

TOWN OF SUGAR CREEK
ORDINANCE NO.: 2023-06

An Ordinance Regulating Fireworks for the Town of Sugar Creek

The Town Board of Supervisors do hereby ordain as follows:

SECTION I. Purpose and Authority.

The Town of Sugar Creek finds that it is necessary to enact an ordinance to regulate and control the use of fireworks within the Town of Sugar Creek, Walworth County, and that it is in the best interest of the public health, safety, and welfare that this ordinance be hereby enacted.

SECTION II. Title.

This ordinance shall be known as, referred to, or cited as The Fireworks Ordinance, Town of Sugar Creek, Walworth County, Wisconsin.

SECTION III. Definitions.

As used in this ordinance the following words have the meanings indicated:

FIREWORKS

Anything manufactured, processed or packaged for exploding, flying, hopping, jumping and/or emitting sparks or combustion, which does not have another common use.

Any portion of current Ch. 167, Wis. Stats., or as hereafter amended, not otherwise set forth herein, is hereby adopted by reference.

SECTION IV. Exclusions.

The general prohibition against fireworks shall not apply to or include any of the following:

- 1 A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- 2 A toy snake which contains no mercury.
- 3 A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inches in outside diameter, which does not contain magnesium, chlorate or perchlorate.
- 4 A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

- 5 A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition, and which does not exceed three grams in total weight.
- 6 A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- 7 A device that is designed primarily to burn pyrotechnic smoke-producing mixtures at a controlled rate and that produce audible or visible effects.
- 8 A cylindrical fountain that consists of one or more tubes and is classified by the federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- 9 A cone fountain that is classified by the federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- 10 Fuel or a lubricant.
- 11 A firearm cartridge, shotgun shell, explosives, ammunition and/or blasting agents handled or utilized as provided by law.
- 12 A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- 13 A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- 14 Tobacco and a tobacco product.
- 15 The use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sporting events, or use by militia, police or military organizations.

SECTION V. Prohibited Conduct.

No individual shall ignite, light or otherwise discharge, or cause to do so, fireworks as defined herein, except between the 15th day of June each and every calendar year and the 15th day of July each and every calendar year until 10:30 pm; and during the night of December 31st from 11:30 pm till January 1st at 12:30 am. The discharge of fireworks shall follow all applicable State laws.

SECTION VI. Effective Date.

This Ordinance shall take effect and be in full force and effect from the date of passage and publication or posting as provided by law.

SECTION VII. Severability

The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town of Sugar Creek would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the publication of such provisions to other persons or circumstances shall not be affected therein.

SECTION VIII. Enforcement.

This ordinance may be enforced by the Walworth County Sheriff's Department, or the Town Board, or its designees.

SECTION IX. Violations and Penalties.

Any person who shall violate the provisions of this ordinance shall come upon such conviction, be ordered to pay a \$250.00 forfeiture plus Court costs. Any second and subsequent violations shall be a forfeiture not to exceed \$500.00 per offence, plus Court costs.

Adopted:

Town Board of Sugar Creek

By: David Roberts
Name: DAVID ROBERTS
Title: Chairperson

Attest: Roxanne Johnson
Name: Roxanne Johnson
Title: Clerk