

No. 75, A.]

[Published July 9, 1947.]

CHAPTER 369.

AN ACT to repeal and recreate 340.70 of the statutes, relating to regulation of fireworks and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 340.70 of the statutes is repealed and recreated to read:

340.70 FIREWORKS REGULATED. (1) It is unlawful for any person to sell, expose or offer for sale, use, keep, discharge or explode any firecrackers, blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, contrivances using explosive caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedoes, sky rockets, Roman candles, aerial salutes, American or Chinese bombs or other fireworks of like construction, or any fireworks containing any explosive or flammable compound, or any tablets or other devices commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other modern explosives, within the state of Wisconsin, except as hereinafter provided.

(2) Nothing herein contained shall prohibit the use of fireworks other than those prohibited by subsection (6) for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals that have been granted a permit for such display by the mayor of the city, president of the village or chairman of the town wherein the display is to be given.

(a) The issuing officer may require an indemnity bond with good and sufficient sureties for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under such permit. Such bond, if required, shall be taken in the name of the city, village or town wherein the fireworks display is to be given, and any person injured thereby may bring an action on said bond in his own name to recover the damage he has sustained, but the aggregate liability of the surety to all persons shall in no event exceed the amount of such bond. The bond, if re-

quired, together with a copy of the permit shall be filed in the office of the clerk of such city, village or town.

(3) Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events, or use by militia, police or military organizations; nor the use or sale of colored flares or torpedoes for railway, aircraft, or highway signal purposes.

(4) Nothing in this section shall be construed to prohibit any resident wholesaler, dealer or jobber from selling fireworks other than those prohibited by subsection (6) at wholesale, but only when the same are shipped or delivered directly outside of the state of Wisconsin or to an organization or group granted a permit under subsection (2).

(5) The following provisions shall apply to places where fireworks are stored or handled:

(a) Such premises shall be equipped with fire extinguishers approved by the fire chief or chief engineer of the fire department in the community in which such premises are located;

(b) Smoking shall be prohibited where fireworks are stored or handled;

(c) It is hereby made the duty of every wholesaler, dealer or jobber keeping, storing or handling, within the state of Wisconsin, fireworks of any description to notify the fire chief or chief engineer of the fire department in the community wherein such fireworks are kept, stored or handled, immediately of the receipt of such fireworks, or the removal thereof from one location to another, and the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within 50 feet of any building used for dwelling purposes, or in places of public assemblage, or within 50 feet of any gasoline pump, gasoline filling station or gasoline bulk station, or any building in which gasoline or volatile liquid is sold in quantities in excess of one gallon.

(6) Under no circumstances shall any person sell, keep for sale, manufacture or bring into this state for use therein any fire balloon, mortars or cannon, or any explosive cane, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese firecrackers more than 2 inches in length or more than three-eighths inch in diameter, outside measure-

ments of container, or any article containing a compound of mercury or yellow phosphorus.

(7) A parent or legally appointed guardian of any minor who shall knowingly permit such minor to purchase or have in his possession or to discharge any fireworks forbidden by this section shall be deemed to have violated this section and such parent or guardian shall be personally liable for any damage caused by such possession or discharge of fireworks.

(8) The mayor of each city, the president of each village, the chairman of each town, policemen, firemen and all other peace officers are charged with the duty of enforcing this section in their respective jurisdictions. Failure to do so shall constitute grounds for removal from office. It shall be the duty of the industrial commission to see that the provisions of this section are enforced throughout the state.

(9) Any person who shall violate any provision of this section shall be fined not less than \$25 nor more than \$500, or imprisoned not less than 30 days nor more than 6 months, or both. Each day on which such violation continues shall constitute a separate and distinct offense.

SECTION 2. This act shall take effect January 1, 1948.

Approved July 2, 1947.

No. 40, S.]

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CHAPTER 370.

AN ACT to create 71.046 of the statutes, relating to depletion allowance in computing income tax of lead and zinc mines.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

71.046 of the statutes is created to read:

71.046 DEPLETION; LEAD AND ZINC MINES. (1) Beginning with the calendar year 1947 or corresponding fiscal year, in addition to other deductions allowed by sections 71.03 and 71.04 there shall be allowed in the case of lead and zinc mines, or mills finishing the products of lead and zinc mines for the smelter, the following allowance for depletion:

(a) On the first \$100,000 of gross income from sales of ore or ore products or any part thereof, 15 per cent;