



2021 TOWN OF POLK FIREWORKS PERMIT

Applicant: _____

Event Name: _____

Date and Time of Display: _____

Location of Display: _____

Telephone No. of Permit Holder: _____

Fireworks Company: _____

Contact on Site: _____

Please include with Application:

1) Certificate of Liability Insurance

(The applicant shall file with the Town Clerk a certificate of liability insurance issued by an insurance company authorized to write such policies in the State of Wisconsin in the amount of \$1,000,000 for bodily injury to any one person, in the amount of \$2,000,000 for injury to more than one person, and in the amount of \$1,000,000 for damage to property that may arise by reason of use or discharge of fireworks under the permit. The Town of Polk shall be named as one of the insureds in said policy of insurance.)

2) A Copy of the Executed Contract with Fireworks Company

3) List and Size of Fireworks to be Used at Event

4) A Copy of the Site Plan where the Fireworks will be used

5) A copy of ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) license

6) Fee: \$25.00 Cash or Check to Town of Polk

IMPORTANT: A copy of all event information **MUST** also be submitted to the responding Fire Department. (Please contact the Town Clerk to determine correct Fire Department). The Fire Department will review application and provide a recommendation to the Town Board when permit is considered.

ORDINANCE 04.2021
RESCIND AND REPLACE ORDINANCE NO. 9.05 SALE AND USE OF
FIREWORKS REGULATED AND SALE AND DISCHARGE OF
FIREWORKS RESTRICTED
TOWN OF POLK, WASHINGTON COUNTY

Sec. 9.05 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

9.05 (1) DEFINITIONS

In this Section, “fireworks” means anything manufactured, processed, or packaged for exploding, emitting sparks or combustion which does not have another common use, and specifically everything within the definition of “fireworks” as described within §167.10(1) Wis. Stats., specifically including without limitation by reason of enumeration, subsections 1(e) (caps), 1(f) (toy snakes), 1(i) (sparklers), 1(k) (fuse-less devices), 1(L) (smoke-producing devices), 1(m) (Cylindrical fountains), and 1(n) (cone fountains).

NOVELTY FIREWORKS are defined to include the following:

(1) SPARKLERS

A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.

(2) POPPERS

A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.

(3) SMOKE BALLS

A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects and which contains one-quarter (1/4) grain of explosive mixture.

(4) TOY SNAKES

A toy snake which contains no mercury.

(5) PUNKS

A substance that smolders when ignited that contains not more than which contains one-quarter (1/4) grain of explosive mixture, which is used to light fireworks.

POSSESSION

The act, fact, or condition of having control, custody, or care of fireworks; storage of fireworks; or handling of fireworks.

PUBLIC DISPLAY

Use of fireworks at an event that is open to the public or to which the public may be invited, which may be on publicly owned or privately owned property, with or without charge.

9.05 (2) FIREWORK USE

- A. Prohibition. All sale, sale, possession or use of fireworks is prohibited in the Town of Polk, subject to the exceptions noted in Subsection B.
- B. Exceptions. The prohibitions of Subsection A shall not apply in the following strictly limited circumstances:
- (1) In transit. Possession of fireworks is not prohibited during transportation of the fireworks to a city, town, village or county where the possession of the fireworks is authorized by permit or ordinance, provided that the fireworks remain in the Town for a period of less than 72 hours.
 - (2) Public display. Upon petition to the Town Board, the Town Board may authorize public display of fireworks, and fireworks storage in preparation for the public display, subject to such reasonable conditions as the Town Board may impose. Refer to 9.05(3), Fireworks display permit, for information on the procedures for obtaining a display permit.
 - (3) Possession of small quantities of novelty fireworks. Novelty fireworks may be possessed within the Town, provided that the total quantity of all such novelty fireworks on a single lot is less than 10 pounds gross weight, which includes the weight of all packaging material.
 - (4) Sale of small quantities of novelty fireworks. Novelty fireworks may be sold within the Town, provided that the quantity limitations for possession of novelty fireworks described in Subsection B(3) shall be met by all sellers and purchasers of such items.
 - (5) Use of small quantities of novelty fireworks. Novelty fireworks may be used within the Town, provided that the quantity limitations for possession of novelty fireworks described in Subsection B(3) shall be met by all users. The time, place and manner of use shall be such that it does not constitute a public nuisance in violation of Ordinance 9.06 Loud and Unnecessary Noise Prohibited of this Code.

