

Fireworks Application

City of Middleton



Name of Person and/or Organization _____ Phone _____

Address: _____ Email _____

Name and Date of Special Event: _____

Please list the name, address, and phone number of each officer(s) of organization and attach a copy of driver's license or state issued identification of each officer to this application. Attach additional page if necessary.

Name	Address	Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please list the name, address, and phone number of the person responsible for supervising permitted activity:

Name	Address	Phone
_____	_____	_____

Is this permit for possession and storage only? Yes No If yes, please list the dates and locations of possession and storage.

Date	Location
_____	_____
_____	_____

If no, please list the dates and locations of use.

Date	Location
_____	_____
_____	_____

Attachments/Other Conditions:

The following items are also recommended: 1) use of low-noise, or no-noise fireworks. The use of low/no-noise considers veterans with PTSD, other people with sensitivity to loud noises, and pets that may panic and run away, thus needing the help of the police and humane society 2) use of low or no perchlorate-containing fireworks, and 3) due to the potential exposure to smoke and particulate matter produced during fireworks displays individuals with respiratory and/or cardiovascular diseases should be urged to take appropriate precautions when attending the event, or view from a safe distance to reduce exposure.

- | | |
|---|---|
| 1. Mortar configuration and specifications <input type="checkbox"/> | 11. Site plan showing: <input type="checkbox"/> |
| 2. List of all fireworks to be used in any display <input type="checkbox"/> | a. Firing location |
| 3. Letter of authorization from property owner <input type="checkbox"/> | b. Device layout |
| 4. Resumes of each pyro technician, including copy of driver's license or state issued identification card <input type="checkbox"/> | c. Location of spectators |
| 5. Indemnity bond <input type="checkbox"/> | d. Distance of spectators from firing location |
| 6. Application fee in the amount of \$250.00 <input type="checkbox"/> | e. Fallout perimeter |
| 7. Public Notice <input type="checkbox"/> | f. Storage area for fireworks |
| 8. Pre-inspection scheduled <input type="checkbox"/> | g. Distances to all structures from firing location |
| 9. All debris and unburned shell fragments be cleaned up in entirety the following day | |
| 10. Any "misfires" or "duds" be located and disposed of properly | |

The undersigned, being first duly sworn on oath, deposed and says that he/she is a member of the above organization and; that he/she has read and made complete answers to each question, and the his/her answers in each instance are true and correct.

Applicant's Signature

Printed Name

Date signed

For office use only:

Fire Chief Determination: Approved
 Denied

Pre-display Inspection date: _____

Special Conditions: _____

Authorized Signature

Date

PD Determination: Approved
 Denied

Records Checks by: _____

Date: _____

Notes: _____

Refer to L&O: _____

Special Conditions: _____

Authorized Signature

Date

L&O Determination: Approved
 Denied

Date: _____

Special Conditions: _____

Authorized Signature (L&O/Staff)

Date

License Number: _____ Date Issued: _____ Date Paid: _____ (\$250 license fee)

