

**ORDINANCE NO. 3- 2025**

**AN ORDINANCE AMENDING SECTION 70-41 OF THE CODE OF ORDINANCES FOR  
THE VILLAGE OF UNION GROVE, RELATING TO THE SALE  
AND DISCHARGE OF FIREWORKS**

The Village Board of the Village of Union Grove ordains as follows:

2. That Section 70-41 of the Municipal Code of the Village of Union Grove be, and hereby is, amended to read as follows on attached Exhibit A incorporated herein by reference.
2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 10<sup>th</sup> day of February, 2025.

**VILLAGE OF UNION GROVE**

By: \_\_\_\_\_

Steve Wicklund, Village President

Attest: \_\_\_\_\_

Stephanie Kohlhausen, Village Clerk

## EXHIBIT A

### **Sec. 70-41. Sale and discharge of fireworks.**

(a) *Definition.* The term "fireworks" as used in this section shall be defined as provided in Wis. Stats. § 167.10(1), and shall be deemed to include all rockets or similar missiles containing explosive fuel.

(b) *Private use and sale.*

(1) *Private Use.* No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks, except toy pistol paper caps, sparklers and toy snakes, within the village limits unless he shall be authorized by a fireworks permit as provided in this section.

a. Exceptions. Paragraph (1) does not apply to:

- (i) The city, village or town, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
- (ii) The possession or use of explosives in accordance with rules or general orders of the department of safety and professional services.
- (iii) The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
- (iv) The possession or use of explosive or combustible materials in any manufacturing process.
- (v) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (vi) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (vii) The possession of fireworks in any city, town or village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance unless the person transporting the fireworks stays in that city, town, or village for at least 72 hours.

- (viii) The possession of fireworks by a person who is not a resident of this state if the person does not use the fireworks in this state.

(2) *Sale.* No person may sell or possess with intent to sell fireworks, unless any of the following apply:

- a. The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person holding a permit from the municipality in which the possession or use is to occur.
- b. The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, village or town.
- c. The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person who is not a resident of this state.
- d. The person sells the fireworks, or possesses the fireworks with intent to sell them, for any of the following purposes:
  - (i) The possession or use of explosives in accordance with rules or general orders of the department of safety and professional services.
  - (ii) The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
  - (iii) The possession or use of explosive or combustible materials in any manufacturing process.
  - (iv) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
  - (v) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

(c) *Fireworks permits.*

- (1) *Generally.* Fireworks, other than those prohibited by state statutes, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the village clerk.
- (2) *Eligibility.* A permit under this section may be issued only to the following persons:

- a. A public authority.
  - b. A fair association.
  - c. An amusement park.
  - d. A park board.
  - e. A civic organization.
  - f. Any individual or group of individuals. A permit issued to a group of individuals confers the privileges under the permit to each member of the group.
  - g. An agricultural producer for the protection of crops from predatory birds or animals.
- (3) *Applications; Content.* A permit under this subsection shall specify the name and address of the permit holder, the date on and after which fireworks may be purchased, the general kind and approximate quantity of fireworks which may be purchased, the date or dates and location of permitted use, and other special conditions prescribed by ordinance. All applications shall be referred to the fire chief for investigation.
- (4) *Granting or denying a permit.* No permit shall be granted unless the village president from the report of the fire chief determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner.
- (5) *Indemnity Bond.* Before granting any fireworks permit, the village president shall require the applicant to post with the village clerk an approved indemnity bond in the sum provided in the fee schedule on file with the clerk, for the payment of all claims that may arise because of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

(Code 1960, § 12.01; Ord. No. 2009-1, § 1, 1-12-09)

**Editor's note:** Ord. No. 2009-1, § 1, adopted January 12, 2009, intended to amend the Code by renumbering the former § 46-1 as § 70-40. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as § 70-41. The historical notation has been preserved for reference purposes.

**Cross references:** Offenses endangering public safety, § 70-31 et seq.; weapons and fireworks in parks, § 74-31.

**Secs. 70-42--70-65. Reserved.**