

ORDINANCE NO. 221

AN ORDINANCE TO CREATE PENALTIES APPLICABLE TO THE REGULATIONS OF FIREWORKS IN THE VILLAGE OF OCONOMOWOC LAKE

WHEREAS, on or about May 23, 2001 the Village of Oconomowoc Lake adopted Ordinance No. 196 to prohibit use of fireworks in the Village of Oconomowoc Lake; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake now intends to establish the maximum penalty allowed by law for violation of the Village of Oconomowoc Lake fireworks regulations for hazardous substance fireworks, and up to the maximum for all other fireworks.

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

SECTION 1: **PENALTIES.**

Violation of Village of Oconomowoc Lake Ordinance No. 196 entitled "An Ordinance to Repeal and Recreate Regulations Upon the Discharge of Fireworks in the Village of Oconomowoc Lake", and including such updates and amendments as may be made from time to time regarding such ordinance, shall be subject to the following penalties:

- A. *Violations Concerning Hazardous Substances* . Violations through the use of fireworks devices which are banned hazardous substances as described in Wisconsin Administrative Code Section ATCP 139.04(3), and including such updates and amendments as may be made from time to time regarding such administrative code provision, shall be subject to the following penalties:

- (1) Any person who violates said ordinance in said

manner shall be subject to a forfeiture of \$1,000.00 for each offense plus allowable statutory costs.

- (2) Any parent or legal guardian of a minor who consents to the activity which constitutes a violation of said ordinance in said manner shall be subject to a forfeiture of \$1,000.00 for each offense plus allowable statutory costs.
- (3) Any person who violates a court order for injunction issued pursuant to Wisconsin Statutes Section 167.10(8)(a) shall be subject to a forfeiture of \$10,000.00 for each offense plus allowable statutory costs.

B. *All Other Violations.* Violations not described in subsection A above, shall be subject to the following penalties:

- (1) Any person who violates said ordinance in said manner shall be subject to a forfeiture of up to \$1,000.00 per each offense plus allowable statutory costs.
- (2) Any parent or legal guardian of a minor who consents to the activity which constitutes a violation of said ordinance in said manner shall be subject to a forfeiture of up to \$1,000.00 for each offense plus allowable statutory costs.
- (3) Any person who violates a court order for injunction issued pursuant to Wisconsin Statute Section 167.10(8) (a) shall

be subject to a forfeiture of up to \$10,000.00 for each offense plus allowable statutory 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.

Dated this 18th day of October, 2004.

VILLAGE OF OCONOMOWOC LAKE


Raymond Foster, Jr., Village President

ATTEST:


Kathy Kreuser, Village Clerk/Treasurer

Published and/or posted this 27th day of October, 2004.

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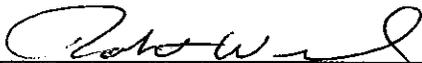
STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORDINANCES 2210 & 222
VB Minutes September 20, 04

The undersigned, being first duly sworn, on oath deposes and states that on October 27, 2004, 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:

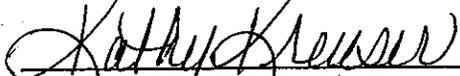
- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer

Subscribed and sworn to before me

This 27th day of October, 2004



Notary Public, Waukesha County, Wisconsin
My Commission expires: 3-23-08