

Village of Johnson Creek
125 Depot Street
P.O. Box 238
Johnson Creek, WI 53038
Phone (920) 699-2296
Fax (920) 699-2292



Crossroads with a Future

FIREWORKS DEALER'S LICENSE APPLICATION – CHAPTER 138

Fireworks Application Fee: (Chapter 33 Fees-Permits) \$50.00 \$ _____

1. Full Name of Company or Person: _____

Address: _____

Contact Person: _____ Contact Person Phone#: _____

Contact Person Address: _____

2. Date(s) of Sale: _____

3. Location (Name & Address) Where Product is to be Sold: _____

4. Map of Selling Area: _____

5. Full Names, Addresses, & Dates of Birth of Persons Selling at this Location (Attach Extra Sheet if Needed):

Last Name First Name Middle Initial DL# D.O.B

Street City State Zip

Last Name First Name Middle Initial DL# D.O.B

Street City State Zip

Last Name First Name Middle Initial DL# D.O.B

Street City State Zip

6. Description of Each Type of Fireworks to be Sold (Attach sheet. NO CLASS C Fireworks)

7. Certificate of Liability Insurance for Business Owner (Not Less than \$1,000,000.00). Must name the Village of Johnson Creek as an insured party: Attached: Yes No (Circle One)

8. Copy of Sellers Permit.

9. Business Operation Plan.
Business operation Plan

1. **Name of Business Operation:** _____
2. **Place of Operation:** _____
3. **Name of Property Owner(s)**_____
4. **Description of Operation:** _____

5. **On Site Storage:** _____
6. **Dates/Hours of operation:** _____
7. **All Trash will be Removed for Site Daily.**

Signature of Petitioner

Signature of Property Owner

Date of Signature

Date of Signature

Amount Paid at time of application: (MISCG) \$ _____	Cash or Check# _____
Signature of Clerk: _____	Date: _____ Permit #: _____
Copy of permit to Fire Chief: _____	Date: _____
Copy of permit to Chief of Police: _____	Date: _____

FIREWORKS DEALER'S LICENSE APPLICATION

**Johnson Creek Fire Department
120 S. Watertown Street
Johnson Creek, WI 53038
Office: 920-699-3456
Fax: 920-699-3458**

Permit Application

Date of Application: ___/___/___ **Date Business Opening:** _____

Business Name: _____

Address: _____

Phone: _____ **Email:** _____

The applicant listed above hereby makes application for:

Details regarding the above request must be filed when application is made and whenever requested by the Fire Marshal. It is the applicant's responsibility to ensure conditions are in accordance with applicable State and Local fire regulations.

Applicant Signature

Date

FOR DEPARTMENT USE ONLY

Date Issued: _____

Permit #: _____

Fee: \$ _____ [] Paid

_____ Inspector

Office Use

Permit No. _____

Date: _____

§ 138-1**Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

FIREWORKS

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:

A. Fuel or a lubricant.

B. A firearm cartridge or shotgun shell.

C. 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.

D. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

E. A cap containing not more than 1/4 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.

F. A toy snake which contains no mercury.

G. A model rocket engine.

H. Tobacco and a tobacco product.

I. A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.

J. A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.

K. A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three grams in total weight.

L. A device that emits smoke with no external flame and does not leave the ground.

M. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.

N. A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

§ 138-2**Sale.**

No person may sell or possess with intent to sell fireworks, except:

- A.** To a person holding a permit under § **138-3C**;
- B.** To a municipality; or
- C.** For a purpose specified under § **138-3B(2)** through **(6)**.

§ 138-3**Use.**

A. Permit required. No person may possess or use fireworks without a user's permit from the Village Clerk-Treasurer. No person may use fireworks or a device listed under § 138-1E through G and I through N while attending a fireworks display for which a permit has been issued to a person listed under Subsection **C(1)** through **(5)** or under Subsection **C(6)** if the display is open to the general public.

B. Permit exceptions. Subsection **A** above does not apply to:

- (1)** The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
- (2)** The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.
- (3)** The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
- (4)** The possession or use of explosive or combustible materials in any manufacturing process.
- (5)** The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (6)** A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.

C. Who may obtain permit. A permit under this section may be issued only to the following:

- (1)** A public authority.
- (2)** A fair association.
- (3)** An amusement park.
- (4)** A park board.
- (5)** A civic organization.
- (6)** An agricultural producer for the protection of crops from predatory birds or animals.

D. Crop protection signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

E. Bond. The Village Clerk-Treasurer issuing a permit under this section shall require an indemnity bond with a general aggregate minimum of \$1,000,000, personal and advertising injury \$1,000,000, each occurrence \$1,000,000, 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. The bond or policy shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy shall be filed in the office of the Village Clerk-Treasurer.

F. Required information for permit. A permit under this section shall specify all of the following:

- (1)** The name and address of the permit holder.
- (2)** The date on and after which fireworks may be purchased.
- (3)** The kind and quantity of fireworks which may be purchased.
- (4)** The date and location of permitted use.
- (5)** Other special conditions prescribed by ordinance.

G. Permit fee. The permit fee shall be as provided in Chapter **33**, Fees.

H. Copy of permit. A copy of a permit under this section shall be given to the Fire Chief and Police Chief at least two days before the date of authorized use.

I. Minors prohibited. A permit under this section may not be issued to a minor.

J. Suspension of permit. The Fire Chief, Police Chief or their designee may temporarily suspend and confiscate any permit issued under this chapter in the event the Fire Chief, Police Chief or their designee determines that there is probable cause to believe that the permit holder has violated any requirement of this chapter as it relates to the possession, sale or use of fireworks.

[Added 6-25-2018 by Ord. No. 3-18]

§ 138-4 **Storage and handling.**

A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.

B. Smoking prohibited. No person may smoke where fireworks are stored or handled.

C. Fire Chief to be notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.

D. Storage distance. No wholesaler, dealer or jobber may store fireworks within 500 feet of a dwelling.

E. Restrictions on storage. No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

§ 138-5 **Parental liability.**

A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

§ 138-6 **Violations and penalties.**

[Amended 6-25-2018 by Ord. No. 3-18]

A. Any person who violates any provision or requirement of §§ **138-2**, **138-3** or **138-4** of this chapter shall be subject to a forfeiture of not less than \$100 and not more than \$5,000 per occurrence.

B. Any parent or legal guardian of a minor who consents to the use of fireworks by the minor in violation of the provisions of § **138-5** of this chapter shall forfeit not less than \$100 and not more than \$1,000 per occurrence.