

- M. 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.
- N. 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.
- O. A novelty device that spins or moves on the ground.

SECTION 12.5 PERMIT REQUIRED

- A. No person may possess or use Fireworks without first having secured a user's permit from the Town Chairperson or from a person designated by the Town Chairperson.
- B. A permit under this section 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. Any individual or group of individuals; or
 - 7. An agricultural producer for the protection of crops from predatory birds or animals.
- C. The Town Chair or the designee shall not issue a permit for the use of Fireworks until the applicant has executed an application containing the following:
 - 1. The name, address, and phone number of the permit holder.
 - 2. The date on or after which fireworks may be purchased.
 - 3. The general kind and approximate quantity of fireworks which may be purchased.
 - 4. The date, time, and location of intended discharge of Fireworks.
 - 5. Purpose of event (if any)
 - 6. Execution of an indemnity agreement in favor of the Town indemnifying the Town for any damages arising from applicant's possession or use of the Fireworks in the following language:
 - a. "The undersigned hereby indemnifies and holds harmless the Town of Lincoln, its officers, agents and employees from any and all claims, damages, costs or expenses including reasonable attorney's fees, costs, claims, damages or expenses which arise, directly or indirectly, from or because of the use or display of Fireworks in the Town of Lincoln by the undersigned, by any person under the control of the undersigned, by any person operating with permission of the undersigned or by any person obtaining Fireworks previously in possession of the undersigned pursuant to the permit applied for by any means whatsoever."
- D. A copy of every permit issued under this Ordinance shall be delivered by the person who obtained the permit to the Eau Claire County Sherriff's Department and the Fall Creek Area Fire Department at least 48 hours before the permit allows the discharge of fireworks.
- E. The Fire Chief of the Township Fire Department may cancel any permit issued under this ordinance if, in the Chief's sole discretion, the use of Fireworks as authorized by the permit poses an unusual fire hazard. The issuance, by the Fire Chief or the Wisconsin Department of Natural