



Clerk & Treasurer, 662-2039
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662-7786
Building Inspection, 366-2400

Vernon Town Hall • W249 S8910 Center Drive • Big Bend, WI 53103

**TOWN OF VERNON
WAUKESHA COUNTY, STATE OF WISCONSIN
FIREWORKS PERMIT APPLICATION**

I apply for this permit in accordance with the conditions set forth in the attached Town of Vernon Ordinance #160-24 (dated 03-01-2010)

1. APPLICANT NAME & MAILING ADDRESS

a. _____
b. _____
Street City State Zip
c. PHONE: _____ FAX: _____ E-MAIL: _____

2. PROPERTY ADDRESS OF PREMISE WHERE DISPLAY WILL OCCUR :

a. _____
Street City State Zip

3. I APPLY FOR THIS PERMIT AS THE FOLLOWING:

Festival Celebration Other

4. TO EXHIBIT OR DISPLAY FIREWORKS ON:

a. DATE(S): _____
b. START TIME: _____ END TIME: _____
c. LOCATION: _____
Street City State Zip
d. TYPE: _____
e. QUANTITY: _____

I certify that I am familiar with all Federal, State and Local laws and regulations pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

Applicant Signature & Date

Town Attorney Verification of Certificate of Insurance.

Town Clerk Signature & Date

Town Chairman Signature & Date

**FOR OFFICE USE ONLY:
DATE SUBMITTED**

C: Fire Chief (Review for recommendation to Town of Vernon Board.
revised: 01-18-2011

INTERNAL USE ONLY

\$100.00
Application Fee: \$ _____ Check #: _____ Date Paid: ____/____/____ Rec'd By: _____

TOWN OF VERNON CODE RELATING TO FIREWORKS

[Amended 4-30-2009 by Ord. No. 2009-06]

A. State law adopted. The current and future statutory provisions of Wisconsin Statute, § 167.10, regulating the sale and use of fireworks, exclusive of any provision therein relating to penalties and subject to any modifications set forth in this section, are hereby adopted by reference and made part of this Code as though fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this section. Any future additions, amendments, revisions or modifications of Wisconsin Statute § 167.10 incorporated herein are intended to be made a part of this Code.

B. Definition of "fireworks." "Fireworks" is hereby defined to include all items included in § 167.10(1)(intro.), as well as all items included in § 167.10(1)(f), (j), (k), (L), (m) and (n) of the Wisconsin Statutes.

C. Sale of fireworks. It is unlawful for any person to sell fireworks as defined in Subsection B of this section. [§ 167.10(1), Wis. Stat.]

D. Possession and use of fireworks.

(1) No person may possess or use fireworks as defined in this section without a user's permit from the Town Chair [§ 167.10(3)(a), Wis. Stat.] or from an official or employee of the Town of Vernon designated by the Town Board.

(2) Any permit issued by or sold by a fireworks vendor is not valid.

(3) The Town Chair shall refer each application for a fireworks permit to the Fire Chief of the Fire Department. The Fire Chief shall review the permit, shall investigate the same, and shall make a recommendation in writing to the Town Board to approve or disapprove the issuance of a permit. The Town Chair may impose restrictions and set forth requirements in the permit concerning the possession or use of fireworks and pyrotechnic displays. Any violation of any restriction or requirement shall be cause for revocation of the permit and shall constitute a violation of this section. [§ 167.10(3)(a), Wis. Stat.]

(4) Each permit must be applied for and approved by the Town Board 30 days before use.

(5) A copy of the permit must be given to law enforcement officials in the Town at least two days before the date of use. [§ 167.10(3)(g), Wis. Stat.]

(6) Each permit must specify the specific quantity and the kinds of fireworks that are going to be used or possessed. [§ 167.10(3)(f)3, Wis. Stat.]

(7) Each permit must specify the location at which the fireworks may be possessed or used. [§ 167.10(3)(f)4, Wis. Stat.]

(8) The permit must specify the date of the permitted use. [§ 167.10(3)(f)4, Wis. Stat.]

(9) A permit may not be issued to a minor [§ 167.10(3)(h), Wis. Stat.] under the age of 18 years old.

(10) Residents and nonresidents must have a valid permit to possess or use fireworks while in the Town of Vernon.

(11) The Town Chair shall require the applicant for a permit to file a certificate of insurance with the application issued by an insurance company licensed to do business in the State of Wisconsin for at least \$1,000,000, which certificate of insurance will provide for the payment of all claims that may arise by reason of the injury to persons or property from the handling, use or discharge of fireworks under the permit. The policy of insurance shall cover any claim made against the Town of Vernon by any person injured by such fireworks display and shall provide that the Town of Vernon or any person may bring an action on such policy of insurance in the person's own name who may be injured to recover damages that the person has sustained. The policy of insurance shall be approved by the Town Attorney and the Town Board before filing with the Town Clerk [§ 167.10(3)(e), Wis. Stat.]

(12) Failure to provide the information requested or the certificate of insurance in the amount required shall be sufficient cause to deny the permit.

(13) Penalties.

(a) A person who possesses or uses fireworks, as defined in this section, without a valid permit, or who sells fireworks in the Town of Vernon is subject to a forfeiture of up to \$1,000 per violation. [§ 167.10(9)(b), Wis. Stat.] Each firework illegally possessed, used or sold maybe a separate violation.

(b) A parent or guardian who allows a minor to possess or use fireworks (not including those for which no permits are required) is subject to a forfeiture of up to \$1,000 per violation [§ 167.10(9)(c), Wis. Stat.]

(c) A town may obtain an injunction prohibiting a person from violating Wis. Statute § 167.10(8)(a). Violations of such an injunction are criminal misdemeanors, subject to up to nine months in jail and a fine of \$10,000. [§ 167.10(9)(a), Wis. Stat.]

(14) Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events, or use by the militia, police or military organizations; nor the use or sale of colored flares or torpedoes for railway, aircraft, or highway signal purposes.

E. Enforcement. [§ 167.10(8)(a) and (b), Wis. Stat.]

(1) A town may petition the Circuit Court for an order enjoining violations of sub. (2), (3) or (6) or an ordinance adopted under sub. (5) of § 167.10 Wis. Stat.

(2) Fireworks stored, handled, sold, possessed or used by a person who violates this section, an ordinance adopted under sub. (5) or a court order under par. (a) may be seized and held as evidence of the violation. Except as provided in § 968.20(4), *Editor's Note: See § 968.20(4), Wis. Stats.* only the fireworks that are the subject of a violation of this section, an ordinance adopted under sub. (5) or a court order under par. (a) *Editor's Note: See § 167.10(8)(a), Wis. Stats.* may be destroyed after conviction for a violation. Except as provided in s. 968.20(4), fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.