

Wisconsin Department of Justice
Wisconsin Fireworks Law
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The possession, sale and use of fireworks in Wisconsin is strictly regulated by Section 167.10 of the Wisconsin Statutes. This advisory summarizes Wisconsin fireworks law and answers common questions and corrects common misunderstandings about the law.

Local ordinances may also regulate fireworks and may be stricter than state law, but cannot be less strict. This advisory discusses only state law, so some devices or materials described as legal in this advisory may be prohibited by a local ordinance.

Legal Without A Permit

State allows the sale, possession and use, without a permit, of sparklers, stationary cones and fountains, toy snakes, smoke bombs, and caps, noisemakers and confetti poppers with less than ¼ of a grain of explosive mixture. Wis. Stat. § 167.10(1). There is no age restriction on sale, possession or use of these devices and the statute does not classify them as fireworks. Local ordinances may be more restrictive than state statutes and may prohibit any of these items or limit their sale or use. **These are the only kinds of “fireworks,” as that word is commonly used, that a person may use or possess without a permit or that may be sold to a person who does not have a permit.**

Illegal Without A Permit

Possessing or using any other fireworks, including, for example, firecrackers, roman candles, bottle rockets and mortars, without a valid permit is illegal. Wis. Stat. §167.10 (3). A commonly used rule of thumb is that a permit is required if the device explodes or leaves the ground. **The sale of restricted fireworks to a person without a valid permit is illegal.** Wis. Stat. §167.10(2).

Conditions For A Valid Permit

Nearly all fireworks permits relied upon by buyers and users of fireworks in Wisconsin are not valid. Most of these permits fail for more than one reason. The requirements for a valid permit are contained in Wis. Stat. §167.10(3)(a), (c) and (f) and are detailed below.

Permits issued or sold by fireworks vendors are invalid. A permit may *only* be issued by a mayor, village president or town chair or a municipal employee or official they have designated. Wis. Stat. §167.10(3)(a). *An official may not delegate any part of the permit-issuing responsibility or authority to a vendor.* A permit given or sold by a vendor bearing either a printed, stamped or pre-signed signature of a local official in which the permittee's information is completed by the vendor or the buyer has not been issued by the official and is not valid, even if it purports to be issued on behalf of the municipality and even if the fees are remitted to the municipality.

A permit is valid only in the city, village or town of the official who issued it. A mayor, village president or town chair can only authorize possession or use of fireworks within their jurisdiction. Wis. Stat. §167.10(3)(a). For example, a permit issued by the town chair of one town cannot and does not authorize possession or use of the fireworks in another town. A group that has a valid permit from one municipality may purchase fireworks in another municipality and transport them to the municipality in which the person has a permit. Wis. Stat. §167.10(3)(b)7

A permit may require a bond or insurance. Wis. Stat. §167.10(3)(e). An official issuing a permit may require a bond or insurance policy to indemnify the issuing municipality for any damages that may result from the possession or use of the fireworks.

A permit issued to an individual is not valid, except if issued to a farmer for crop protection. Permits, other than for crop protection, may only be issued to a public authority, a fair association, an amusement park, a park board, a civic organization or a group of individuals. Wis. Stat. §167.10(3)(c). Any non-agricultural permit which names only an individual and not a bona fide group or other entity listed in the statute is invalid.

A group with a permit may authorize an individual to make purchases on its behalf, but the permit must be in the name of the group. A person buying for a group should have both a copy of the group's permit and of the authorization by the group. A group may not issue a blanket authorization to all of its members to purchase on behalf the group. *City of Wisconsin Dells V. Dells Fireworks*, 197 Wis.2d 1, 21 (Ct.App. 1995). The authorized buyer may only buy the kind of fireworks specified in the group's permits. The total quantity purchased by all authorized buyers on behalf of the group cannot exceed the quantity of fireworks authorized by the permit. The fireworks purchased on behalf of the group may only be possessed in the municipality which issued the group's permit, except while being transported from the point of sale to that municipality. The fireworks may only be used by the group on the date and location specified on the permit and subject to any other conditions on the permit.

A permit must specify the kind and quantity of fireworks allowed to be used or possessed. Wis. Stat. § 167.10(3)(f)3. The purpose of the fireworks statute is to allow municipalities to "carefully control the use and possession of fireworks within its boundaries." *Dells Fireworks*, 197 Wis.2d at 21. The kind and quantity must be specified with enough detail to accomplish that. Specifying kind with broad categories,