

TOWN OF MUKWA

ORDINANCE 2-18

PROHIBITING SALE OF FIREWORKS AND REGULATING POSSESSION AND USE OF FIREWORKS

The Town of Mukwa Board of supervisors do hereby ordain as follows:

1. Preamble. Wisconsin Statutes Section 167.10(5) allows the town to regulate the sale, possession and use of fireworks. A town ordinance may be more restrictive than the statutory provisions set forth in Section 167.10. The town board wishes to address safety and liability issues that may adversely affect the town and its residents. As a result, the town shall hereafter prohibit the sale of fireworks and only allow the possession and use when the user is adequately insured.

2. Definition of fireworks. The term "fireworks" herein shall include all items enumerated in Wisconsin Statutes Section 167.10(1)(intro.) and anything under Wisconsin Statutes Section 167.10(1)(e), (f), (i), (j), (k), (L), (m), and (n).

3. Sale of fireworks prohibited. The sale of fireworks in the Town of Mukwa is expressly prohibited.

4. Possession of fireworks regulated. No one may possess fireworks in the Town of Mukwa except a person in possession of a user's permit which has been issued by the Town of Mukwa or another Wisconsin municipality.

5. Use of fireworks regulated. Any person who uses fireworks in the Town of Mukwa shall first be required to obtain a permit from the Town of Mukwa Chairperson. Prior to issuance of the permit, the permit holder shall be required to file 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 under the permit. The bond or policy shall be in the name of the Town of Mukwa and shall have an aggregate liability limit of at least \$1,000,000.00. Anyone injured as a result of the use of the fireworks may bring an action on the bond or policy in their own name to recover damages they have sustained. The bond or policy, together with a copy of the permit, shall be filed in the office of the town clerk. The permit shall otherwise be issued consistent with the requirements of Wisconsin Statutes Section 167.10.

6. Other statutory provisions remain in effect. Except as expressly provided herein, all of the terms of Wisconsin Statutes Section 167.10 shall apply in full force and effect.

7. Penalties. Any person who violates any provision of this ordinance shall forfeit not more than \$1,000.00.

8. Other enforcement. The provisions of Wisconsin Statutes Section 167.10(8) shall apply so that the town may seek an order of the circuit court enjoining violations of this ordinance and fireworks may be seized by the town and held as evidence of any violation.

9. Amendment. This ordinance shall be automatically amended from time to time to incorporate any amendments to Wisconsin Statutes Section 167.10 or any successor state statutes.

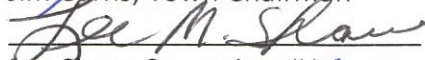
The above and foregoing ordinance was adopted by the Town Board of the Town of Mukwa, Waupaca County, Wisconsin, at a meeting held on the 11th day of September, 2018.

Aye 3

No



Jim Curns, Town Chairman



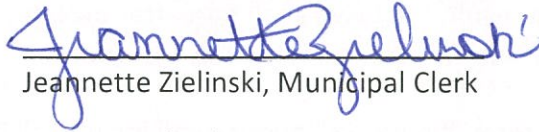
Lee Shaw, Supervisor #1



Matt Manske, Supervisor #2

ATTEST:

I hereby certify that this is a true copy of an Ordinance adopted by the Town Board on the 11th day of September, 2018.



Jeannette Zielinski, Municipal Clerk

Code of Ordinance Published: 08/30/18
Posted at: Northport Convenience Center: 09/12/18
 Bean City Bar & Grill: 09/12/18
 Mukwa Town Hall: 09/12/18
Adoption of Ordinance Published: 09/13/18
www.mukwa.us