

Chapter 233

FIREWORKS

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[HISTORY: Adopted by the Common Council of the City of Hayward 6-13-1994 by Ord. No. 312. Amendments noted where applicable.]

§ 233-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIREWORKS — 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 and 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 1/4 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 a tobacco product.
- I. A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
- J. A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.
- K. 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.
- L. A device that emits smoke with no external flame and does not leave the ground.

- M. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
- N. A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only spark and smoke.

§ 233-2. Parental liability.

A parent or legal guardian whose minor child uses fireworks is liable for damages caused by the minor's use of the fireworks.

§ 233-3. Sale, use and possession.

No person shall use, explode, sell or give away within the City of Hayward any fireworks except a flare, cap, toy snake, sparkler or a device that emits smoke with no external flame and which does not leave the ground as defined in § 233-1 above, excepting for specific fireworks displays as authorized by the City Council for specific celebrations.

§ 233-4. Fireworks for noncelebration purposes. [Added 1-12-1998 by Ord. No. 361]

The Mayor and the Chief of Police are hereby authorized to grant the use of fireworks for noncelebration purposes.

§ 233-5. Citations.

- A. With respect to this chapter, issuance of citations under § 66.0113, Wis. Stats., is hereby authorized.
- B. The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have the authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule set below, or as ordered by the Circuit Court for Sawyer County:
 - (1) User or possession.
 - (a) First alleged offense: \$50 plus court costs, court assessments and costs of prosecution.
 - (b) Second alleged offense (within one year): \$100 plus court costs, court assessments and costs of prosecution.
 - (c) Third alleged offense and subsequent alleged offenses (within one year): \$300 plus court costs, court assessments, and costs of prosecution.
 - (2) Sellers.
 - (a) First alleged offense: \$200 plus court costs, court assessments and costs of prosecution.

- (b) Second alleged offense (within one year): \$400 plus court costs, court assessments and costs of prosecution.
 - (c) Third alleged offense (within three years): \$1,000 plus court costs, court assessments and costs of prosecution.
- C. In lieu of the filing of a cash bond and/or deposit as set forth under § 66.0113, Wis. Stats., the City shall have the right to detain the alleged violator to assure appearance of said alleged violator before the Circuit Court for Sawyer County.
- D. All of the provisions of § 66.0113, Wis. Stats. are hereby incorporated herein by reference and shall be considered to be part of this chapter in total.

