



Fireworks Permits

Prepared by: Dan Schmidt, Principal Analyst

FIREWORKS DEFINED

Under Wisconsin law, “fireworks” generally means anything manufactured, processed, or packaged for exploding, emitting sparks, or combustion, which does not have another common use. With limited exceptions, this generally includes anything in the realm of what are commonly called “consumer fireworks,” that explode or fly, including:

- Firecrackers.
- Bottle rockets.
- Roman candles.
- Mortars.
- Cherry bombs.
- Aerial repeaters.

The following, sometimes referred to as “novelty fireworks,” may be prohibited locally, but are generally excluded from the definition of fireworks in Wisconsin:¹

- Toy snakes.
- Sparklers.
- Smoke bombs.
- Fountains.
- Cones.
- Spinners.

A third class of fireworks, referred to, as “display fireworks,” are large-scale explosives commonly seen at fireworks shows that are federally regulated and may not be possessed without a federal license.

SALE OF FIREWORKS PROHIBITED

The sale of fireworks is generally prohibited in Wisconsin unless the fireworks are sold:²

- To a city, village or town.
- To a person who is not a resident of Wisconsin.
- For certain industrial or educational purposes.
- To a person who holds a valid ***fireworks permit***.

A fireworks seller permit is generally not required for the purposes of safeguarding persons and property under ch. 167, Stats., but may be required for tax purposes or by local ordinance.

POSSESSION OR USE OF FIREWORKS PROHIBITED

The possession or use of fireworks is generally prohibited in Wisconsin unless one of the following exceptions apply:³

- Possession or use by a city, village, or town, with proper law enforcement notice.
- Possession or use for certain industrial or educational purposes.
- Possession or use as authorized by a federal license or permit.
- Possession by a nonresident if the person does not use the fireworks in Wisconsin.
- Possession for the purposes of transportation to a location where use is authorized, provided the person does not remain in a city, village, or town where a fireworks permit is required for more than 72 hours.
- Possession or use by a person who holds a valid ***fireworks permit***.

USER PERMITS

A fireworks user permit may be issued by a city, village or town and may be authorized by the appropriate respective mayor, president, or chairperson. A permit may be issued to any of the following:⁴

- A public authority.
- A fair association.
- An amusement park.
- A park board.
- A civic organization.
- An agricultural producer for the protection of crops.
- An individual or group of individuals.

A valid permit must specify all of the following:⁵

- The name and address of the permit holder.
- The date on and after which fireworks may be purchased.
- The general kind and approximate quantity of fireworks which may be purchased.
- The date or dates of permitted use.
- Any other special conditions prescribed by ordinance.

A permit may not be issued to a minor.

LOCAL REGULATION

A local government may define fireworks, including novelty fireworks, as they wish by ordinance. A local ordinance regulating the sale, possession, or use of fireworks may not be less restrictive than state law, but more restrictive ordinances are allowed. A county ordinance does not apply and is not enforceable in a city, village, or town that has an ordinance that defines, prohibits, or otherwise regulates fireworks differently from the county in which the city, village, or town resides. A local government may not enact an ordinance that prohibits the possession of fireworks while a person is transporting them to a location where possession is authorized by a valid permit.⁶

PENALTIES

A person who violates a local ordinance regulating or prohibiting the sale or use of fireworks may be required to forfeit up to \$1,000. A parent or legal guardian who consents to the use of fireworks by a minor may be required to forfeit up to \$1,000.⁷

A city, village, or town may also petition a circuit court to enjoin a violation of either state statute or local ordinance regulating fireworks. A person who violates a court order enjoining such a violation may be fined up to \$10,000, imprisoned for nine months, or both.⁸

¹ For a specific list exceptions to what constitutes fireworks in Wisconsin, see s. 167.10 (1) (a) through (p), Stats.

² s. 167.10 (2), Stats.

³ s. 167.10 (3) (a) and (b), Stats.

⁴ s. 167.10 (3) (c), Stats.

⁵ s. 167.10 (3) (f), Stats.

⁶ s. 167.10 (5), Stats.

⁷ s. 167.10 (9), Stats.

⁸ s. 167.10 (8) and (9), Stats.