

**Ordinance No. 2010-04**

**Town of Rush River  
ORDINANCE ADOPTING POSSESSION AND LICENSING OF  
FIREWORKS**

**An Ordinance allowing the Town of Rush River to regulate and license the sale of fireworks.**

**WHEREAS**, Section 167.10(5) Wis. Stats., authorizes Town Boards to regulate and license the sale of fireworks.

**WHEREAS**, The Town has the authority to enact ordinance and to adopt the possession and licensing of fireworks under 167.10(5) Wis. Stats., as the Town has heretofore been authorized by its electors to exercise Town powers;

**NOW THEREFORE**, the Town Board of the Town of Rush River do ordain as follows:

**SECTION I - TITLE AND PURPOSE**

The title of this ordinance is the Town of Rush River Possession and Licensing of Fireworks Ordinance. The purpose of this ordinance is to regulate by license and penalty the selling and transporting of fireworks in the Town of Rush River.

**SECTION II - AUTHORITY**

The Town Board of the Town of Rush River, St Croix County, Wisconsin, has the authority under its village powers under s. 167.10(5), Wis. stats., and the specific authority under s. 167.10(5), Wis. stats., to adopt this ordinance.

**SECTION III - ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation and licensing of firework sells in the town.

**SECTION IV - SUBDIVISION AND NUMBERING OF THIS ORDINANCE**

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

## SECTION V – POSSESSION OF FIREWORKS; POSSESSION PERMITS

1. **Limitations on Possession.** No person shall have within their possession, to own, hold on consignment or to otherwise be physically and/or legally in control of fireworks without a possession permit under this Section.
2. **Possession Permit.**
  - a. **Issuance.** An authorized seller of fireworks shall issue a possession permit to a person to possess fireworks within the Town of Rush River for purposes of possessing the fireworks while transporting them through the Town of Rush River. The Town designates licensed sellers of fireworks as agents for the Town for the sale of possession permits. The Town Clerk shall provide an appropriate permit form as approved by the Town Board.
  - b. **Fireworks Use Not Authorized by Possession Permit.** A possession permit does not authorize the holder of such permit to use fireworks with the Town of Rush River, nor does a possession permit authorize use in any other jurisdiction.
  - c. **Validity/Requirement to Produce.** A possession permit shall be valid for the calendar year in which it was issued and shall entitle the individual named on the permit to possess fireworks purchased at any licensed seller located within the Town of Rush River. The possession permit must be shown by the individual named on the permit to the licensed seller for each purchase of fireworks. If the purchaser cannot produce the original permit, the licensed seller must issue a new permit to the purchaser after payment of the appropriate permit fee.
  - d. **Possession Permit Fee.** The charge for each possession permit shall be \$3.00.
  - e. **Penalty for Failure to Issue.** Upon conviction of failure to issue a possession permit as required in the Subsection (d) by a licensed seller, the following penalties shall be imposed:
    1. First Offense: Two Hundred and Fifty Dollars (\$250.00).
    2. Second Offense: (Within one (1) year of the first offense): Five Hundred Dollars (\$500.00)
    3. Third Offense (within eighteen (18) months of the first offense): One Thousand Dollars (\$1000.00).
    4. Fourth Offense (within twenty-four (24) months of the first offense): One Thousand Five Hundred Dollars (\$1,500.00).

## SECTION VII – SALE OF FIREWORKS.

1. **Limitation on Sale.** No person may sell or possess with intent to sell fireworks except:
  - a. To a person holding a sellers permit.
  - b. To a municipality; or
  - c. For a purpose specified under this Section
2. **Seller's Permit.** No person may sell or possess with intent to sell fireworks without a seller's permit from the Town Board. The fee for a seller's permit shall be \$100.00 per calendar year.
  - a. The entire permit fee shall be charged for every seller's permit for the whole or fraction of a year, and shall be paid when the application is made for such permit.
  - b. The Town Clerk shall provide an appropriate permit form as approved by the Town Board and shall maintain adequate records of the seller's permits issued.
  - c. The applicant shall particularly describe the address and structure where the permit will be used and shall at all times publicly display such permit at such location. Additionally, a copy of the seller's insurance must accompany the application for a seller's permit.

- d. All holder's of seller's permits shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable or explosive materials.

#### **SECTION VIII – STORAGE AND HANDLING.**

1. **Fire Extinguishers Required.** No wholesaler, dealer or jobber may store or handle fireworks on the premise unless the premises are equipped with fire extinguishers approved by the Fire Chief.
2. **Smoking Prohibited.** No person may smoke where fireworks are stored or handled.
3. **Fire Chief to be Notified.** A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
4. **Storage Distance.** No wholesaler, dealer or jobber may store fireworks within fifty (50) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
5. **No Discharge of Fireworks.** The person holding the seller's permit shall ensure that purchasers of fireworks do not discharge fireworks at or on the retail fireworks property.
- 6.

#### **SECTION IX - SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### **SECTION X - EFFECTIVE DATE**

This ordinance is effective on publication or posting.

Approved by:

Town of Rush River Planning Commission

Sandi Hazer

This 21 Day of September, 2010

Passed and adopted this 12<sup>th</sup> Day of October, 2010

**Town of Rush River  
St Croix County, Wisconsin**

By: \_\_\_\_\_

Donald E. Schumacher  
Town Chairman

Attest: \_\_\_\_\_

Sandi Hazer  
Sandi Hazer  
Town Clerk

Approved: \_\_\_\_\_

Randy Stillings  
Supervisor

William M. Findlay  
William M. Findlay  
Supervisor

I, Sandi Hazer, upon adoption of this Ordinance by the Town Board, did on the  
12<sup>th</sup> day of October, 2010, post same in the following three places

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Sandi Hazer, Clerk \_\_\_\_\_