

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, January 22, 2018 – 6:00 p.m.
Municipal Complex – Arden Tews Assembly Room
2000 Municipal Drive, Neenah WI 54956
Agenda

1. **Call to Order, Pledge of Allegiance and Roll Call**
2. **Awards/Presentations**
 - a) Retirement Presentation for Utility Superintendent Jeffrey Roth – Village President Dale Youngquist
 - b) Introduction of Newly Hired Utility Superintendent David Tracey – Village Manager Jeffrey Sturgell
 - c) Recognition of Village of Fox Crossing Adult School Crossing Guards – Police Captain Peter DeBoer
3. **Public Hearings**
4. **Minutes to Approve/ Minutes and Correspondence to Receive**

Minutes to Approve

 - a) Special Meeting Closed Session – January 8, 2018
 - b) Regular Village Board Meeting – January 8, 2018

Minutes and Correspondence to Receive

 - c) Board of Review Meeting – September 28, 2017
 - d) Sustainability Committee Meeting – November 14, 2017
 - e) Fox West Regional Sewerage Commission Meeting – December 1, 2017
 - f) Park Commission Meeting – December 13, 2017
 - g) Water Main Breaks Report – December 2017
5. **Public Comments Addressed to the Village Board.** Individuals properly signed in may speak directly to the Village Board on non-repetitive village matters whether on, or not on the agenda. Commenters must wait to be called, must speak from the podium, directing their comments to the board. Comments must be orderly. A maximum of **2-minutes** per person is allowed and you must return to the audience when signaled to do so. Public comment is not permitted outside of this public comment period. *Note:* The board's ability to act on or respond to public comments is limited by Chapter 19, WI Stats. To address the Village Board, complete the Public Participation signup sheet.
6. **Discussion Items**
7. **Unfinished Business**
8. **New Business- Resolutions/Ordinances/Policies**
 - a) 180122-1 A Proclamation by the Village of Fox Crossing for Wisconsin Adult School Crossing Guard Recognition Week
 - b) 180122-2 Developer Agreement – Fox Crossing Hotel Group, LLC
 - c) 180122-3 A Resolution Amending the Territory of Village of Fox Crossing Tax Increment District No. 1
 - d) 180122-4 Condominium Plat Amendment – Fourth Addendum to Prairie Lake Condominiums
 - e) 180122-5 Extraterritorial Certified Survey Map – 9648 Winnegamie Drive Located in the Town of Clayton
 - f) 180122-6 Extraterritorial Preliminary Plat for Dazaifu Estates – Parcel #020101131905 Located on West Whitetail Way in the Town of Grand Chute
 - g) 180122-1:ORD Amend Village of Fox Crossing Municipal Code by Repealing and Recreating Chapter 9.13 Licenses, Permits & Fees for Hotels and Motels *First Reading*
 - h) 180122-7 Operator License Applicants
 - i) 180122-8 Expenditures
 - j) 180122-9 Temporary Class "B" Retailer's License – St. Mary's Middle School Global Outreach Taste of Europe
 - k) 180108-1:ORD Amend Village of Fox Crossing Municipal Code Chapter 5.18 Fireworks *Second Reading & Adoption*
9. **Reports**
 - a) President Dale Youngquist – Fox Cities Exhibition Center Update
 - b) Clerk Karen Backman – Absentee Voting for Spring Primary Begins after January 9 (When Ballots are Available); Weekdays 8:00 a.m.-4:30 p.m., except February 15 and 16, 2018 at 5:00 p.m., in Clerk's Office at the Municipal Complex
10. **Closed Session**
11. **Adjourn**

A quorum of Police & Fire, Planning, and Park Commissions may be present, although official action by those bodies will not be taken; the only business to be conducted is for Village Board action.

Those individuals requiring the assistance of a sign language interpreter to participate in this meeting may call 720.7101 a minimum of five business days prior to the meeting.

