

VILLAGE OF BIRNAMWOOD

ORDINANCE #20-8-5

FIREWORKS RESTRICTIONS

Section 1 - Purpose

It is the intent of the Village of Birnamwood to allow the purchase of fireworks within the Village limits. This ordinance also allows the use of fireworks within the village limits.

Section 2 - Authority

The Village Board of the Village of Birnamwood, Shawano/Marathon County, Wisconsin, has the specific authority to adopt this Regulation of Fireworks ordinance under S167.10, Wis. Stats.

Section 3 - Designation of the purchase and use of fireworks

Pursuant to S167.10(3)(a) Wis. Stats., No person may possess or use fireworks without a user's permit from the mayor of the city, president of the village or chairperson of the town in which the possession or use is to occur or from a person designated by the mayor, president or chairperson to issue a user's permit. No person may use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to a person listed under par. (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

Section 4 - Conditions applicable to the use of fireworks.

Pursuant to S167.10(3)(e), Wis. Stats., the following restrictions are placed on the use of fireworks within the Village limits.

(e)The person issuing a permit under this subsection may 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, if required, shall be taken in the name of the city, village or town wherein the fireworks are to be used, 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, if required, together with a copy of the permit shall be filed in the office of the clerk of the city, village or town.

Section 5 - Enforcement and Penalties.

This ordinance may be enforced by any law enforcement officer authorized to enforce laws of the State of Wisconsin, Shawano and Marathon County, and the Village of Birnamwood.

A city, village or town may petition the circuit court for an order enjoining violations of sub. (2), (3) or (6) of ss167.10 or an ordinance adopted under sub. (5).

Section 6 –

Any licensed seller of fireworks must display signage which informs the public that a permit is required and must be obtained prior to the use of fireworks. Without said permit the user is in violation of Wis.Stats. S167.10

Section 7 – Effective Date

This ordinance is effective on publication or posting.

The Village clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this _____ day of _____, 20__.

(Signature of Village President) _____

Attest: (Signature of Village clerk) _____