

# Town of Washington

County of Door

P.O. Box 220

Washington Island, WI 54246

[www.washingtonisland-wi.gov](http://www.washingtonisland-wi.gov) 920-847-2522

## **FIREWORKS USER/ GROUP PERMIT APPLICATION**

Licensing Fee: \$100.00

### **INCOMPLETE OR INACCURATE FORMS WILL BE REJECTED**

Applicants Name: \_\_\_\_\_  
Group Name: \_\_\_\_\_  
Applicants Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Applicants Phone # \_\_\_\_\_ Cell \_\_\_\_\_ Home \_\_\_\_\_ (check one)

Date of Event: \_\_\_\_\_  
Location of Event: \_\_\_\_\_ (Physical address, **NOT** a Post Office Box)  
Time of Event: \_\_\_\_\_ to \_\_\_\_\_ (2 hour maximum, no later than 11PM)  
Special Event: \_\_\_\_\_ (Holiday, Anniversary, etc.)

Description & Quantity of Fireworks to be discharged: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(State law requires specific kind: *firecrackers* – 40, *roman candles* - 30) (Consumer fireworks only: 1.4G / Class C)

Purchased From: \_\_\_\_\_ Date: \_\_\_\_\_

### **INCLUDE THE FOLLOWING ATTACHMENTS WITH THE APPLICATION:**

Group User Permit requests must include a copy of Certificate of Liability Insurance or Indemnity Bond 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 shall be named as one of the insureds in said policy of insurance.

The Town of Washington is required to send a copy of this permit to the Washington Island Police Department and Fire Department, at least 2 days prior to the date of authorized use of the listed fireworks. The undersigned authorized person by their signature understands that any violation of this permit or the regulations set by state statute can result in the confiscation of fireworks and the issuing of citation/s that include a forfeiture not to exceed \$1,000. Further, should the use of fireworks of any kind start a forest fire, the responsible party will be liable for the fire suppression costs and may be issued a citations.

Signature of Applicant: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_

Signature of Town Chairman: \_\_\_\_\_

Permit No. \_\_\_\_\_ Date Issued: \_\_\_\_\_ Issued By: \_\_\_\_\_

Approved or Denied (Circle One) Police & Fire Departments Notified: \_\_\_\_\_

\$100.00 Fee Receipt # \_\_\_\_\_ Cash \_\_\_\_\_ Check \_\_\_\_\_ Credit Card \_\_\_\_\_

(Check One)

## **SALE AND DISCHARGE OF FIREWORKS RESTRICTED.**

**(1) STATE LAWS ADOPTED.** The current and future statutory provisions of Wisconsin Statute, Section 167.10, regulating the sale and use of fireworks, except in so far as this ordinance is more restrictive as to use, exclusive of any provision therein relating to penalties, are hereby adopted by reference and made part of this code as though fully set forth herein. Any future additions, amendments, revisions or modifications of Wisconsin Statute 167.10 incorporated herein are intended to be made a part of this code, except in so far as this ordinance is more restrictive as to use.

### **(2) SALE OF FIREWORKS.**

(a) The sale of "fireworks", as that term is defined in Section 167.10(1), Wisconsin Statutes, is prohibited within the Town of Washington.

### **(3) USE OF FIREWORKS.**

**(a) Prohibited Without a Permit.** The use of fireworks, as that term is defined in Section 167.10(1), Wisconsin Statutes, is prohibited in the Town Of Washington unless the fireworks are used pursuant to a group user permit or individual user permit issued by the Town of Washington, according to the provisions of Section 167.10 (3), Wisconsin Statutes and all of the requirements and limitations of this Section.

**(b) Group User Permit.** A group user fireworks discharge permit application may be made by: a public authority; a fair association; an amusement park; a park board; a civic organization; a group of individuals that are all residents of the Town of Washington; an agricultural producer for the protection of crops from predatory birds or animals. Such application may be made pursuant to Section 167.10 (3) (c), Wisconsin Statutes, and shall be subject to all terms of this Section. For group users, a pyrotechnic professional must discharge the fireworks and the applicant or sponsoring organization must have liability insurance naming the Town of Washington as additional insured in the amount of \$1,000,000.00 bodily injury to one person, \$2,000,000 for injury to more than one person, and \$1,000,000 for damage to property. The application must specify the name and address of the requested 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 and location of the proposed use, and the name, address and telephone number for the pyrotechnic professional that will discharge the fireworks. If the application is from a group of individuals, the location of the proposed use must be owned by one of the members of the group, and this ownership of the location must be stated on the application. A certificate of insurance in a form approved by the Town's Attorney shall be provided prior to the discharge of any fireworks, evidencing all of the required insurance coverage. A separate application must be submitted for each day use is intended.