RES #180122-1

**A PROCLAMATION BY THE VILLAGE OF FOX CROSSING FOR WISCONSIN
ADULT SCHOOL CROSSING GUARD RECOGNITION WEEK**

WHEREAS, school crossing guards provide an invaluable service in helping to ensure the safe passage of our youngest, most vulnerable pedestrians, children walking between home and school; and

WHEREAS, school crossing guards typically serve with dedication in spite of the rigors of harsh weather, split shifts and heavy traffic; and

WHEREAS, for more than five decades, school crossing guards have served communities across Wisconsin; and

WHEREAS, this service has helped to drive down the rates of young pedestrian deaths and injuries, despite increases in traffic volume; and

WHEREAS, school crossing guards help reinforce in the minds of the young people they assist, the importance of traffic-hazard identification and safe street-crossing behavior; and

WHEREAS, local proclamations, police department honors, local news coverage and especially smiles and kind words from children, will help to convey the gratitude of our communities for the life-saving, injury-reducing role that school crossing guards play.

NOW, THEREFORE BE IT RESOLVED that the Village of Fox Crossing Board of Trustees, along with the Wisconsin Bureau of Transportation Safety, does hereby proclaim January 22 through 26, 2018, SCHOOL CROSSING GUARD RECOGNITION WEEK.

Adopted this 22nd day of January, 2018

Requested by: Tim G. Seaver, Police Chief

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180122-2

DEVELOPER AGREEMENT – FOX CROSSING HOTEL GROUP, LLC

WHEREAS, Fox Crossing Hotel Group, LLC, plans on constructing a new hotel within the Village of Fox Crossing containing at least 36,800 square feet, hosting approximately sixty (60) guest rooms and a steakhouse restaurant; and

WHEREAS, in 2015, the Village of Fox Crossing created Tax Increment District (TID) No. 1 consisting of territory located at the southwest intersection of West American Drive and CTH CB in the Village of Fox Crossing; and

WHEREAS, the Village agrees to pursue a territory amendment to TID No. 1 to expand the boundary to include the parcel on which the hotel will be constructed (parcel #121023102); and

WHEREAS, the Project Plan of TID No. 1 identifies developer cash incentives as an eligible expenditure and project cost of the TID; and

WHEREAS, WI Statute 66.1105(2)(f)2.d. requires that a signed developer agreement must be executed prior to any developer cash incentives being distributed from the revenue proceeds of the TID; and

WHEREAS, the attached Developer Agreement between the Village of Fox Crossing and Fox Crossing Hotel Group, LLC, meets the requirements of the WI Statutes.

NOW, THEREFORE BE IT RESOLVED, by the Village of Fox Crossing Board of Trustees, that the Village President and Village Clerk are authorized to sign the Developer Agreement between the Village of Fox Crossing and Fox Crossing Hotel Group, LLC, as attached, subject to final review by the Village Attorney and village staff, along with the payment of funds as specified in the agreement, to cover attorney and administration fees, review and inspection fees, and assessments and charges.

BE IT FURTHER RESOLVED, by the Village of Fox Crossing Board of Trustees, that the approval of the Developer Agreement is contingent upon the successful territory amendment of TID No. 1.

Adopted this 22nd day of January, 2018

Requested by: George Dearborn, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180122-3

**A RESOLUTION AMENDING THE TERRITORY OF VILLAGE OF FOX CROSSING
TAX INCREMENT DISTRICT NO. 1**

WHEREAS, promoting the economic well-being of the Village of Fox Crossing is recognized as an important part of local government; and

WHEREAS, the Village of Fox Crossing desires to amend Village of Fox Crossing Tax Increment District No. 1, in conformance with Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), in order to provide a viable method for financing needed public works and improvement projects within said district, in order to promote business expansion and attraction, to improve the overall function and appearance of public right-of-way, and to strengthen the economic well-being of the entire community by spurring the creation of new jobs and tax base; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Village of Fox Crossing Planning Commission did schedule, give proper notice to the public and to those government entities having the power to levy taxes on property located in the proposed tax increment district, and on January 17, 2018 did hold a public hearing, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed territory amendment of Village of Fox Crossing Tax Increment District No. 1, the proposed amended Project Plan for said district, and the proposed amended district boundaries; and

WHEREAS, after due consideration of the findings of the Project Plan, and testimony provided at the public hearing, the Planning Commission unanimously adopted Village of Fox Crossing Planning Commission Resolution 180117-1:PLAN, designating the amended boundaries as specified in the boundary description attached to this resolution as Exhibit A, and approving the amended Project Plan for Village of Fox Crossing Tax Increment District No. 1; and

