



## INSTRUCTIONS FOR OBTAINING A FIREWORKS VENDOR LICENSE

- Complete the Fireworks Vendor License Application
- Review City of Eau Claire Ordinance 9.32 and Wisconsin Statute 167.10 relating to fireworks
- Pay applicable license fee(s). The license period is January 1 to December 31. Fees are not prorated and are non-refundable. Fireworks being sold from a tent requires a tent inspection by the Fire Department. All premises require a fire inspection before selling.
- Mail or bring application with payment to:  
Licensing, City of Eau Claire  
203 S. Farwell St.  
PO Box 909  
Eau Claire WI 54702-0909  
Phone: 715-839-4923  
[licensing@eauclairewi.gov](mailto:licensing@eauclairewi.gov)
- Contact the Fire Department at 715-839-4825 **at least 3 days before selling** to schedule your fire inspection and receive your license.

### Questions:

- Phone: 715-839-4923
- Email: [licensing@eauclairewi.gov](mailto:licensing@eauclairewi.gov)



**FIREWORKS VENDOR APPLICATION**

NEW  RENEWAL

CHECK ONE or BOTH:

PERMIT TO SELL FIREWORKS: \$178 (Tran Code 1354) 9.32

TENT INSPECTION FEE: \$52 (Tran Code 2524) 9.32

TOTAL: \_\_\_\_\_

WHO IS APPLYING FOR THIS PERMIT?  LOCAL BUSINESS  FIREWORKS VENDOR

Name of business where fireworks are sold:		Email:	
Address of premise where fireworks are sold:			
Describe the location where fireworks are sold i.e. inside store/from tent in parking lot, etc:			
Name of Local Contact Person:		Phone No.:	

<b>Check one:</b> <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corp. <input type="checkbox"/> LLC	
<u>Email address:</u>	
Name of Owner of Fireworks Company (from previous question):	
Business Name of Fireworks Vendor:	
Business Address:	Bus. Phone:
Local/Temporary Address if applicable:	Local Phone No.:

Signature \_\_\_\_\_

Date \_\_\_/\_\_\_/\_\_\_

\* \* \* \* \* **IMPORTANT** \* \* \* \* \*

**R 08/2019**

PLEASE CONTACT THE **FIRE INSPECTOR AT 715-839-4825** TO SCHEDULE AN INSPECTION OF YOUR MERCHANDISE **PRIOR** TO THE SALE. FAILURE TO DO SO MAY RESULT IN A CITATION BEING ISSUED.

Mail or bring completed form with payment to:  
Licensing, City of Eau Claire  
PO Box 909  
203 S. Farwell St.  
Eau Claire WI 54702-0909  
Phone: 715-839-4923 [licensing@eauclairewi.gov](mailto:licensing@eauclairewi.gov)

cc FD: \_\_\_\_\_

**Chapter 9.32**

**FIREWORKS AND FIREARMS\***

**Sections:**

- 9.32.010 Definition.
- 9.32.020 Prohibited.
- 9.32.022 Pyrotechnic composition device vendor permit.
- 9.32.023 Permit fee--Conditions--Term.
- 9.32.024 Sale to minors.
- 9.32.025 Discharging fireworks.
- 9.32.030 Discharging firearms.
- 9.32.040 Firearms restricted in certain buildings.
- 9.32.050 Violation--Penalty.

**9.32.010 Definition.** In this section, "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:

- 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 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;
- 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 one-quarter 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 3 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. (Ord. 4738 §2, 1987; prior code §20.38[a]).

**9.32.020 Prohibited.** No person may possess, sell or use fireworks within the city. However, nothing in this section shall be construed to prohibit the city manager or city council from authorizing pyrotechnic displays of fireworks in parks and other public places, whenever so authorized by resolution of the council or the director of community services or special events permit approved in accordance with Ch. 9.59. Further, nothing in this section shall be construed to prohibit the lawful possession, custody or control of the above-named articles by wholesale dealers when held in transit, or for sale or delivery to places for lawful pyrotechnic displays. (Ord. 7202, 2016; Ord. 7161 §4, 2015; Ord. 4738 §2, 1987).

**9.32.022 Pyrotechnic composition device vendor permit.** A. It shall be unlawful for any person, firm or corporation to sell any of the devices described in s. 9.32.010 F., I., J., K., L., M., and N., without first obtaining a permit from the city clerk. (Ord. 5414 §1, 1994).