**(c) Individual User Permit.** An individual user fireworks discharge permit application may be made by any owner and resident of real property in the Town of Washington, for intended discharge on such applicant's property. Such application may be made pursuant to Section 167.10(3)(c), Wisconsin Statutes, and shall be subject to all applicable terms of this Section. Such use is restricted to the following dates: July 3, 4 or 5 each year, subject to the following. If the 4th of July falls on a Monday or Tuesday, the Saturday before will be allowed. If the 4th of July falls on a Wednesday or Thursday, the Saturday after will be allowed. Or any special event with Town Board approval. The application must specify the name and address of the requested permit holder, the general kind and approximate quantity of fireworks which may be purchased, the date and location of the proposed use, and the name, address and telephone number for the individual responsible for the discharge of fireworks. A separate application must be submitted for each day use is intended.

**(d) Restrictions and Limitations.** In addition to all other requirements of this Section and applicable State laws, any use of fireworks shall be subject to the following requirements:

1. Wind velocity. Wind velocity at the time of use shall not be more than 15 miles per hour as recorded by the National Weather Service, Washington Island Airport (K2P2) current wind speed. (920-847-3024)

2. Wind direction. Wind direction at the time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or cause annoyance or danger to other persons or property.

3. Fire prevention. Sufficient firefighting implements and personnel shall be available at the scene to control any fire that may be caused by the fireworks.

4. Hours. Fireworks may only be used between 4:00 P.M. and 11:00 P.M. Restricted to 2 hour maximum duration of show.

5. Responsibility on Permitted Property. For property that is subject to a fireworks permit, only the individual or professional designated on the permit application may discharge fireworks. Such individual or professional is responsible in case of a violation, jointly and severally with the permit holder and property owner, and any or all of these parties may be cited for the violation.

6. Responsibility on Non-Permitted Property. For property that is not permitted for the discharge of fireworks, if fireworks are discharged the actual person that caused the illegal discharge is responsible for the violation if such person is identified by law enforcement. If the Officer cannot determine to its satisfaction the actual person that caused the illegal discharge, the owner or occupant of the property where the discharge occurred will be presumed to have caused the discharge, or to have aided or abetted the discharge, and shall be held responsible for the illegal discharge and may be cited for the violation. Such presumption may be rebutted only by credible evidence to show that the owner or occupant of the property had no knowledge of the fireworks being on the property at any time prior to the discharge, and that the owner or occupant of the property fully cooperated with the Officer in trying to identify the actual person who caused the illegal discharge. If the actual person that caused the illegal discharge is a minor child, the parents of the minor child shall be held responsible along with the minor child, and may be cited for the violation.

7. Town Board Review. The Town Board shall review certain fireworks permit applications. This review applies when the application includes an applicant, property owner, or person designated to discharge fireworks, who has been convicted of any citation issued under this section in the prior year, or was the subject of a written complaint filed with the Town within one week of a permitted fireworks discharge in the prior year, or was issued a written warning from the police department for a fireworks discharge violation in the prior year. For individual and group permit applications subject to this requirement, the applications must be submitted at least 30 days prior to the requested event, to allow for this review. The failure of an applicant that is subject to the Town Boards requirement to submit their application in a timely manner, or to appear before the Town Board, will result in the application for a permit being denied.

8. No sale. No person in the possession of fireworks pursuant to this section may resell those fireworks in the Town of Washington.

9. Permit availability. The permit the Town issues for the use of fireworks must be made available upon request of a police officer. In accordance with state statute, a copy of a permit shall be given to the

municipal fire and law enforcement official at least 2 days before the date of authorized use, and the Clerk is responsible for doing so.

10. Fee. A fee for said permit shall be established from time-to-time by resolution of the Town of Washington and must be submitted at the time of application.

11. Temporary ban. The Chairman, upon recommendation of the Fire Chief because of extreme dryness or drought, may in the Chairman's discretion declare a temporary ban on fireworks. No fireworks may be discharged during a declared ban. Any permit which would otherwise allow discharge on a date during such ban is automatically revoked, subject to the following. Such permittee may apply for a new discharge date after the ban is lifted without incurring a new fee. For individual user permits, if any of the possible discharge dates of this Section are during the ban, the Town Board shall have the authority, but not the obligation, to establish additional discharge dates which would apply only to those permittees who were not able to discharge fireworks on their permitted dates due to the ban.

12. Acceptance of risk. All fireworks discharge permits issued in the Town are issued subject to the possibility that discharge may be prohibited, even if the permit is issued, due to the restrictions and limitations of this ordinance. All applicants accept this risk and shall be solely responsible for all consequences of the same, by their submittal of the application.

#### **(4) SEIZURE AND DESTRUCTION OF FIREWORKS.**

In addition to, and not to the prejudice or exclusion of such other penalties and remedies as may apply, fireworks stored, handled, sold, possessed or used by a person who violates the terms of this ordinance may be seized and held as evidence of the violation. In the event a person is convicted of violating this ordinance all fireworks seized shall be destroyed pursuant to the provisions of Section 167.10(8)(b), Wisconsin Statutes, and any license or permit issued to the person under this section shall be revoked.