

ORDINANCE NO. 134AN ORDINANCE TO REGULATE
THE DISCHARGE OF FIREWORKS
IN THE VILLAGE OF OCONOMOWOC LAKE

WHEREAS, the Village Board of the Village of Oconomowoc Lake has received inquiries regarding the Village regulations in regard to the discharge of fireworks within the Village of Oconomowoc Lake; and

WHEREAS, the Wisconsin Legislature has adopted a law regarding the regulation of fireworks; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake is desirous of setting standards regulating the discharge of fireworks within the Village of Oconomowoc Lake that are uniform for all residents and consistent with State law.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

Section 1: DISCHARGE OF FIREWORKS RESTRICTED.

(A) STATE LAWS ADOPTED. The current and future statutory provisions of Wisconsin Statute, Section 167.10, regulating the use of fireworks, exclusive of any provision therein relating to penalties, are hereby adopted by reference and made a part of this ordinance as though fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this ordinance. Any future addition, amendment, revision or modification of Wisconsin Statute 167.10 incorporated herein is intended to be made a part of this ordinance.

(B) USE OF FIREWORKS.

(1) The use of fireworks, as that term is defined in Section 167.10(1), Wis. Stats., is prohibited in the Village of Oconomowoc Lake unless the fireworks are used pursuant to a permit issued by the Village of Oconomowoc Lake according to the provisions of Section 167.10(3), Wis. Stats., and this ordinance. A permit under this subsection may be issued only to the following:

- a. A public authority,
- b. A fair association,
- c. An amusement park,

- d. A park board,
- e. A civic organization, or
- f. A group of resident or non-resident individuals.

The fee for a permit issued under this ordinance shall be a \$100.00 daily fee to compensate for investigating, monitoring and enforcing the provisions of this ordinance.

(2) Any fireworks use shall be subject to the following requirements:

a. Wind velocity shall not be more than 15 miles per hour as recorded by the U.S. Weather Bureau, Milwaukee, Wisconsin.

b. Wind direction at the time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or so as to cause annoyance or danger to other persons or property.

c. Sufficient firefighting implements and personnel shall be available at the scene to control any fire which may be caused by the fireworks use.

d. No fireworks may be used between 11:00 p.m. and 8:00 a.m.

e. Only the permit holder or permit holder's agent may discharge fireworks.

f. No fireworks may be used other than from July 1st through July 7th of each year unless all neighbors within 200 feet from the point of discharge have granted permission in writing to the permit holder, and this written permission is on file with the Village of Oconomowoc Lake.

(3) Upon the issuance of a citation to any permit holder for the violation of any of the provisions of this ordinance, the person's permit to use fireworks in the Village of Oconomowoc Lake shall be suspended. Upon conviction of any citation issued under this ordinance, a person's permit to use fireworks shall be revoked.

(4) No person in the possession of fireworks pursuant to this ordinance may resell those fireworks in the Village of Oconomowoc Lake.

(C) PERMIT FOR THE USE OF FIREWORKS.

(1) APPLICATION FOR PERMIT. Each person, corporation or organization desiring to use fireworks within the Village of Oconomowoc Lake shall make application to the Village Administrator. The Application shall include:

- a. The name of the applicant.
- b. The address of the applicant.
- c. The residential and business telephone numbers of the applicant, if any.
- d. The date of birth of the applicant.
- e. The date requested for the fireworks use.
- f. The time and location for the requested use.
- g. The kind or quantity of fireworks and where purchased.
- h. The classification of the application as noted in Section 167.10(3)(c), Wis. Stats.
- i. The proposed location for the storage of the fireworks in the Village of Oconomowoc Lake.
- j. A description of the safety protection to be provided during the permitted use.
- k. A description of the fire safety equipment to be provided during the permitted use.
- l. A diagram of the ground demonstrating fireworks ignition area, areas where persons will be located and areas where persons will not be located.
- m. The type and amount of security and sanitation personnel to be provided during the permitted use.
- n. Purpose of display, identifying group(s) involved.
- o. Proof of insurance in the form of a standard company rider issued by an insurance company satisfactory to the Village for the duration of the permit with a minimal limit of comprehensive general liability coverage in the amount of \$2,000,000.00 with an insurance company licensed to do business within the State of Wisconsin, naming the Village of Oconomowoc

Lake and its officers and employees as additional insureds.

(2) INVESTIGATION OF PERMIT. Upon receipt of a permit application under the provisions of this ordinance, the Village Administrator shall conduct an investigation to determine whether the application complies with all applicable regulations, ordinances and laws. Upon completion of the investigation, the Village Administrator shall make a determination as to whether or not, in his or her opinion, the permit shall be issued.

(3) ISSUANCE OF PERMIT. No person, corporation or organization shall be issued or reissued a fireworks permit in the Village of Oconomowoc Lake until the following requirements have been satisfied:

- a. The Village Administrator has determined that the permit is compliance with all applicable regulations, ordinances and laws.
- b. The Village Administrator has determined that all requirements for application have been satisfied.
- c. The appropriate fees have been paid to the Village Administrator.
- d. The Village Administrator has determined that the permittee has not been charged and/or convicted of any violations of regulations, ordinances or laws regulating the use of fireworks.
- e. The Village Administrator has determined that the permittee will provide adequate safety protection during the requested use.
- f. The Village Administrator has determined that the permittee will provide adequate fire safety equipment during the requested use.
- g. The Village Administrator has determined that the permittee has provided adequate insurance and indemnity.
- h. The Village Administrator has determined that the permittee will provide adequate security personnel.
- i. The Village Administrator has determined that the permittee will prevent open fires being ignited at the permitted location during the requested use.

j. The Village Administrator has determined that the permittee will provide sanitary facilities at the permitted location during the requested use.

(E) PENALTIES.

(1) Any person over the age of 12 years violating the provisions of this ordinance shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of 17 years to be sentenced to the County Jail until said forfeiture is paid but not to exceed Ninety (90) days.

Any person under the age of 12 shall be referred to the proper authorities as provided in Chapter 48 of the Wisconsin Statutes.

(2) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

(3) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of this ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

Section 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 18th day of April, 1994.

BY ORDER OF THE VILLAGE BOARD OF
THE VILLAGE OF OCONOMOWOC LAKE,
WAUKESHA COUNTY, WISCONSIN


WILLIAM F. ROBERTS
Village President

ATTEST:


CHERYL WIERDSMA, VILLAGE CLERK

STATE OF WISCONSIN)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORD 134 (Fireworks)

The undersigned, being first duly sworn, on oath deposes and states that on 25 April, 1994 at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village.

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northern corner of the junction of West Beach Road and the private drive (South Beach Road) leading into the Borisch, Fischer, Lowry, et al properties.

James P. Fulmer

Subscribed and sworn to before me

this 25th day of April, 1994

Cheryl A. Wiersdorna

Notary Public, Waukesha County, Wisconsin

My commission expires: 11-19-95