WHEREAS, the Planning Commission adopted an amended Project Plan for Tax Increment District No. 1 that includes: the intent and purpose of the district; a statement listing the kind, number, location and costs of proposed public works and improvement projects within the district and within one-half mile of the district; a list of estimated project costs; a list of non-project costs, if any; an economic feasibility study; a description of the methods of financing all project costs and the time when the related costs and monetary obligations are to be incurred; changes in zoning ordinances, master plans, building codes, maps, and ordinances; a statement indicating how the tax increment district amendment promotes the orderly development of the Village of Fox Crossing; a statement of the proposed method for the relocation of any persons to be displaced; a map and legal description showing the amended boundaries of the district; a map showing existing uses and conditions of real property in the district; a map showing proposed public works and improvement projects and uses in the district; and, an opinion of the Village Attorney advising whether the Project Plan is complete and in compliance with the Tax Increment Law; and

WHEREAS, the Planning Commission has submitted such amended Project Plan and amended boundary to the Village Board and recommends approval thereof; and

WHEREAS, the Village Board hereby approves such amended Project Plan and amended boundary for Village of Fox Crossing Tax Increment District No. 1, and finds the plan feasible and in conformity with the Comprehensive Plan.

NOW, THEREFORE BE IT RESOLVED by the Village Board of Trustees of the Village of Fox

Crossing, Winnebago County, Wisconsin, as follows:

1. Pursuant to Section 66.1105 of the Wisconsin Statutes, the Village of Fox Crossing hereby amends the tax increment financing district known as “Village of Fox Crossing Tax Increment District No. 1,” the amended boundaries of which shall be those recommended to the Village Board by the Planning Commission, as specified in Exhibit A.
2. The Village Board hereby finds and declares that:
 - a. In accordance with Section 66.1105 of the Wisconsin Statutes: as of the date of the territory amendment of the district, not less than 50%, by area, of the real property in the district is suitable for mixed-use sites within the meaning of Section 66.1101 of the Wisconsin Statutes, is zoned for mixed-use, will remain zoned for mixed-use for the life of the district and therefore the district is created as a mixed-use district; the public works and improvement projects in the district will enhance significantly the value of all real property in the district; the project costs relate directly to promoting mixed-use development, consistent with the purpose for which the district is created; the equalized value of taxable property of the amended district does not exceed 12% of the total equalized value of taxable property within the Village; the amended Project Plan is economically feasible and in conformity with the Village of Fox Crossing’s Comprehensive Plan; and, sufficient evidence is provided for a finding that but for the use of tax incremental financing, the development proposed for the district would not occur as proposed, with the same level of value, or within the same timeframe.
3. Village of Fox Crossing Tax Increment District No. 1 is hereby amended as of _____. The Village Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue in such form as may be prescribed, for a determination of the tax incremental base of the district, as of _____, pursuant to the provisions of Section 66.1105 of the Wisconsin Statutes.
4. The Village Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property that are within Village of Fox Crossing Tax Increment District No. 1, specifying thereon the name of said district, and the Village Clerk is hereby authorized and directed to make similar notations on the tax roll under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Adopted this 22nd day of January, 2018

Requested by: George L. Dearborn Jr., AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