**9.32.023 Permit fee--Conditions--Term.** A. The annual fee for a permit to sell pyrotechnic composition devices under s. 9.32.022 is as stated in the City of Eau Claire Fees and Licenses Schedule. The entire permit fee shall be charged for every license for the whole or fraction of a year, and shall be paid when application is made for such permit.

B. The city clerk shall provide appropriate permit forms, as approved by the fire department, and shall maintain adequate record of the issuance thereof.

C. The applicant shall particularly describe the location where the permit will be used and shall at all times publicly and continuously display such permit at such location. Such permit may be transferred to a new location upon payment of a transfer fee as stated in the City of Eau Claire Fees and Licenses Schedule.

D. All vendors shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable, explosive or hazardous materials. (Ord. 6363 §29, 2002; Ord. 6236 §1, 2001; Ord. 5414 §2, 1994).

---

\* For statutory provisions prohibiting sale and use of fireworks, see WSA 167.10.

**9.32.024 Sale to minors.** It shall be unlawful for any person, firm or corporation to sell any type of pyrotechnic composition device, as described in section 9.32.010, subsections F, G, I, J, L, M, and N, to any minor under the age of 18 years. (Ord. 6691, 2006; Ord. 5437, 1994).

**9.32.025 Discharging fireworks.** No person shall discharge any fireworks within the city unless permitted under section 9.32.020. (Ord. 4738 §3, 1987).

**9.32.030 Discharging firearms.** A. For the purpose of this chapter, "firearms" means any rifle, shotgun, handgun, spring gun, pellet gun, air gun, bow and arrow device, crossbow, or any other weapon from which a shot is discharged by an explosive or propellant.

B. It is unlawful for any person to fire or discharge any type of firearm in the city. This section shall not apply to the following:

1. Law enforcement officers when acting in the normal course of their employment;
2. Any bona fide safety training course or practice firing held at a location approved by the chief of police or that person's designee, or other governmental agency;
3. Bow hunting of animals provided that such bow hunting is expressly permitted by state law and otherwise consistent with state hunting regulations, and that the proposed hunt is consistent with the requirements of this ordinance:

a. Bow hunting must meet all of the following hunting conditions:

i. It shall be unlawful for a person to discharge a bow and arrow or crossbow within a distance of fifty (50) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows and gives written permission to the person to use or discharge an arrow or crossbow within the specified distance of the building.

ii. Hunting may not occur across or within any public right of way or within fifty (50) feet of the center of a right of way and never closer than thirty (30) feet of the nearest border of a right-of-way.

iii. A bow and arrow or crossbow must be discharged toward the ground.

b. Bow hunting must meet all of the following public health, safety and welfare conditions:

i. Arrows or other projectiles shall not enter, occupy, or traverse land owned or occupied by another without the owner's prior written consent even if otherwise used in conformance with this section.

ii. No wildlife bait or feed such as deer bait, corn, seed, or other similar items designed to attract deer may be utilized or present on the permitted property during the hunting season.

iii. Bow and arrows or crossbows may not be discharged on or across any portion of land owned or occupied by the City of Eau Claire. This section shall not apply to practice or match shoots of regular clubs or other persons who have received prior written permission from the City of Eau Claire chief of police or the chief of police's designee.

iv. Bow hunters must follow state hunting laws, Wisconsin DNR hunting regulations, and safe hunting practices such as ensuring no people or property are in the vicinity of the target and the area beyond the target before discharge of an arrow or bolt.

v. Bow hunters must use best efforts to promptly dispatch a deer on the permitted property with a safe and effective shot. If a wounded deer is not recovered on the hunter or co-applicant's property, then entry on to another's property is permitted only with the prior permission of the landowner.

vi. Bow hunters shall take all reasonable steps to immediately and properly dispose of any portion of an animal killed or injured during a bow hunt including immediately field dressing any animal killed or injured at the site of the bow hunt, and promptly processing the meat and disposing of the by-products from the hunt.

4. When it has been determined by the director of community services that such hunting is necessary for proper game management or to protect parks or other property.

5. Spearing carp or other rough fish by bow and arrow in any waters except Half Moon Lake, pursuant to NR 20.09, 20.20, and any other applicable Department of Natural Resources regulation.

6. The chief of police or that person's designee may also authorize other firing or discharge of firearms in the city under special circumstances, provided that it has been established that such conduct will not jeopardize the safety or welfare of the public. The decision of the chief of police shall be final.

