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## **STATE OF WISCONSIN**

### **Town of RIVERVIEW, OCONTO County**

#### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Riverview Fireworks Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons the sale and use of fireworks in the town.

#### **SECTION II – AUTHORITY**

The town board has the specific authority under ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, and chapter 823, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

#### **SECTION III - ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of sale and use of fireworks in the town.

#### **SECTION IV – DEFINITIONS**

Wisconsin State Statute 167.10 Regulation of Fireworks Definitions adopted

#### **SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE**

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

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## **SECTION VI – Regulation of Fireworks**

**A. STATE LAW ADOPTED** ss167.10 Wis.Stats. regulation the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full. For purposes of this subsection, “fireworks” shall mean those items defined as fireworks under ss167.10, Wis, Stats..

**B. FIREWORKS USE OR DISPLAY.** No person shall use or display fireworks, except as authorized by a fireworks users permit granted under this section.

**C. SALE AND POSSESSION OF FIREWORKS.** No person shall sell, or possess with the intent to sell, fireworks, except as authorized by a fireworks sellers permit issued under this section. This paragraph shall not apply to persons transporting fireworks through the Town to a city, town village or county where the possession of the fireworks is authorized by permit or ordinance if the fireworks remain in the Town for less than 12 hours. A permit for the sale of fireworks authorized such sales only by person or organizations legally qualified to sell products within the Town.

**D. DISPLAY OF PERMIT CARDS.** Permits for the display or sale of fireworks shall be displayed.

## **SECTION VII – ENFORCEMENT PROVISIONS**

### **A. Penalties.**

1. 1st Offense. Any person who violates this ordinance shall, upon conviction, forfeit not less than \$20 nor more than \$500 together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 90 days.

2. Second and Subsequent Offenses; Penalty. Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding 6 months.

**B. Separate Violations.** Each day of violation of this ordinance constitutes a separate offense.

## SECTION VIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

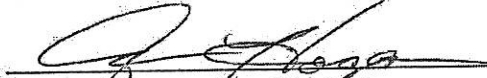
## SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 13 day of August, 2013

by Town Board of the Town of Riverview



Ann Hogan, Town Chairperson



Attest: Arnold R. Bubolz, Town Clerk

Published this 24 day of August 2013.