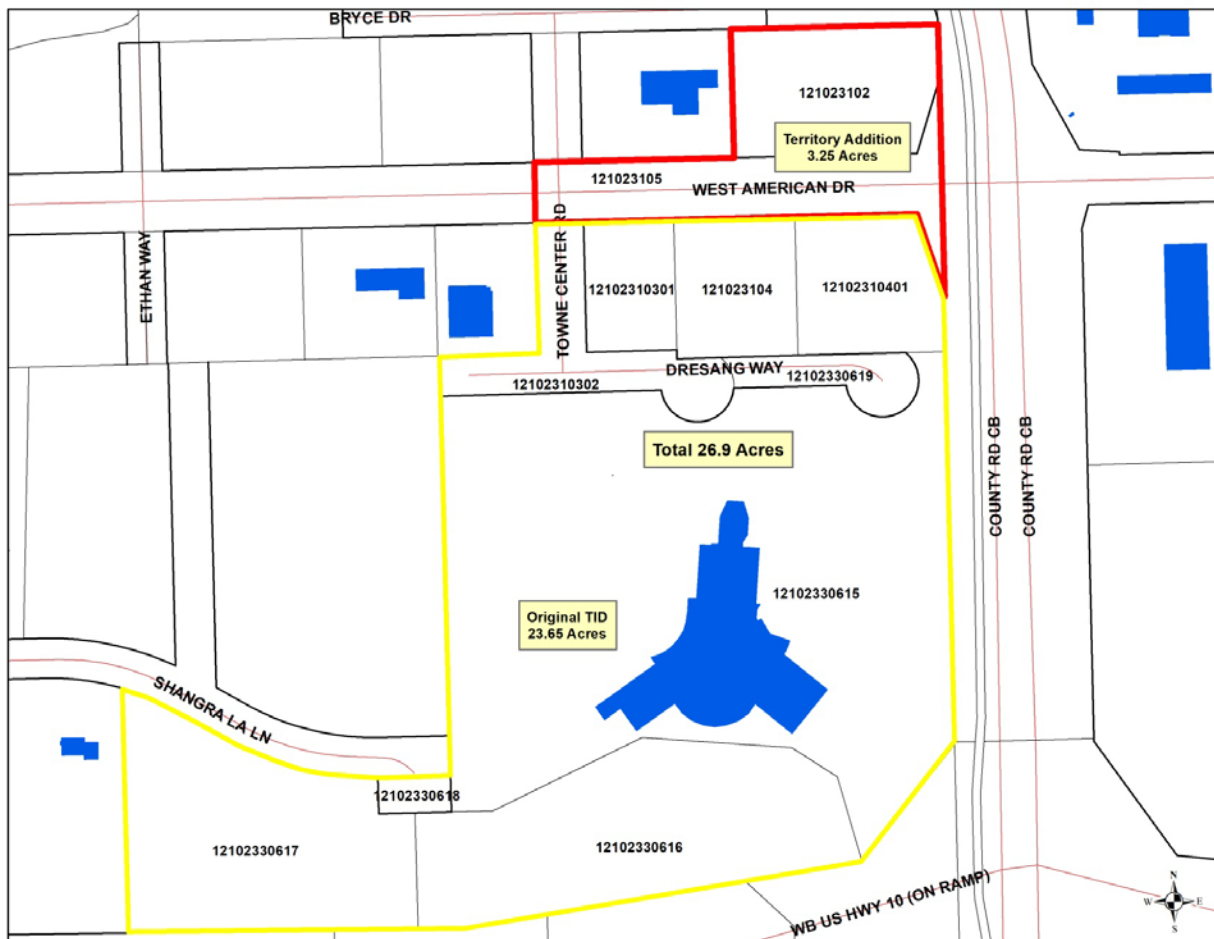
Attest: Karen Backman, Village Clerk

Exhibit A: Boundary Description of Tax Increment District No. 1 Territory Amendment

Legal Description, as Amended Village of Fox Crossing TID No. 1

Beginning at a point intersecting at the western right-of-way of Town Center Road and the southern right-of-way of West American Drive, then south 215.35 feet to the northern right-of-way of Dresang Way, then west 162.5 feet, then south 692.3 feet to the southern right-of-way of Shangra La Lane, then west 573.38 feet, then south approximately 403.9 feet following the eastern property line of lot 3 of CSM 800 described as lot 3 of CSM 7023 to its intersection with the northern right-of-way of U.S. Highway 10, then east following that same right-of-way 1221.82 feet, then bearing northeast 249.9 feet following that same right-of-way to its intersection with the western right-of-way of County CB, then north following that same right-of-way 1,184.7 feet to the northeastern corner of lot 1 of CSM 5581, then due west 342.6 feet, then south 212.6 feet to the northern right-of-way of West American Drive, then west 330 feet to the northwestern intersection of the right-of-way of West American Drive and Town Center Road then south following the western right-of-way of Town Center Road to the point of beginning, all in Section 8, T20N-R17E, Village of Fox Crossing, Winnebago County, Wisconsin totaling 26.9 acres more or less.

Parcel Map, as Amended Village of Fox Crossing TID No. 1



RES #180122-4

**CONDOMINIUM PLAT AMENDMENT – FOURTH ADDENDUM TO PRAIRIE LAKE
CONDOMINIUMS**

WHEREAS, the applicant, Gordon Decker of Decker Rusch Development, is requesting a fourth (4th) addendum to the Prairie Lake Condominium plat; and

WHEREAS, staff find that this condominium plat addendum complies with the Village of Fox Crossing's Chapter 6 Land Division Ordinance; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their January 17, 2018 meeting, and recommended approval of the condominium plat with the following conditions:

1. All taxes and assessments shall be paid prior to the Village affixing signatures on the condominium plat.
2. The applicant shall provide the Village with a copy of the recorded plat
3. A Developer's Agreement shall be executed between the Village and the Developer to ensure completion of all public improvements.