(Ord. 7202, 2016; Ord. 7152 §2 2015; Ord. 7139, 2015-Denied; Ord. 7101, 2014; Ord. 6545 §2, 2004; Ord 5266 §2, 1992; Ord. 4777, 1987; Ord. 4738 §1, 1987; Ord. 4488 §1, 1984; Ord. 4420 §1, 1984; Ord. 4327 §3, 1983; Ord. 4065 §3, 1980).

**9.32.040 Firearms restricted in certain buildings.** A. Definitions. The following definitions shall apply in the interpretation and the enforcement of this chapter:

1. "Firearm" means a weapon that acts by force of gunpowder.

2. "Law enforcement" means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

3. "Weapon" means a handgun, an electronic weapon as defined at Wis. Stats. §941.295, a knife or a billy club.

4. "Controlled-access facility" means a facility or area that has designated entrances for ingress and egress controlled by a door, gate, attendant or other means to limit entry while the facility is open and can be locked or secured when closed, or in the instance of temporary events of less than three weeks, designated entrances may be either secured when closed or the controlled-access facility removed at the termination of the temporary event.

B. In addition to the provisions of Wisconsin Statutes enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer or other City officer or official designated by the Eau Claire Chief of Police to enter the following City of Eau Claire municipal buildings, facilities or locations while carrying a weapon or a firearm:

1. City Hall;
2. L.E. Phillips Memorial Public Library;
3. Fire Stations;
4. Police Station;
5. Fairfax Park Pool;
6. Carson Park football, softball, and baseball stadiums and facilities;
7. Chippewa Valley Museum and related buildings within Carson Park;
8. Paul Bunyan Museum and related buildings within Carson Park;
9. Streets Maintenance, Transit, and Recreation and related buildings along Forest

Street;

10. City wells, pump houses, and all related buildings;
11. Hobbs Ice Center and all-season enclosed shelters at neighborhood parks;
12. Transit transfer station;
13. Park Tower and Owen Rust Memorial Apartments, and such other buildings or

facilities as designated by the Housing Authority;

14. Wastewater treatment plant, lift stations, and related buildings; and

15. Any and all other municipal buildings or controlled-access facilities owned or operated by the City of Eau Claire, whether now in existence or later constructed or leased excepting Phoenix Park trailhead, restrooms, and Farmer's Market pavilion, Owen Band Shell, park pavilions in Carson Park and other similar open-sided structures in various locations.

C. It shall be unlawful for any person other than a law enforcement officer to enter any building, facility, or location open to the public that is posted as a no firearms or concealed weapons location while possessing, carrying, or concealing a firearm or weapon, whether with or without a state permit.

D. Signs meeting the requirements of Wis. Stats. § 943.13(2)(bm)1 shall be posted in prominent places near public entrances of all buildings, structures or locations that restrict or prohibit firearms or concealed weapons.

E. 1. Signs of at least 5 inches by 7 inches in size shall be posted in prominent places near public entrances to all licensed premises selling alcohol for on-premise consumption to advise patrons that:

a. Firearms are prohibited on such premises except with a valid concealed weapons permit pursuant to Wis. Stats. § 941.237(2);

b. Those with such a permit cannot be served alcohol if carrying a concealed weapon pursuant to Wis. Stats. § 941.237(3)(cx).

2. Licensees that prohibit all firearms and concealed weapons on the premise and post signs complying with sub D. above shall be exempt from this requirement.

3. The City Clerk shall have signs meeting these requirements produced and available for licensees by November 1, 2011, and for new licensees thereafter. Licensees shall post such signs or signs substantially similar of comparable size, font, and content.

F. Any person violating any of the provisions of this Section shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus court and other costs, for each separate violation, and shall further be subject to penalty for trespass under § 943.13 Wis. Stats. (Ord. 7192, 2016; Ord. 6984, 2011; Ord. 4921, 1989; Ord. 4738 §1, 1987; Ord. 4488 §2, 1984; Ord. 4420 §2, 1984; Ord. 4327 §4, 1983).

**9.32.050 Violation--Penalty.** Any person violating any of the provisions of this chapter shall, upon conviction thereof, forfeit not less than one dollar nor more than two hundred dollars together with costs of prosecution, and upon failure to pay the same shall be confined in the county jail for not more than thirty days. (Ord. 4738 §1, 1987; Ord. 4327 §5, 1983; prior code §20.39).