

ORDINANCE

An Ordinance to amend Section 6.070 of the Manitowoc Municipal Code regulating Fireworks and Pyrotechnics.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 6.070 is amended to read as follows:

“6.070 Regulation of Fireworks and Pyrotechnics.

(1) Adoption of Laws. ~~Except for Wis. Stat. § 167.10(9),~~ Wis. Stat. § 167.10 is hereby adopted and incorporated by reference, including any future amendments thereto ~~Wis. Stat. § 167.10.~~ NFPA 1123, NFPA 1126, and NFPA 160, including any future amendments thereto, are hereby adopted and incorporated as if fully set forth herein.

(2) Permit Required. No person may sell, possess, or use or discharge fireworks or pyrotechnics, as defined in Wis. Stat. § 167.10(1), within the City without a fireworks or pyrotechnics permit issued by the City of Manitowoc unless authorized to do so pursuant to Wis. Stat. § 167.10(2) or (3)(b). Permits shall not be issued to individuals 17 years old or younger.

(3) Authority to Issue Permits. Pursuant to his authority as established in Wis. Stat. § 167.10(3), the Mayor delegates to the Fire Chief or his/her designee the authority to issue permits for the purchase and use within the City of those classes of fireworks or pyrotechnics authorized by Wis. Stat. Ch. 167.

(4) Application. A person desiring to secure a fireworks or pyrotechnics permit shall file a complete, signed application to the Manitowoc Fire Chief and shall furnish all information deemed necessary by the Chief no less than 30 days prior to the proposed display date. Complete applications are those that include a certificate of insurance with limits deemed acceptable by the City Attorney and which identifies the City of Manitowoc as an additional insured; a complete list of all fireworks or pyrotechnics products to be possessed or used during the display; a site plan identifying the display location, a layout of the event, the discharge point, the location of all buildings, highways, communication and utility lines and other possible overhead obstructions, and the audience exclusion zone; and the fireworks and pyrotechnics permit fee of ~~\$400.00~~ 150.00.

(5) Permittee Responsibilities. Upon the granting of a permit, permittee is responsible for notifying those people in the neighborhood who may reasonably be assumed will be affected by the display of the date and time of the intended fireworks or pyrotechnic display. Permittee is further responsible for crowd control at the event and for notifying the Fire Rescue Department when the fireworks operator arrives on site. No fireworks or pyrotechnics may be lit unless and until the Fire Rescue Department has so authorized.

(a). Storage and Handling. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks. No permittee may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Manitowoc Fire Department. No person may smoke where fireworks are stored or handled. No person may store fireworks within 50 feet of a dwelling or public assemblage or place where gasoline or volatile liquid is dispensed in quantities exceeding one gallon.

(6) Penalties. Failure to comply with this section may result in revocation of the fireworks and pyrotechnics permit, denial of future requests for a fireworks and pyrotechnics permit, and/or a forfeiture not to exceed \$1,000. Fireworks stored, handled, sold, possessed or used by a person in violation of this section may be seized and held as evidence of the violation and shall be destroyed after conviction for the violation pursuant to Wis. Stat. §167.10(8)(b) and § 968.20(4).

(7) Parental Liability. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1000.?”

Section 2. Forfeitures for violations of MMC § 6.070 shall be as follows:

Adult ~~\$100 + costs~~ \$400 + costs
Juvenile ~~\$100 + costs~~ \$200 + costs

This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact: Minimal, enforcement contemplated within current job responsibilities of which position costs are factored into the existing 2021 budget. Citation revenue indeterminate at this time.

Funding Source: Respective departments' 2021 budgeted salaries for expense, revenue for citations

Finance Director Approval: /SMA

Approved as to form: /EMM

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney.

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