

Town of Foster, Clark County, WI

*Ordinance to Prohibit the Sale and Restrict the Use of Fireworks*

**Section 1: PURPOSE**

Whereas the Town of Foster is located in an area vulnerable to wildfire, this ordinance governs the sale and use of fireworks as defined by State statute within the limits of the Town of Foster to ensure the safety of residents, taxpayers and visitors to the Town of Foster.

**Section 2: AUTHORITY**

This ordinance shall be known as the "Town of Foster Ordinance to Prohibit the Sale and Restrict the Use of Fireworks". It is adopted pursuant to Wis. Statute §167.10 Regulation of Fireworks.

**Section 3: DEFINITION**

"Fireworks" shall have the same meaning as that term is defined under Wis. Statute §167.10(1), as may be amended from time to time.

**Section 4: SALE**

No person may sell, or possess with intent to sell, fireworks in the Town of Foster.

**Section 5: USE**

Subject to the exclusions listed in Wis. Statute §167.10(3)(b), no person or entity may possess or use fireworks within the limits of Town of Foster without a user's permit from the Chairperson of the Town of Foster.

A permit under this subsection may be issued only to the following persons:

- 1) A public authority.
- 2) A fair association.
- 3) A park board.
- 4) A civic organization.
- 5) Any individual or group of individuals.
- 6) An agricultural producer for the protection of crops from predatory birds or animals.
  - a) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

A permit may NOT be issued to a minor.

**INDEMNITY BOND OR PROOF OF INSURANCE IS REQUIRED:**

Any person issued a permit shall produce proof of 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 by reason of injuries to person or property from handling, use or discharge of fireworks under the permit. This bond or policy 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 the surety or insurer to

all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed with the Clerk of the Town of Foster.

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

- 1) The name and address of the permit holder.
- 2) The date and location of permitted use.
- 3) The general kind and approximate quantity of fireworks which will be used.
- 4) Other specific conditions prescribed by ordinance.

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

**Section 6: SEIZURE AND DISPOSAL**

The Town of Foster may seize fireworks that the Town has probable cause to believe are sold or used in violation of the Ordinance or in violation of State law and shall forfeit the seized fireworks to the State of Wisconsin for disposal. The person from whom the fireworks were thus seized shall bear the costs of such disposal.

**Section 7: ORDINANCE TO BE FILED**

The Town Clerk shall file a copy of this ordinance upon its enactment and posting with the Clark County Sheriff Department.

**Section 8: SEVERABILITY**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions, sections, subsections, paragraphs, clauses or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provisions or part of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 9: EFFECTIVE DATE**

This ordinance shall take effect and be enforced after passage and posting as provided by law.

Dated: 10/13/15

Scott L. Ellison  
Town Chairman, Scott Ellison

Attest: Carol Poehnlein  
Town Clerk, Carol Poehnlein

Posted: 10/14/15

Posted: 10/14/15