

TOWNSHIP OF BROCKWAY
ORDINANCE NO. 2000 03

THE BOARD OF SUPERVISORS OF THE TOWN OF BROCKWAY IN THE
COUNTY OF JACKSON AND STATE OF WISCONSIN DOES ORDAIN AS
FOLLOWS;

SECTION 1. Loud, Disturbing, And Unnecessary Noise Prohibited.

It shall be unlawful for any person, persons or business operating or permitted to be operated any machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or other areas in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such machine or device between the hours of eleven o'clock p.m. and seven o'clock a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facia evidence of a violation of this section.

SECTION 2. PENALTIES. (1) Any person who shall violate any provision of this ordinance may be made to forfeit not more than \$250.00 plus costs of prosecution for each offense, and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days

SECTION 3. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Board of Supervisors would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 4. CONFLICTING ORDINANCES _Ordinances or parts of ordinances in conflict with the above ordinance are hereby repealed.

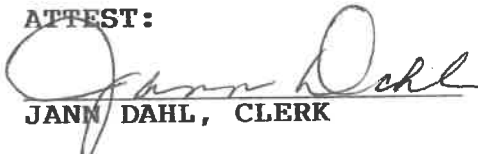
SECTION 5. EFFECTIVE DATE. Upon passage and posting, this ordinance shall take effect and be in force as provided by law.


NORMAN STOKER, CHAIRMAN


MARY MANDORY, SUPERVISOR


BLAINE R. SIMPLOT, SUPERVISOR

ATTEST:


JANN DAHL, CLERK

Passed: 9-13-00
Published: 9-20-00

Title 3 – Chapter 2

Fireworks

- 3-2-1 Regulation of Fireworks
- 3-2-2 Public Display of Fireworks

Sec. 3-2-1 Regulation of Fireworks

(1) *Definition.*

(a) In this section, “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, including, but not limited to, the following:

1. A cap containing not more than $\frac{1}{4}$ 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.
2. A toy snake which contains no mercury.
3. A sparkler on a wire or wood stick not exceeding 36 inches in length or $\frac{1}{4}$ inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
4. A device designed to spray out paper confetti or streamers and which contains less than $\frac{1}{4}$ grain of explosive mixture.
5. 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 3 grams in total weight.
6. A device that emits smoke with no external flame and does not leave the ground.
7. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding $\frac{3}{4}$ inch, designed to sit on the ground and emit only sparks and smoke.

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

(b) Not included in this definition are the following:

1. Fuel or lubricant.
2. A firearm cartridge or shotgun shell.
3. 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.
4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
5. A model rocket engine.
6. Tobacco and a tobacco product.

(2) *Sale and Use.*

(a) No person may possess or use fireworks, nor may any person sell or possess with intent to sell any fireworks within the Town limits. No person may present a fireworks display without a user's permit from the Town Board Chairman or an official or employee of the Town designated by the Town Board Chairman. A user's permit may be issued to a person listed under subparagraph (b)1. to 5., below, or under 6., if the display is open to the public.

(b) A permit under this subsection 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. A group of resident or nonresident individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

(c) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(d) 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 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.

(e) A permit under this subsection shall specify all of the following:

1. The name and address of the permit holder.
2. The dates on which fireworks will be used.
3. The kind and quantity of fireworks which will be used.
4. The date and location of permitted use.
5. Other special conditions prescribed by ordinance.

(f) A copy of a permit under this subsection shall be given to municipal fire or law enforcement officials at least 2 days before the date of authorized use.

(g) A permit under this subsection may not be issued to a minor.

(3) *Enforcement.* Fireworks stored, handled, sold, possessed or used by a person who violates this section shall be seized. The fireworks shall be destroyed after conviction for a violation and otherwise returned to the owner.

(4) *Penalty.* A person who violates this section shall forfeit not more than \$1,000.00. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.00.

Sec. 3-2-2 Public Display of Fireworks

(1) The purpose of this section is to provide reasonable protection and safety to the general public when viewing a public fireworks display.

(2) The definition of fireworks as used throughout this section shall be the same definition as set forth in Ch. 167, Wis. Stats.