Special Event License Number and issued date: _____

City Clerk Signature: _____

5.15 FIREWORKS.

- (1) Permit Required. Except as provided under subsection (5), no person may possess or use fireworks without a permit issued pursuant to this section.
- (2) Definition. In this section:
 - (a) "Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
 1. Fuel or a lubricant.
 2. A firearm cartridge or shotgun shell.
 3. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 5. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 6. A toy snake which contains no mercury.
 7. A model rocket engine.
 8. Tobacco and a tobacco product.
 9. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 10. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 11. A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 12. 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.
 13. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 14. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 15. A novelty device that spins or moves on the ground.
 - (b) "Public display of fireworks" means a use or display of fireworks that occurs:
 1. upon any public property; or
 2. where the display is substantially viewable from a public park or conservancy; or
 3. where the display includes fireworks that, when discharged, produce a display One-Hundred (100) feet or more above ground-level.
- (3) Application. An application to possess or use fireworks, along with the fee set forth in the Fee Schedule under section 3.12, shall be filed with the City Clerk on a form prescribed by the City Clerk which shall include the following information:
 - (a) Name, address and telephone number of the person, association, organization or corporation applying for the permit. If the application is for an association, organization or corporation, the name, address for all officers as well as the name, address and phone number of the officer or employee primarily responsible for supervising permitted activity.
 - (b) A description of the activity for which the permit is sought including whether the permit is for possession and storage only or for use.
 - (c) The dates and locations of possession and storage.
 - (d) The date and location of any permitted use.
 - (e) A list of all fireworks to be used in any display.
 - (f) Mortar configuration and specifications.
 - (g) For any display, a site plan showing:
 1. the firing location,
 2. the device layout,
 3. the location of spectators,
 4. distance of spectators from firing location,
 5. fallout perimeter,
 6. storage area for fireworks, and
 7. distances to all structures from firing location.
 - (h) A letter of authorization from the property owner to display fireworks.
 - (i) Resumes of each pyrotechnician that will be on site or setting up the display including date of birth and driver's license number or any substitute information authorized by the Chief of Police that will permit an adequate background check.
 - (j) Any other information reasonably necessary to evaluate the permit application.
- (4) Issuance.

- (a) The City Clerk shall forward a copy of any such application to the Fire Chief and Chief of Police for review.
- (b) If the application is only for possession and storage, the Fire Chief may consider any recommendations by the Chief of Police and approve issuance of the permit subject to any reasonable conditions deemed necessary in his or her discretion to protect the public health, safety and welfare or deny the permit. If the permit is denied, the Fire Chief or Chief of Police shall provide the reasons for denial in writing.
- (c) If the application is for the display of fireworks, the Fire Chief and Chief of Police shall review the application and provide a recommendation to the License and Ordinance Committee which shall approve the permit subject to any reasonable conditions deemed necessary in its discretion to protect the public health, safety and welfare or deny the application providing the reasons for denial in writing.
- (d) Any public display of fireworks shall require a special event permit under section 7.17.

(5) Exemptions. Subsection (1) does not apply to:

- (a) The City of Middleton provided the Fire Department and Police Department are notified of the proposed use of fireworks at least 2 days in advance.
- (b) The possession or use of explosives in accordance with rules or general orders of the State of Wisconsin Department of Safety and Professional Services.
- (c) The disposal of hazardous substances in accordance with rules adopted by the State of Wisconsin Department of Natural Resources.
- (d) The possession or use of explosive or combustible materials in any manufacturing process.
- (e) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (f) The possession of fireworks by a possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit and only to the extent authorized by the license or permit.
- (g) The possession of fireworks while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance unless the person remains in possession of the fireworks within the City for twelve (12) hours or longer.

(6) Regulations.

(a) Authorized Recipients. A permit under subsection (1) may be issued only to:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. An individual or group of individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

(b) Public Notice. As a condition of any permit issued for use of fireworks likely to produce an audible effect within a 1,000 foot radius of the display, the permittee shall provide public notice of the date, time and duration of the fireworks display in a public newspaper of general daily or weekly circulation posted 2 times, once at least 30, but no less than 20 days prior to the display and the second at least 7, but no less than 3 days prior to the display. As a further condition of approval, if the display is reasonably determined to have a potential adverse impact sensitive populations including, but not limited to, pet owners and combat veterans, written notice or posting may be required at up to 5 locations reasonably calculated to provide notice to such persons at least 30, but no less than 20 days prior to the display.

(c) Bond or Insurance. Before any permit may be issued, the permittee shall file proof of liability insurance or indemnity bond in an amount not less than \$1,000,000 for payment of claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under the permit. The Bond or Policy shall be in the name of the City of Middleton and permit any person to bring an action on the bond or policy in the person's own name to recover the damage the person has sustained.

(d) Pre-display Inspection. Prior to any display, the permittee shall notify the Fire Chief as soon as possible when set-up for the display is complete for the purpose of inspecting compliance with the permit including to verify location, quantity of devices and firing set-up location.

(7) Enforcement. In addition to any other remedies allowed by law, any person found to have violated this section may be subject to a forfeiture as provided under section 16.03(4).