

ORDINANCE NO. 559

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 2.12
OF CHAPTER 2 OF THE GENERAL ORDINANCES OF
THE VILLAGE OF RIVER HILLS RELATED TO FIREWORKS**

The Village Board of the Village of River Hills, Milwaukee County, do ordain as follows:

Section I. Section 2.12 of Chapter 2 of the General Ordinances of the Village of River Hills is hereby repealed and recreated to read as follows:

“Section 2.12. REGULATION OF FIREWORKS.

(1) Definition. "Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- [a] Fuel or lubricant.
- [b] A firearm cartridge or shotgun shell.
- [c] 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.
- [d] A match, cigarette lighter, stove, furnace, candle, lantern, or space heater.
- [e] 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.
- [f] A toy snake which contains no mercury.
- [g] A model rocket engine.
- [h] Tobacco and Tobacco products.
- [i] A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- [j] A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- [k] 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.
- [l] A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible

effects.

[m] A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

[n] 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.

(2) Sale of Fireworks. No person may sell fireworks, as defined herein, within the Village of River Hills.

(3) Possession and/or Use of Fireworks. No person shall possess or use fireworks within the Village of River hills without obtaining a user's permit as herein provided.

(4) Permit.

[a] A permit authorizing the possession and/or use of fireworks may be issued by the Village President or their designee only to the following:

- (1) A public authority.
- (2) A civic organization.
- (3) A group of resident or non-resident adult individuals.

[b] A permit may be issued if in compliance with all of the following:

- (1) The name and address of the permit holder shall be stated on the permit.
- (2) The date on or after which the fireworks may be purchased and the date the permit holder will use the fireworks.
- (3) The kind and approximate quantity of fireworks which may be purchased or discharged.
- (4) A site plan or map showing the location of permitted use. The Wisconsin State Fire Code adopts the National Fire Protection Association (NFPA) 1123 *Code for Fireworks Display* Chapter 5 and any permit issued under this ordinance shall comply with the site plan requirements that shall include the site and location of discharge(s), spectator viewing areas, fallout areas and the minimum separation distances as set forth in the Table 5.1.3.1 of NFPA 1123. The applicant will be provided with a copy of that table to ensure that the applicant can meet the minimum distance requirements. If the site plan shows that any structures will be in the fallout area, then NFPA

1123, Section 7.6.4 *Spotters* shall be applicable and shall be specified as required in the Permit.

- (5) The location of the fireworks prior to the time of their use.
- (6) An emergency contact for the permit holder and the fireworks company.
- (7) The permit holder shall provide a certificate of general liability insurance for injury to persons or property in an amount not less than \$1,000,000 per occurrence.
- (8) Pursuant to Section 2.50 (3) of the River Hills code of ordinances payment of the applicable fee of the North Shore Fire Department for the plan review and site inspection for fireworks display.
- (9) The North Shore Fire Department has completed its review of the application and site plan and notified the Village President or their designee that the permit may be issued.

[c] The permit holder shall notify the River Hills Police Department and North Shore Fire Department of the proposed use of the fireworks at least five days in advance. In the event of adverse weather or other hazardous conditions that either the Police Department or North Shore Fire Department in their discretion determine that the fireworks cannot be safely discharged, they can require the permit holder to change the time or location of the discharge of fireworks, stop or suspend the discharge of fireworks or revoke the permit.

[d] The permit holder shall cause a search to be made of the grounds at which the fireworks are used, as well as adjoining properties, if necessary, within one (1) hour after sunrise of the day following the use of the fireworks, for any possible unexpended fireworks devices, and shall immediately remove the same. In addition, any other debris, ashes or remnants from the fireworks that are found on adjoining or nearby properties shall be removed as promptly as reasonable possible to the reasonable satisfaction of the property owner.

(5) Indemnity Bond or Liability Insurance. The Village President or their designee when issuing a permit, may require an indemnity bond with good and sufficient sureties or a policy of liability insurance for the payment of all claims that may arise by reason of injuries to persons or property from the handling, storage, use or discharge of fireworks under the permit. The surety bond or liability policy, if required, shall be taken in the name of the Village 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. The bond or policy, if required, shall be filed in the office of the Village Clerk.

(6) Costs or Damages. In the event that the use of fireworks results in a fire requiring the Police Department or North Shore Fire Department to respond, the permit holder shall be required to pay all costs incurred in extinguishing or attempting to extinguish such fire; and also,

the permit holder shall reimburse any other owner of property for any loss or damage which may be sustained by such owner as a result of the fireworks being the cause of such damage.

(7) Further Restrictions. No person may store or handle fireworks on premises unless the premises are equipped with fire extinguishers approved by the North Shore Fire Chief or their designee; no person may smoke where fireworks are stored or handled; no person may store fireworks within fifty (50) feet of a dwelling, and no person may store fireworks within fifty (50) feet of a public assemblage or place where gasoline or volatile liquid is stored or used.

(8) Non-Liability of Village, its Officers, Agents or Employees. This ordinance shall not be construed as assuming any liability on the part of the Village of River Hills, its officers, agents, or employees for any damage to any person injured or any property damaged or destroyed by reason of the handling, storage, use or discharge of fireworks pursuant to a permit issued under this ordinance.

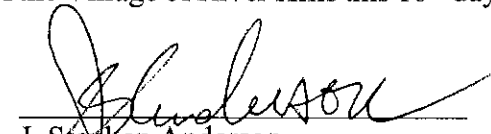
(9) Penalty. Any person found guilty of a violation of this ordinance shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.”

Section II. If any subsection, section or portions of this article or the sections of this ordinance as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Section III. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

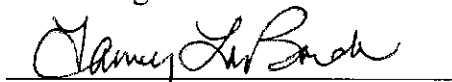
Section IV. This ordinance shall be in full force and effect after its passage and publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 18th day of May, 2022.



J. Stephen Anderson
Village President

Countersigned:



Tammy LaBorde
Village Clerk