

**ORDINANCE 2022-05**  
**VILLAGE OF MISHICOT**

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF MISHICOT BY DELETING AND REPEALING CHAPTER 260-9 THEREOF, SALE, POSSESSION AND USE OF FIREWORKS REGULATED, AND REPLACING IT WITH A NEW CHAPTER 260-9, TO BE ENTITLED "SALE, POSSESSION AND USE OF FIREWORKS REGULATED", WHICH CHAPTER PROVIDES FOR REGULATIONS ON THE SALE, POSSESSION AND USE OF FIREWORKS IN THE VILLAGE OF MISHICOT.

It is hereby ordained by the VILLAGE OF MISHICOT, Manitowoc County, Wisconsin, as follows:

**260-9 SALE, POSSESSION, AND USE OF FIREWORKS REGULATED**

- (1) **DEFINITION.** In this section, "fireworks" means 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 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.
  - (b) A toy snake which contains no mercury.
  - (c) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects.
  - (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
  - (e) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
  - (f) 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.
  - (g) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.5
  - (h) A fuse less device that is designed to produce audible or visible effects, and that contains less than one-quarter grain of explosive mixture.
- (2) **FIREWORKS USE REGULATED.** No person will possess or use fireworks in the Village without a user's permit issued pursuant to this ordinance and Wis. Stats. §167.10(3); except those fireworks listed in (1) (a-h) above. This paragraph does not apply to:
- (a) The city, village or town, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
  - (b) The possession or use of explosives in accordance with rules or general orders of the department of safety and professional services.
  - (c) The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
  - (d) The possession or use of explosive or combustible materials in any manufacturing process.

- (e) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (f) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (g) Except as provided in par. (bm), the possession of fireworks in any city, town or village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.
- (h) The possession of fireworks by a person who is not a resident of this state if the person does not use the fireworks in this state.
- (i) (bm) Paragraph (a) applies to a person transporting fireworks under par. (b)7. if, 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 at least 72 hours.

**(3) FIREWORKS SALES REGULATED.** No person can sell, or possess with intent to sell, fireworks in the village, except those specifically enumerated in section (1) (a-h) above.

**(4) FIREWORKS USE PERMIT.** As provided in Wis. Stats. § 167.10(3), the Village President or designee may issue a fireworks use permit.

- (a) The official issuing the permit will require a certificate of liability insurance, or similar proof of coverage, in an amount deemed necessary.
- (b) A copy of the permit and proof of insurance is filed with the clerk-treasurer, and copies of the permit are given to the Fire Chief and Chief of Police at least five days before the authorized use.
- (c) The permit may be canceled by the Fire Chief, Police Chief or Village President if weather or other situations make it an unsafe condition.

**(5) OBNOXIOUS ODOR DEVICES AND PRODUCTS**

- (a) No person may sell, possess, or use any device, product or item that has its primary purpose the production of an obnoxious odor or smell.

**(6) FIREWORKS STORAGE AND HANDLINGS REGULATIONS**

- (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) No person may smoke where fireworks are stored or handled.
- (c) A person who stores or handles fireworks will notify the fire chief and the police chief of the location of the fireworks.
- (d) No wholesaler, dealer or jobber may store fireworks within 50 feet of a residence.
- (e) No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

**(7) PARENTAL LIABILITY.** Pursuant to Wis. Stats. § 167.10(7), a parent, foster parent, treatment foster parent, family operated group home 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. Pursuant to Wis. Stats. § 167.10(9)(c), any parent or legal guardian of a minor who consents to

the use of fireworks by the minor will, upon conviction, be subject to a forfeiture of not more than \$1,000.


**(8) PENALTIES.** Any person who violates the provision of this ordinance is subject to municipal penalties as defined under Chapter 260-50 of the Village of Mishicot municipal code. Each day of continued violation constitutes a separate violation and offense.

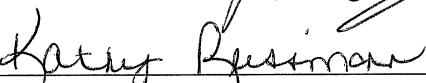
**SECTION 2:** This ordinance takes effect upon passage and publication in accordance with the law.

This ordinance shall take effect the day after posting.

Passed and adopted this 16<sup>th</sup> day of August, 2022.

Vote For: 6      Vote Against: 0      Not Voting: 1

Signed by:       Date: 8/16/22  
Bernie J. Samz, Village President

Attest:       Date: 8/16/22  
Kathy Reissmann, Village Clerk-Treasurer

Date adopted: 8/16/22

Date posted: 8/17/22

Date effective: 8/18/22

