

FIREWORKS PERMIT

Town of Sheboygan Falls, Sheboygan County, Wisconsin

PERMIT HOLDER

Name: _____

Address: _____

Phone No: _____

This permit is for the sole use of the Permit Holder named above, is not assignable, and is subject to the following terms, conditions and restrictions:

1. The Permit Holder is granted permission to:
 - a. Purchase fireworks on and after this date: _____, 20____
 - b. Purchase the following kind and quantity of fireworks: _____

 - c. Use the fireworks on this date only: _____, 20____
(note: fireworks may not be used between 12:00 midnight and 8:00 am)
 - d. Use the fireworks at this exact address and location: _____

2. This permit is not valid unless there is on file with the Town of Sheboygan Falls documentation indicating that the Permit Holder has in place the insurance required by the Town that will indemnify other persons for any injuries arising out of the use of the fireworks, and which names the Town as an additional insured.
3. At least two (2) days prior to the date when the fireworks are first authorized to be used, the Permit Holder must provide a copy of this permit to the Sheboygan County Sheriff's Department. This permit is not valid unless the Permit Holder can demonstrate that a copy was timely provided to the Sheriff's Department.
4. The Town of Sheboygan Falls Fire Chief may suspend or revoke this permit if—in the Chief's sole discretion—dry, windy, or other conditions would cause the use of fireworks to endanger persons or property.

5. General Safety Requirements:

- a. Barriers must be used during preparation, firing and cleanup to restrain spectators and to only allow access to the launch area by authorized persons in charge of the display;
- b. The launch area must be at least 200 feet from the nearest spectator, public road, boat or building, and 50 feet from above ground power lines, cables, trees or other overhead objects;
- c. All fireworks that fire a projectile set to go into the air must be directed as nearly vertical as possible;
- d. Any fireworks that remain unfired shall be immediately disposed of or removed promptly and safely;
- e. The operator shall make a thorough search for unfired fireworks and dispose of them promptly and safely.

3. The following special conditions also apply:

Dated this ____ of _____, 20 ____.

Chairperson: _____
Town of Sheboygan Falls

A copy of this permit was received by the Sheboygan County Sheriff's Department on the ____ day of _____, 20 ____, by:

Print Name: _____
Title: _____

NOTES: This permit is not valid unless it contains the signature of the Town Chair AND includes verification that a copy was provided to the Sheboygan County Sheriff's Department at least two days prior to the time when the fireworks are to be used.

**AN ORDINANCE CREATING SECTION 4.05 OF THE
MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN
FALLS, SHEBOYGAN COUNTY, WISCONSIN,
REGULATING THE USE OF FIREWORKS**

WHEREAS, Wisconsin Statutes §167.10 authorizes local regulation of fireworks; and,

WHEREAS, the Town Board of the Town of Sheboygan Falls finds and determines that regulating fireworks as set forth below will promote the health, safety and welfare of the Town and its residents;

NOW, THEREFORE, the Town Board of the Town of Sheboygan Falls does hereby ordain as follows:

Section 1. **Creating Code Section.** Section 4.05 of the Municipal Code of the Town of Sheboygan Falls is hereby created to read as follows:

4.05 REGULATION OF FIREWORKS

(1) **State Statute Adopted.** The definitions, restrictions, requirements, and other provisions of § 167.10, Wis. Stats., as amended, are adopted herein and shall apply to the regulation of fireworks in the Town, except as specifically set forth herein.

(2) **Permit Procedure.** Subject to the terms of this section, the Town chair may issue a permit for the possession and use of fireworks within the Town pursuant to §167.10(3).

(a) **Application.** Those seeking a fireworks permit shall submit to the Town Clerk, at least 15 days in advance of the date set for use, an application containing the following:

1. name, address and telephone number
2. kind and quantity of fireworks to be used
3. date and time of use
4. location of use
5. expected number in attendance to view the display
6. a copy of the applicant's homeowner's insurance declaration page as proof of adequate insurance coverage for the property to be used for the discharge

of fireworks, 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 the permit, naming the Town of Sheboygan Falls as an additional insured.

(b) Fee. Applicants shall pay the permit fee indicated in the Town's fee schedule (§ 11.05); applications are not complete and will not be considered until such fee is paid.

(c) Issuance. Within ten (10) days of the Town's receipt of an application, the Town Chair shall either approve or deny the application.

(d) Validity. A fireworks permit is not valid unless it includes proof that a copy was received by the Sheboygan County Sheriff's Department at least two (2) days prior to the time of first authorized use.

(e) Revocation. The Town of Sheboygan Falls Fire Chief may suspend or revoke a fireworks permit if in the Chief's sole discretion dry, windy, or other conditions would cause the use of fireworks to endanger persons or property.

(3) Permit Terms and Conditions. Permits shall include:

(a) All of the terms specified by Wis. Stat. § 167.10(3)(f);

(b) The following safety requirements:

1. Barriers must be used during preparation, firing and cleanup to restrain spectators and to only allow access to the launch area by authorized persons in charge of the display;
2. The launch area must be at least 200 feet from the nearest spectator, public road, boat or building, and 50 feet from above ground power lines, cables, trees or other overhead objects;
3. All fireworks that fire a projectile set to go into the air must be directed as nearly vertical as possible;
4. Any fireworks that remain unfired shall be immediately disposed of or removed promptly and safely;
5. The operator shall make a thorough search for unfired fireworks and dispose of them promptly and safely.

(c) A condition that fireworks not be used between 12:00 midnight and 8:00 am.

(d) Additional terms and conditions which the Town chair determines will promote public health, safety, and welfare.

(4) Violations. Any person who violates the terms of this section shall be subject to the penalties in § 11.04 of this code. Each day a violation occurs constitutes a separate offense.

Section 2. Amending Code Section. Section 11.05 of the Municipal Code of the Town of Sheboygan Falls is hereby amended to add the following fee:

(14) Fireworks Permit \$ 25.00

Section 3. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 4. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted this 5 day of May, 2008.

TOWN OF SHEBOYGAN FALLS

By Steven H. Bauer
STEVEN H. BAUER, Town Chairperson

CERTIFICATION

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan Falls on the 5 day of May, 2008.

Trina Theobald
TRINA THEOBALD, Town Clerk/Treasurer

Posted: 5-8-2008

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