Planning Commission: 7 Aye 0 Nay 0 Excused 0 Abstain

NOW, THEREFORE BE IT RESOLVED the Village of Fox Crossing Board of Trustees hereby recommends approval of the condominium plat addendum with the above conditions.

Adopted this 22nd day of January, 2018

Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180122-5

**EXTRATERRITORIAL CERTIFIED SURVEY MAP – 9648 WINNEGAMIE DRIVE
LOCATED IN THE TOWN OF CLAYTON**

WHEREAS, the applicant requests a Certified Survey Map (CSM) approval for 9648 Winnegamie Drive located in the Town of Clayton; and

WHEREAS, staff find that this Certified Survey Map complies with the Village of Fox Crossing's Chapter 6 Land Division Ordinance; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their January 17, 2018 meeting and recommended approval of the Certified Survey Map with the following condition:

1. The applicant shall provide the Village with a final copy of the recorded CSM.

Planning Commission: 7 Aye 0 Nay 0 Excused 0 Abstain

NOW, THEREFORE BE IT RESOLVED the Village of Fox Crossing Board of Trustees hereby recommends approval of the Certified Survey Map with the above condition.

Adopted this 22nd day of January, 2018

Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180122-6

**EXTRATERRITORIAL PRELIMINARY PLAT FOR DAZAIFU ESTATES – PARCEL
#020101131905 LOCATED ON WEST WHITETAIL WAY IN THE TOWN OF GRAND
CHUTE**

WHEREAS, the applicant requests an extraterritorial preliminary plat approval for Dazaifu Estates located in the Town of Grand Chute; and

WHEREAS, staff find that this plat complies with the Village of Fox Crossing's Chapter 6 Land Division Ordinance; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their January 17, 2018 meeting and recommended approval of the extraterritorial plat with the following condition:

1. The applicant shall provide the Village with a final copy of the recorded plat.

Planning Commission: 7 Aye 0 Nay 0 Excused 0 Abstain

NOW, THEREFORE BE IT RESOLVED the Village of Fox Crossing Board of Trustees hereby recommends approval of the extraterritorial plat with the above condition.

Adopted this 22nd day of January, 2018

Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

ORD #180122-1:ORD *First Reading*

AMEND VILLAGE OF FOX CROSSING MUNICIPAL CODE BY REPEALING AND RECREATING CHAPTER 9.13 LICENSES, PERMITS & FEES FOR HOTELS AND MOTELS

The Village Board of Trustees of the Village of Fox Crossing do ordain as follows:

Part 1. Chapter 9.13 Licenses, Permits & Fees is hereby repealed and recreated specifically regarding hotels and motels, as attached.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: **January 22, 2018**

Date Adopted: _____

Requested by: Karen Backman, Village Clerk

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180122-7

OPERATOR LICENSE APPLICANTS

WHEREAS, the operator license applicant listed below have made proper application with the Police Department; and

WHEREAS, all applicants either currently hold a valid two-year server license elsewhere, have successfully completed the mandatory alcohol awareness training program, or have scheduled the course; and

WHEREAS, a background check have been conducted by the Police Department; and

WHEREAS, the Police Chief submits the applicant(s) as follows:

Thomas A. Spaay
Barbara J. Stieg

Approve
Approve

NOW, THEREFORE BE IT RESOLVED, by the Village of Fox Crossing Board of Trustees, the above applicant is recommended for approval and are hereby granted an operator license, pending payment and successful completion of a state approved alcohol awareness training program, for the licensing period of **JULY 1, 2016 – JUNE 30, 2018.**

Adopted this 22nd day of January, 2018

Requested by: Tim G. Seaver, Police Chief

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180122-8

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$ 11,189,657.42

WHEREAS, the disbursements are categorized below & the detail is attached:

Pending:

General Fund 2017	\$	66,035.45
Special Revenue Fund 2017	\$	69,429.95
Debt Fund 2017	\$	-
Capital Projects Fund 2017	\$	3,241.67
Water Fund 2017	\$	40,255.23
Sewer Fund 2017	\$	129,190.93
Stormwater Fund 2017	\$	18,924.02
Trust & Agency Fund 2017	\$	1,865.00
General Fund 2018	\$	52,372.90
Special Revenue Fund 2018	\$	1,044.00
Debt Fund 2018	\$	-
Capital Projects Fund 2018	\$	-
Water Fund 2018	\$	10,828.25
Sewer Fund 2018	\$	700.69
Stormwater Fund 2018	\$	1,982.93
Trust & Agency Fund 2018	\$	-
Park Commission Processed Payments	\$	18,419.10
Special Processed Payments	\$	10,775,367.30
Total:	\$	<u>11,189,657.42</u>

authorizes the above expenditures to be paid by the Finance Department with the exception of none.

Adopted this 22th day of January, 2018

Requested by: Myra R. Piergrossi, Finance Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180122-9

**TEMPORARY CLASS “B” RETAILER’S LICENSE – ST. MARY’S MIDDLE SCHOOL
GLOBAL OUTREACH TASTE OF EUROPE**

WHEREAS, St. Mary’s Middle School has submitted an application for a Temporary Class “B” Retailer’s License to sell fermented malt beverages on their premises for a Global Outreach Taste of Europe Dinner Auction to be held on February 8, 2018; and

WHEREAS, appropriate application has been made and the proper fees have been paid and receipted.

NOW, THEREFORE BE IT RESOLVED, by the Village of Fox Crossing Board of Trustees that the Temporary Class “B” Retailer’s License is hereby granted to St. Mary’s Middle School, to sell fermented malt beverages on their premises on the date listed above.

Adopted this 22nd day of January, 2018

Requested by: Karen Backman, Village Clerk

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

AMEND VILLAGE OF FOX CROSSING MUNICIPAL CODE CHAPTER 5.18
FIREWORKS

The Village Board of Trustees of the Village of Fox Crossing do ordain as follows:

Section 1. Chapter 5.18 Fireworks is hereby amended, specifically regarding professional displays, as follows:

5.18 FIREWORKS [Revised 12/19/05,
Eff.1/1/06]
[Amended 3/8/10]

Scope: The provisions of this chapter shall specifically identify the storage, handling, sale, use and display of fireworks as defined in this section.

(1) General Requirements

(a) Fireworks Not Allowed.

The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include any fireworks containing an explosive or flammable compound.

(b) Propelling or Other Devices Permitted.

The term "fireworks" *shall not include* model rockets and model rocket engines, and shall not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps are used. Neither shall it include sparklers on wires or wood sticks nor shall it include toy snakes, the sale and use of which shall be permitted at all times.

(c) Professional Displays Allowed.

Except as hereinafter provided, no person, firm, partnership, or corporation shall offer for sale, expose for sale, sell or retail, keep with the intent to sell at retail, or use or explode any fireworks, provided that the Fox Crossing Fire Department, Fire Prevention Bureau, may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by fair associations, amusement parks, and other organizations or groups of individuals.

Such permits may be granted upon application to said Fire Prevention Bureau and after approval of the Fox Crossing Police Department and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed or certified as to competency by the Fire Prevention Bureau, and shall be of such a composition, character, and so located, discharged or fired as in the opinion of the Chief of the Fire Department, after proper inspection, and of the Chief of Police shall not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(d) Bond Required.

The Village Board shall require a bond from the licensee in a sum not less than an amount set forth in Appendix B Fee

Schedule, reference this code section, conditioned on compliance with the provisions of this law and regulations of the Fire Prevention Bureau adopted hereunder. *[Amended 12/19/05]*

(e) Liability Insurance.

Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application therefore shall file a certificate of Liability Insurance in the amount of not less than \$300,000.00 per accident and \$500,000.00 per occurrence to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Prevention Bureau determines to be necessary for the protection of the public.

(f) No permit shall be issued under the provisions of this act to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this Village until such person, firm, or corporation shall have appointed in writing a member of the bar of this state and residing therein to be his attorney upon whom all process in any action or proceeding against him may be served.

(g) Nothing in this ordinance shall be construed to prohibit the use of fireworks by railroads or their transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the use of fireworks for agricultural purposes under conditions approved by the Fire Prevention Bureau.

