
**AN ORDINANCE TO REPEAL AND RECREATE SECTION 9.03
OF THE VILLAGE OF WALES, REGARDING PROHIBITING
THE SALE OF FIREWORKS**

WHEREAS, the Village of Wales (“Village”) adopted Chapter 9, Peace and Order, to the Village Code of Ordinances for the purposes set forth in Chapter 9 which are incorporated herein by reference as if set forth in length herein; and

WHEREAS, the Village desires to repeal and recreate Section 9.03, Fireworks, to prohibit the sale of certain types of fireworks within the Village; and

WHEREAS, the Village Board, after providing proper notice and having a quorum present, convened a meeting and reviewed and considered this ordinance and all of the public comments and issues of this matter in full; and

WHEREAS, the Village Board found that the sale of certain types of fireworks have a detrimental effect and impact on the public health, safety, and welfare of the Village; and

WHEREAS, the Village Board found that a prohibition of the sale of certain types of fireworks is in and furthers the public interest of the Village citizens.

NOW THEREFORE, the Village Board of the Village of Wales does hereby ordain the amendment to Section 9.03 of the Village Code of Ordinances as follows:

SECTION 1. The Recitals set forth above are incorporated into and made an enforceable part of this Ordinance.

SECTION 2. Section 9.03 is repealed and recreated as follows :

(1) **FIREWORKS.** The provisions of Wis. Stat. § 167.10 are hereby adopted and incorporated into this section by reference to the extent the provisions are not in conflict with the remainder of this section. In the event of a conflict between this section and Wis. Stat. § 167.10, the more restrictive provision shall apply.

(2) **FIREWORKS DEFINED.** The term “fireworks” shall be defined as set forth in Wis. Stat. § 167.10(1)(intro.); provided, however, the Village elects also to include within and add to the definition of “fireworks” the items set forth in Wis. Stat. § 167.10(1)(k), (L), (m), and (n).

(3) **SALES PROHIBITED.** No person shall sell, offer to sell, possess with the intent to sell, or give away fireworks within the Village.

(4) POSSESSION AND USE REGULATED. No person shall use or explode any fireworks in the Village contrary to applicable Wisconsin Statutes, including, but not limited to Wis. Stat. §167.10. The Village Board may grant a permit for a public display of fireworks under such conditions as they may impose pursuant to Wisconsin Statutes.

SECTION 3. Except as specifically amended herein, the provisions of Chapter 9 remain in full force and effect.

SECTION 4. In the event of a conflict between the amendments contained herein and any other provisions of Chapter 9 or the Code of Ordinances for the Village of Wales, the more restrictive provisions shall apply.

SECTION 5. All of the provisions set forth herein are severable. If a court of competent jurisdiction determines any provision herein is unenforceable, the remaining provisions shall be unaffected thereby and shall remain in and be given their full force and effect. Any other ordinances whose provisions are in conflict with the provisions of this ordinance are hereby repealed as to those provisions that conflict.

SECTION 6. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

ADOPTED THIS ____ DAY OF _____, 2008.

VILLAGE OF WALES

By: _____
Jeffery A. Flaws, President

ATTEST/COUNTERSIGNED:

Gail E. Powell, Village Clerk