C. Seizure of fireworks. The Washington County Sheriff's Department shall seize, at the expense of the owner, all fireworks stored, handled, sold, possessed or used by any person who violates this section or state laws adopted herein. Such seized fireworks shall be destroyed after conviction for a violation or if no conviction occurs, shall be returned to the owner.

D. Penalties and remedies. In addition to, and not the exclusion or prejudice of, such other penalties and remedies as may apply, any person who violates this section shall be subject to the penalties and remedies set forth in Ordinance 10.7 Abatement of Public Nuisances, of the Town Code.

9.05(3) FIREWORKS DISPLAY PERMIT

A. Display permit. As provided in § 167.10(3), Wis. Stats., the Town of Polk may regulate the issuance of fireworks user's permits. As further provided in 9.05(3)G. of this chapter, the Town of Polk prohibits the sale, possession and use of fireworks, subject to certain exceptions, one of which relates to public displays of fireworks. The user's permit for such a public display, known as a display permit, shall be subject to the procedures and limitations of this subsection.

B. Limited events. Display permits may be issued for festivals and public or private celebrations that satisfy the definition of public display.

C. Application. The party responsible for the display shall file an application with the Town Clerk on forms provided by the Town Clerk. The fee for a display permit shall be paid at the time of the application in the amount set by Town Board resolution. The permit application must be received by the Town Clerk not less than 30 days prior to the requested date of use and not less than two weeks before a scheduled Town Board meeting. The application must include a list of the fireworks to be used in the display and a map of the location indicating where the display will take place.

D. Fire Department review. The Town Clerk shall provide a copy of all display permit applications to the appropriate Fire Department for review and recommendation to the Town Board.

E. Town Board action. No permit shall be granted by the Town Board Chairperson unless the Town Board determines that the applicant will use the fireworks in a festival or public or private celebration that constitutes a public display pursuant to this ordinance and that all reasonable precautions will be exercised with regard to the protection of the lives and

property of all persons and that the display will be handled by a competent professional operator and conducted in a suitable, safe place and manner.

Before the Town Board Chairperson executes any fireworks permit approved by the Town Board, the applicant shall file with the Town Clerk a certificate of liability insurance issued by an insurance company authorized to write such policies in the State of Wisconsin in the amount of \$1,000,000 for bodily injury to any one person, in the amount of \$2,000,000 for injury to more than one person, and in the amount of \$1,000,000 for damage to property that may arise by reason of use or discharge of fireworks under the permit. The Town of Polk shall be named as one of the insureds in said policy of insurance.

- F. Limitations. This section implements § 167.10, Wis. Stats., and is subject to municipal liability described therein. No findings or action taken by the Town Board per this section, even if made in error, shall relieve the permittee or operator from the obligation to ensure that their activities are conducted in a safe and lawful manner, to protect people and property, nor does the Town assume any such responsibility.
- G. Permit. A permit under this subsection shall specify all of the following and shall be subject to the following conditions:
- (1) The name, address, and telephone number of the permit holder.
 - (2) The date, time and location of permitted use.
 - (3) Other special conditions prescribed by ordinance or the Town Board in its approval.
 - (4) Such other information or limitations as the Town may require from time to time.
 - (5) The permit shall be revoked when a no-burn order is in place on the date of display.
 - (6) As stated in NFPA 1123, whenever in the opinion of the AHJ (authority having jurisdiction), the Town of Polk or the operator any hazardous condition exists, the fireworks display shall be stopped until the condition is corrected. If high winds, precipitation or other adverse weather conditions prevail or begin such that a hazard exists, the fireworks display shall be postponed or discontinued immediately until such time as the situation is corrected. The Town of Polk may revoke the permit due to hazardous conditions or adverse weather conditions on the date of the display.

H. Revocation of permit.

- (1) If a permit is revoked under 9.05(3), G.(5) or G.(6), at the request of the applicant:
- (a) The permit may be reissued for a subsequent date within 60 days of the revoked date of display subject to staff approval; or
 - (b) The permit application fee may be reimbursed to the applicant less a \$25 administrative fee.
- (2) The permit holder shall give notice of such display to the appropriate Fire Chief and Washington County Sherriff Department at least five days before the date of authorized use, along with a copy of the permit, or the display permit is void.
- (3) A permit under this subsection may not be issued to a person under 18 years of age.

ADOPTED by a vote of 3 for and 2 against on this 13th day of April, 2021.
TOWN OF POLK

TOWN OF POLK

By: Albert J. Schulteis
Albert Schulteis, Town Chairman

Attest:

Sandra J. Rotar
Sandra J. Rotar, Clerk