(h) The Fox Crossing Police Department shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

(2) Application for Permits; Professional Displays

(a) Application for a permit to operate a professional display of fireworks in conformance with the terms of Ordinance 5.18 of the Ordinances of the Village of Fox Crossing shall be made in writing on forms provided by the Village Clerk's Office to the Chief of the Fire Department. **Application must be filed with the Clerk at least 15 working days 30 days prior to the display. The Village President may waive the 30 day application deadline at his or her discretion.**

(b) Such application shall require the following:

1. The name of the organization sponsoring the display, together with the names of persons actually in charge of firing of the display.
2. Evidence of financial responsibility.
3. The date and time of day at which the display is to be held.
4. The exact location planned for the display.
5. A description setting forth the age, experience, and physical characteristics of the persons who are to do the actual discharging of the fireworks.
6. The number and kinds of fireworks to be discharged.

7. The manner and place of storage of such fireworks prior to the display.
8. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communications, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstruction.
- (c) Upon receipt of such application, at least 15 days in advance of the date set for this display, the Chief of the Fire Department shall make or cause or be made an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. He shall confer with the Chief of the Police Department about the application and whether issuance of a permit would be consistent with public safety. Being satisfied that the display is properly lawful, the Chiefs of the Police and Fire Departments shall together endorse the application, stating that they approve the display as being in conformance with all parts of the law and with these regulations. Failure to approve the application by either the Fire Chief or Police Chief shall be sufficient cause to deny permit.
- (c) The application, following endorsement by the Chiefs of the Fire and Police Departments, shall be sent to the Village Clerk who shall then, upon receipt of evidence of financial responsibility **and other criteria** as required by this ordinance, **place the application on the next Village Board Meeting for approval. Should the application be approved, the Clerk shall in such cases,** issue a non-transferable permit authorizing the display.
- (d) **It will be the responsibility of the Village Clerk to ensure that public is notified of the display by means of posting a notice of the location, date, and time of the fireworks display at the three approved posting sites. The Clerk may also utilize the Village's website, electronic message center signs, and other means available.**
- (e) No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, or brush, nor in any case where the point at which fireworks are to be fired is less than 200 feet from the nearest permanent building, public highway, railroad, or other means of travel or 50 feet from the nearest aboveground telephone or telegraph line, tree, or other overhead obstruction. In no case shall such a display be within 500 feet of a school, theater, church, hospital, or similar institution.
- (f) Spectators at a display of fireworks shall be restrained behind lines or barriers as designated by local authorities but in no case less than 200 feet from the point at which the fireworks are to be discharged. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.
- (g) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, provided that where such fireworks are to be fired beside a lake or other large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the said body of water.

- (h) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safer for the particular type of fireworks. The debris from the discharged fireworks shall be properly disposed of by the operator before he leaves the premises. The operator, upon conclusion of the display, shall make a complete and thorough search for any unfired fireworks or pieces, which failed to fire or function and shall dispose of them in a safe manner. Such search shall be instituted at the earliest possible time following the conclusion of the display but in no event later than the first period of daylight, which follows.
- (i) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 20 miles per hour.
- (j) All fireworks articles and items at places of display shall be stored in a manner and in a place secure from fire, accidental discharge, and theft and in a manner approved by the Fire Prevention Bureau.
- (k) The person in actual charge of the firing of the fireworks in a display shall be able-bodied, at least 18 years of age, competent for the task, and so certified by the Fire Prevention Bureau. Such operator shall have his certificate of competency in his possession when engaged in conducting a display and shall exhibit same on request of any authorized person. Said certificate of competency may be revoked by the Fire Prevention Bureau or the Fox Crossing Police Department for any violation of these regulations or where the holder's conduct or condition of sobriety is such as to imperil the public safety. Each person assisting the certified operator shall be able-bodied, at least 18 years of age, and capable of reading, writing, speaking, and understanding the English language.
- (l) There shall be at all times no fewer than two operators of the display constantly on duty during the discharge, at least one of whom shall be certified.
- (m) Fire protection and extinguishing equipment shall be provided as required by the Chief of the Fire Department.
- (n) Fees for firework displays. See Village of Fox Crossing Fire Prevention Ordinance, Section 5.23(4).
- (o) Penalties. See Village of Fox Crossing Fire Prevention Ordinance Section 5.22(8).

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: **January 8, 2018**

Date Adopted: _____

Requested by: Karen Backman, Village Clerk

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk