



414-425-7500

**License Committee
Agenda***

**Franklin City Hall Alderman Room
9229 W. Loomis Rd
Franklin, WI
December 6, 2022 – 5:30 p.m.**

1.	Call to Order & Roll Call	Time:
2.	Approval of Minutes from the Regular License Committee Meeting of November 15, 2022 and the Special License Committee Meeting of November 28, 2022.	
3.	License Applications Reviewed	Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2022-2023 New 5:35 p.m.	Tengel, Lindsay Hideaway Pub & Eatery			
Operator 2022-2023 New	Cottrell, Elijah D No Location			
Operator 2022-2023 New	Grzybowski, Stevie A Staybridge Suites			
Operator 2022-2023 New	Labun, Viktoria Andy's on Ryan Rd			
Operator 2022-2023 New	Stankowski, Jennifer M Irish Cottage			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Health Dept – Community Events Fee Waivers: Park Permits Names & Dates of Events: Spring Walk/Run – 5/20/2023; Bike Rodeo – 6/3/2023; Movie Night – 8/25/2023; Trunk or Treat – 10/26/2023 Locations: Lions Legend Park 1, Legend Dr., Schlueter Pkwy.			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Lions Foundation – Meetings & Fund Raisers Fee Waivers: Park Permits – Easter Egg Hunt, Club Meetings; St. Martin's Fair Labor Day Licenses – Temporary Class "B" Beer, Operators, Peddler's Permit. Dates of Events: 4/8/2023, 6/13/2023, 7/11/2023, 9/12/2023; 9/3 – 9/4/2023 Locations: Lions Legend Park 1; Ken Windl Pavilion; St. Martin's Labor Day Fair			

Type/ Time	Applicant Information	Approve	Hold	Deny
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Noon Lions Club – Civic Celebration & St. Martin’s Fair Fee Waivers: Civic Celebration Licenses – Temporary Class “B” Beer, Operators, Food; St. Martin’s Fair Labor Day Licenses –Temporary Class “B” Beer, Operators, Peddler’s Permit Dates of Events: 6/30 – 7/2/2023; 9/3 – 9/4/2023. Locations: Civic Celebration; St. Martin’s Labor Day Fair			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Park Concerts, Inc – Free Concerts Fee Waivers: Park Permits, Band Shell Fees Dates of Events: 6/25/2023, 7/9/2023, 7/23/2023, 8/6/2023, and 8/20/2023 Location: Lions Legend Park 1			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Police Citizens Academy Alumni Fee Waiver: St. Martin’s Fair Labor Day Permit Date of Event: 9/3 – 9/4/2023 Location: St. Martin’s Labor Day Fair			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	St Martin Of Tours Parish – Fundraisers & St. Martin’s Fair Fee Waivers: Temporary Class B Beer & Wine, Temporary Entertainment & Amusement, and Operator’s Licenses; Labor Day Fair Permit Dates of Events: 1 st Quarter, 2 nd Quarter, 3 rd Quarter, 4 th Quarter 2023 Dinners; 9/3 – 9/4/2023 Location: St. Martin of Tours Parish Hall at 7963 S. 116 th St; St. Martin’s Labor Day Fair			
4. Fireworks Display Process	Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council			
5.	Adjournment.	Time:		

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414-425-7500

**License Committee
Agenda***

**Franklin City Hall Hearing Room
9229 W. Loomis Rd
Franklin, WI
November 15, 2022 – 5:45 p.m.**

**Licenses
Approved
at
Common
Council
Meeting
11/15/2022**

1.	Call to Order & Roll Call – Alderwoman Eichmann, Wilhelm, Hanneman	Time: 5:47 p.m.
2.	Applicant Interviews & Decisions	
License Applications Reviewed		Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Reserve Class B Combination 2022-2023 5:50 p.m.	DBA Andy's On Ryan Rd Ryan Fuel LLC Kavita Khullar, Agent 5120 W Ryan Rd		Hold at Request of Applicant	
Operator 2022-2023 New	Beaudot, Lauren T Pick'n Save #6431	√		
Operator 2022-2023 New	Drahonovsky, Cruz Walgreens #05459	√		
Operator 2022-2023 New	Jaime, Castiven No Location	√		
Operator 2022-2023 New	Tengel, Lindsay Hideaway Pub & Eatery		Hold For Appearance	
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Xaverian Missionaries – Annual Mission Festival Fee waivers: Extraordinary Event License, Temporary Class "B" Beer and Wine License, Operator Licenses, Temporary Food Licenses, and Sign Permits Dates of Event: 6/24/2023 – 6/25/2023 Location: Xaverian Missionaries, 4500 W. Xavier Dr.	√		
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Fleet Reserve Association Branch 14 – St Martin's Fair Fee Waivers: St. Martin's Fair Permit Dates of the Event: Sept 3 – 4, 2023 Location: St. Martin's Labor Day Fair	√		

Type/ Time	Applicant Information	Approve	Hold	Deny
3.	An Ordinance to Amend the Municipal Code to Update the Specified Duties of the License Committee as set forth in §19-4A.(3) License Committee.	Recommend adoption with an update to the signature line.		
4.	License Committee Administrative Rules and Procedures Amendments.	Approved with corrections for proper pagination.		
5.	Set special meeting for Firework Permit Review for discussion & review of Fireworks Ordinance	Schedule Special License Meeting on November 28 – 4:00 p.m.		
6.	Adjournment	Aldерwoman Wilhelm moved to adjourn the meeting at 6:18 p.m. Seconded by Aldерwoman Hanneman. All voted Aye, motion carried.		

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414-425-7500

Special License Committee
Agenda*
Franklin City Hall Hearing Room
9229 W. Loomis Rd
Franklin, WI
November 28, 2022 – 4:00 p.m.

1.	Call to Order & Roll Call – Alderwoman Wilhelm, Alderwoman Hanneman – Not Present: Alderwoman Eichmann	Time: 4:00 p.m.
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Type/ Time	Applicant Information	Approve	Hold	Deny
2. Fireworks Display Process	Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council	Discussion on Draft Fireworks Application & Municipal Code Changes as necessary. To be Held over to the Regular December 6, 2022 License Committee Meeting.		
3.	Adjournment Alderwoman Shari Hanneman moved to adjourn the meeting at 4:59 p.m. Seconded by Alderwoman Kristen Wilhelm. All voted Aye; motion carried.			

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FIREWORKS PERMIT APPLICATION

THIS APPLICATION MUST BE SUBMITTED AT LEAST 14 DAYS PRIOR TO THE DATE OF DISPLAY



Applicant's Name or Group Name: _____ **Date:** _____

Date of Fireworks Display: _____

The Attorney General's Office has determined that the permit must give a single specific date on which the fireworks may be used. A separate permit is required for each date and location. Pursuant to City of Franklin Municipal Code, fireworks are only permitted on Fridays and Saturdays between the hours of 8:00 am and 10:30 pm except for July 2,3,4, or 5.

Location of Fireworks Display:

Property Owner's Name: _____

Phone Number: _____

Email: _____

Public or Private Display? _____ **# of Attendees?** _____

Name of person(s) discharging fireworks: _____

The following fireworks will be displayed:

State law requires this permit to specify the kind and quality of fireworks. The Wisconsin Department of Justice has determined that the term "Class C" does not satisfy the requirement. No mortar salutes shall be permitted.

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.

I as the applicant understand that the issuance of a permit creates no legal liability, expressed or implied, on the Franklin Fire Department or the City of Franklin; and I certify that the above information is accurate.

Applicant's Signature: _____ **Date:** _____

Fee: \$150 paid

Proof of indemnity bond or liability insurance provided

Permit Issued By: _____ **Date:** _____

Wis.Stat. ss167.10(3)(f)2 allows the purchase of fireworks on dates: _____

Pursuant to City of Franklin Municipal Code, a copy of this permit along with proof of indemnity bond or liability insurance shall be filed with the City Clerk at least 48 hours prior to the date of the fireworks display.

§ 133-4. General Provisions.

c. Permits required.

(1) The Fire Department shall be responsible for issuing the following permits.

(a) Fireworks permits.

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§ 133-14 Miscellaneous use provisions.

A.

Fireworks.

(1)

Sales. Except as provided in § 167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.

(2)

Possession. No person shall possess, manufacture, use, display, discharge or sell any fireworks without a permit. Violations as provided in SS 133-13 of this code.

(3)

Use. Except as provided in § 167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to Subsection **A(4)(d)** below.

(4)

User permit.

(a)

As provided in § 167.10(3), Wis. Stats., fireworks user's permits may be issued for festivals or celebrations after a proper and approved application to the municipality. The permit must be displayed by the permit holder throughout the approved event.

(b)

~~The AHJ shall require a certificate of liability insurance or similar proof of coverage in an amount deemed appropriate.~~

Commented [SH1]: (4)(b) inserts the language used in the Village of Big Bend Code

Commented [SH2]: Is this redundant since ss 133-13. establishes violations of the entire code?

Indemnity. The City shall require an indemnity bond with good and sufficient sureties or policy of liability insurance 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 any user's permit. The bond or policy shall be taken in the name of the City of Franklin 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 required together with a copy of the permit shall be filed in the office of the City Clerk at least 48 hours prior to the permitted event.

(c)

Fireworks displays shall be required to be conducted in accordance with the conditions and requirements set forth in NFPA 1123, Code for Fireworks Displays.

(d)

Any fireworks use shall be subject to the following requirements:

1. Wind velocity shall not exceed 15 miles per hour as recorded by the National Weather Service at General Mitchell International Airport, Milwaukee, Wisconsin.
2. Wind direction at time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or so as to cause annoyance or danger to other persons or property.
3. Fireworks shall only be permitted on Fridays and Saturdays with the exception of July 2, 3, 4 & 5.
4. No fireworks shall be used between 10:30 p.m. and 8:00 a.m.
5. ~~Fireworks~~ are prohibited.

(e)

Permits to display or discharge fireworks shall be issued as follows:

[1]

An application for a permit may be obtained at the Fire Department or on the City of Franklin web page.

[2]

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Applications shall be submitted not less than ~~seven~~ 14 days prior to the date of such display.

[3]

~~Pursuant to ss. 167.10(3)(f)4~~ No accumulating or purchase of fireworks shall be allowed prior to the issuance of the permit.

[4]

After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the provisions of this chapter and the promotion of public safety and security of adjoining property.

[5]

The AHJ reserves the right to reinspect the display and landing sites at any time to ensure public safety.

[6]

NFPA 1123 and 1124 will be used as a guide for these inspections.

[7]

The cost of such permits shall be set forth under § **133-17** of this code.

~~**[8]**~~

~~All persons applying for a permit must also submit proof of liability insurance in the amount of \$1,000,000 and a copy of any contract with companies which will be responsible in whole or part for the fireworks, storage, or display.~~

Commented [SH3]: Delete 8, it is redundant to 4(b)

[9]

All display companies and personnel who are paid to set off fireworks within the City shall return to the area of fireworks display with 18 hours of the display and during daytime hours to carefully search for and dispose of unexploded fireworks.

[10]

The Franklin Police Department and/or Fire Department personnel are authorized to enlarge the area required to be searched by the display companies and their personnel.

(5)

No permits. Permits will not be issued to sell or manufacture fireworks.

(6)

Use of caps and sparklers. No unlicensed person may use fireworks, caps, or sparklers in a municipal park or at a fireworks display for which a permit has been issued if the display is open to the public.

(7)

Pyrotechnics. Pyrotechnics are prohibited in public buildings and places of employment unless authorized by the AHJ and shall be used in accordance with NFPA 1123.

(8)

The Fire Chief and/or his or her designee may disallow the display of fireworks due to local circumstances, such as extremely dry conditions or other unforeseen circumstances.

(9)

Sky lanterns. The use of free-floating sky lanterns and similar devices utilizing an open flame shall be prohibited.

§ 133-17 Fees.

A.

Fees shall be established for permits and shall be payable to the municipality. Fees are subject to change.

B.

Permit fees. The fees established in Table 133-17A apply to permits required by this code.

Table 133-17A

Permit	Fee
Bonfires	\$50 per fire
Open burning	\$15 per year
Blasting	\$100 per project
Fireworks	\$150 per event
Addition, alteration, or removal of 1 to 20 sprinkler heads or alarm components to an existing system	\$50 per project
Installation of any fire protection system, including fire sprinkler, fire alarm, wet chemical, clean agent, water mist, or other	\$100 per project; in addition to any plan review and inspection fees charged by authorized third party contracted plan review consultant

§ 133-18 **Violations and penalties.**

A.

Any person who violates any of the provisions of this code, or who fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and conditionally approved hereunder, or any certificate or permit herein from which no such appeal has been taken, or who fails to comply with such an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein, shall for each and every violation and noncompliance be subject to the following:

(1)

Imposition by forfeiture of no more than \$500 per day by the Municipal Court.

(2)

Imposition of a penalty for each such violation shall not excuse the violation or permit it to continue, and such violations or defects shall be corrected or remedied within the time stated in the order. Each and every day that a violation of this code occurs constitutes a separate offense.

(3)

A person who possesses or uses fireworks without a valid permit, or who sells fireworks to a person who does not have a valid permit, is subject to a forfeiture of up to \$1,000 per violation. Wis. Stat. ss 167.10(9)(b). Each firework illegally possessed, used or sold may be a separate violation.

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The City may obtain an injunction prohibiting a person from violating Wis. Stat. ss 167.10(8)(a). Violations of such an injunction are criminal misdemeanors, subject to up to 9 months in jail and a \$10,000 fine. Wis. Stat. ss 167.10(9)(a).

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Upon the issuance of a citation to any permit holder for the violation of any of the provisions of this section, the person's permit to use fireworks within the City of Franklin shall be suspended. Upon conviction, if any citation issued under this section, a person's permit to use fireworks shall be revoked and no permits shall be granted to them for the remainder of the year.

§ 133-10 Revocation of permits.

A.

The AHJ may revoke any permit issued in accordance with this code in any case where it may find that any of the conditions of the issuance have not been maintained or where there has been false statement or misrepresentation of any material fact in the application or plans on which the issuance was based.

B.

The AHJ shall promptly notify the permit holder of the request for revocation and, if so requested by the permit holder, the effective date of the revocation shall be deferred pending a hearing before the Chief of the Fire Department. The decision of the Fire Chief for revocation, following the hearing, shall be final.

C.

A revocation of permit shall prohibit the permit holder from the issuance of further permits for the remainder of the calendar year.