders. Police Officers employed by the LaGrange Law Enforcement Services Department and any other person specially authorized by the Town Board are authorized to delay or terminate sale of fireworks and/or pyrotechnics displays for violation of any terms or conditions of this ordinance or the permit or if the display is likely to cause a hazard to people or property.

B. Penalty. Each violation is subject to a minimum forfeiture of \$1,000.00 and a maximum forfeiture of \$1,000.00 plus costs and assessments and up to 20 days in the County Jail for failure to pay.

5. ENFORCEMENT AND BOND

This ordinance may be enforced by a Town of LaGrange Police Officer issuing a citation pursuant to the provisions of Sec. 66.0113 Stats., as amended from time to time. The

amount of the bond shall be \$750 plus costs and assessments to assure the person's appearance in court. The bond shall be forfeited for failure to appear in court.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted by the Town Board of LaGrange on the 12th day of March, 2012.

TOWN OF LAGRANGE
Frank Taylor, Town Chairman

Attest:
Crystal Hoffmann, Clerk