



MIDDLETON POLICE DEPARTMENT

7341 Donna Drive Middleton, WI 53562

Brad Keil - Chief of Police

MEDIA RELEASE

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As the State of Wisconsin and the rest of the nation celebrate this year's Fourth of July holiday, the Middleton Police Department joins Attorney General J.B. Van Hollen in reminding revelers of the State's laws regarding the sale, possession and use of fireworks in Wisconsin.

Legal Without A Permit

State law allows the sale, possession and use, without a permit, of sparklers not exceeding 36 inches in length, stationary cones and fountains, toy snakes, smoke bombs, caps, noisemakers, confetti poppers with less than ¼ grain of explosive mixture, and novelty devices that spin or move on the ground. *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, in Wisconsin 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 these restricted fireworks to a resident of this state without a valid permit is also illegal.** *Wis. Stat. § 167.10(2)*.

Penalties

A person who possesses or uses fireworks without a valid permit, or who sells fireworks to a person who does not have a valid permit, is subject to a forfeiture of up to \$1,000 per violation. *Wis. Stat. § 167.10(9)(b)*. Each firework illegally possessed, used or sold may be a separate violation. A parent or guardian who allows a minor to possess or use fireworks (not including those for which no permits are required) is subject to a forfeiture of up to \$1,000 per violation. *Wis. Stat. § 167.10(9)(c)*. A city, village or town may obtain an injunction prohibiting a person from violating *Wis. Stat. § 167.10(8)(a)*. Violations of such an injunction are criminal misdemeanors, subject to up to 9 months in jail and a \$10,000 fine. *Wis. Stat. § 167.10(9)(a)*.

NOTE: This is an excerpt from the complete advisory, which can be found in its entirety by clicking the following link: <http://www.doj.state.wi.us/news/files/2012-fireworks-advisory.pdf>

Chief Brad Keil
bkeil@ci.middleton.wi.us
BK/kc

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Phone: (608) 824-7300

www.middletonpd.com



Fax: (608) 833-9990

police@ci.middleton.wi.us