

TOWN OF RICHMOND 10-05

An Ordinance Addressing the Discharge and Sale of Fireworks within the Town

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

SECTION I. SECTION CREATED

The following ordinance is hereby created for inclusion into the Town of Richmond Code of Ordinances.:

Article III. FIREWORKS

Statement of Purpose and Intent. The Town Board of the Town of Richmond recognizes the dangers to the public health, safety and welfare presented by the sale, use or possession of fireworks within the Town of Richmond. Seeking to protect the public health, safety and welfare, and as specifically authorized under Section 167.10(5) of the Wisconsin Statutes, the Town Board of the Town of Richmond adopts the following ordinance restricting the discharge and prohibiting the sale of fireworks within the Town.

Sec. 30-47. Discharge and sale of fireworks restricted

- (a) **State Law Adopted.** Wis. Stats. Sec. 167.10, regulating the sale and use of fireworks, exclusive of Paragraph "(2)" thereof, is adopted by reference and made a part of this Article as though set forth in full.
- (b) **Discharge of Fireworks.**
 - (1) "Fireworks" as used in this ordinance shall include both Class 1.4G explosives (previously referred to as "Class C" or "Consumer" explosives) and Class 1.3G explosives (previously referred to as "Class B" or "Display" fireworks).
 - (2) Any individual or entity seeking to discharge fireworks in the Town of Richmond shall, in addition to complying with the provisions of Wis. Stats. Sec. 167.10, only do so after having received a permit for such discharge from the Town. Any such individual or entity shall submit an application for fireworks permit on a form to be provided by the Town and verify compliance with all requirements contained in the permit before it shall be issued by the Town. Such application shall be submitted to the Town at least thirty (30) days prior to the date of the anticipated discharge.
 - (3) Any individual or entity seeking to discharge fireworks in the Town of Richmond shall be certified by the Pyrotechnics Guild International for the discharge of fireworks and shall verify such current certification to the satisfaction of the Town prior to the issuance of any permit for discharge.

(4) The fee for the fireworks permit shall be \$25⁰⁰/₁₀₀ ..

(c) Prohibition on Sale of Fireworks.

- (1) **Definitions.** The following definitions shall be applicable to this section:
 - a. **Sale or Sell.** As used herein, shall mean the wholesale or retail sale of fireworks.
 - b. **Temporary.** A period of time not to exceed twelve (12) hours in duration.
- (2) **Prohibition.** The sale of fireworks or the possession of fireworks with intent to sell within the Town of Richmond is hereby prohibited.
- (3) **Exemption.** This Section shall not prohibit the temporary possession of fireworks within the Town of Richmond in cases in which such possession is solely for the purpose of transporting such fireworks to a jurisdiction in which the possession or sale of fireworks is authorized by permit or ordinance.

SECTION II. SEVERABILITY

If any provision of this Ordinance or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect upon passage and posting as provided by law.

Adopted this 3rd day of June, 2010.

TOWN OF RICHMOND



Todd Rehnelt, Town Chairman



Donna Preece, Town Clerk

Motion to approve this Ordinance was made by Todd Rehnelt and seconded by Gary Kriston. The resulting vote was as follows:

Voted for: 5

Voted against: 0

Abstained: 0

Effective date: 6-6-10