

**TOWN OF BELL
BAYFIELD COUNTY, WISCONSIN**

Fireworks Ordinance
Ordinance #2009-02 Amended

SECTION (1) – TITLE

This ordinance entitled the Town of Bell Fireworks Ordinance.

SECTION (2) – PURPOSE

The purpose of this ordinance is to promote public safety by establishing provisions for possession and use of fireworks within the Town of Bell. The permit requirements of this ordinance do not apply to a person transporting fireworks through the Town of Bell to another city, town, village or county where the possession of fireworks is authorized by permit or ordinance.

SECTION (3) – AUTHORITY

WHEREAS, Wisconsin State Statute Chapter 167 assigns responsibility to Towns for Safeguards of Persons and Property,

And WHEREAS, Wis. Stat. Section 167.10 regulates fireworks stating in paragraph 167.10 (3) "Use. (a) No person may possess or use fireworks without a user's permit from the chairperson of the town in which the possession or use is to occur or from an official or employee of that municipality designated by the chairperson,"

The Town Board of the Town of Bell does ordain as follows:

SECTION (4) – DEFINITIONS

When used in this ordinance, the following terms are defined as follows:

1. Fireworks: In this ordinance, 'fireworks' means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use.
 - a. Town of Bell allows the sale, possession, and use, without a permit, of sparklers, stationary cones and fountains, toy snakes, smoke bombs and caps, noisemakers and confetti poppers with less than $\frac{1}{4}$ of a grain of explosive mixture.
 - b. A commonly used rule of thumb for judging the nature of fireworks is that if it explodes or leaves the ground e.g., firecrackers, roman candles, bottle rockets, mortars, then a permit is required.

2. Person – shall mean and refer to an individual person as well as a partnership, corporation, limited liability company, as well as any other group or entity established for the purpose of possession or use of fireworks under the provisions of this ordinance.

SECTION (5) – GENERAL RESTRICTIONS

1. No permits will be issued for use on public lands except for municipal shows.
2. Any Permit Issued shall be issued during periods of high fire danger and specified and posted by DNR.
3. Any permit that has been issued shall become invalid if fire danger has changed from low/moderate to high.
4. Under no circumstances will permits be issued for discharge of fireworks after 12 midnight. Violations of this provision are subject to doubling of the fines herein.
5. Permit holders are responsible for clean-up of the debris that falls on public or another party's private property. Failure to comply with this provision may result in a fine no less than \$100.00.

SECTION (6) – QUALIFYING

In order to receive a permit for the possession or use of fireworks in the Town of Bell, the following minimum requirements must be met:

1. A permit request (attached hereto) must be accompanied with a valid Certificate of Insurance for liability insurance covering Bodily Injury and Property Damage caused by or arising from use of the fireworks permitted. Amount of coverage will be no less than \$1,000,000 each occurrence and in the aggregate.
2. A list specifying the type and quantity of all fireworks to be possessed in the Town of Bell.
3. The request will specify the date, time of use, and location and will name the responsible individual for the fireworks possession.

SECTION (7) – THE PERMIT

A copy of a blank permit is attached hereto. The sample permit may be amended or added to for the purpose of making provision for site specific considerations, in particular for allowance of emergency vehicle access. The issued permit must be with the person possessing the fireworks at all times. Failure to produce the permit on demand will be considered a violation of the ordinance.

SECTION (8) – PERMIT BOND

The request for permit must include a posting of a \$300 bond with the Town of Bell, said bond to be returned to the requestor within 10 days following the permitted date if the conditions of the permit are met in full. Forfeiture of any portion of the bond will be considered at the next routinely scheduled meeting of the Town Board of the Town of Bell.

SECTION (9) – PUBLIC WARNING

1. Not later than 15 June each year and lasting until 15 July each year, signs will be posted on each highway approach, at Town designated bulletin boards, Town Website, All Town Parks and Campgrounds, and on the premises of businesses and facilities who so desire that inform the public of the general nature of this ordinance to wit: Town of Bell requires a permit for possession or use of fireworks—violators will be prosecuted.
2. Landlords and Owners of short term rentals shall put notice in their “welcome information” and or rental agreement informing guests of this policy.

SECTION (10) – MUNICIPAL LIABILITY

The Town of Bell or any officer, agent, employee, agency, or subdivision thereof shall not be liable for any injury to person or property, including death, nor any other claim for damages, including special, indirect, incidental, or consequential damages arising out of the issuance of a permit authorized under this Ordinance.

SECTION (11) – PENALTY

1. A person who possesses or uses fireworks without a valid permit or who sells fireworks to a person who does not have a valid permit, is subject to a fine of up to \$1,000 per violation. Each firework illegally possessed, used, used at a location other than disclosed on the permit, used at a time other than disclosed on the permit, or sold may be a separate violation.
2. A parent or guardian who allows a minor to possess or use fireworks is subject to a fine of up to \$1,000 per violation.

SECTION (12) – CITATION AND ENFORCEMENT

In addition to enforcement by the Bayfield County Sheriff, this ordinance is enforceable by any duly elected official of the Town of Bell, an Officer of the Cornucopia Volunteer Fire Department, and anyone so designated by the Chairman of the Town of Bell Board of Supervisors.

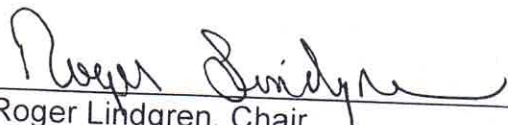
SECTION (13) – SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is held for any reason or be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Town of Bell hereby declares that it would have passed and adopted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.


SECTION (14) – EFFECTIVE DATE

Following passage by the Town of Bell Town Board, this ordinance shall take effect immediately.

Adopted by the Town Board of Supervisors for the Town of Bell on the 12th day of January, 2021.



Roger Lindgren, Chair



Attest: MaryBeth Tillmans, Clerk

Date Published: 1/22/2021

TOWN OF BELL FIREWORKS PERMIT

Name of person purchasing and using fireworks: _____

Home address: _____

Local phone for contact by sheriff: _____

The above is granted permission to purchase fireworks on and after: _____

Permitted date of use: _____

Permitted time of use: _____

Permitted address of use: _____

Fireworks are of the following kind and quantity: _____

This permit is restricted to the conditions below:

1. Persons using fireworks shall be 18 years or more years of age.
2. Persons using fireworks shall do so in a safe manner consistent with how a reasonable person would handle dangerous materials.
3. A parent or guardian allowing a person under 18 years of age to use or possess fireworks is subject to a forfeiture of up to \$1000. This does not include fireworks that do not require a permit.

Fireworks contain a variety of toxic pollutants, which include heavy metals, sulfur-coal compounds, and other poisonous materials. To ensure these pollutants do not end up in Lake Superior and negatively impact living organisms, aquatic ecosystems, and the beauty of our town, please properly dispose of all fireworks waste.

Dated this _____ day of _____, 20____

Applicant: _____

Signature

Town Chair: _____

Signature

Bayfield County Sheriff notified by email (dispatch@bayfieldcounty.org) on ___/___/___