



CITY OF MANITOWOC
WISCONSIN, USA
www.manitowoc.org

September 8, 2021

TO: Manitowoc Common Council

FROM: Elizabeth Majerus, Assistant City Attorney

RE: Ordinance to Amend MMC § 6.070, Fireworks and Pyrotechnics

Enclosed for your consideration is a proposed amendment to MMC § 6.070 that regulates fireworks and pyrotechnics within the City. Our office drafted this in partnership with the Police and Fire Departments to address the annual disturbances caused by unsafe and/or unlawful fireworks displays. For context, in 2021, the MPD responded to 92 separate fireworks complaints during June and July and 148 during June and July of 2020.

The possession, use and sale of fireworks is governed by Wisconsin Statutes § 167.10. Broadly, state law prohibits the possession or use of fireworks that leave the ground or explode unless the user has a permit. Fireworks Permits are issued by the Fire Department upon application illustrating that the user has taken all necessary precautions to protect life and property and has the necessary insurance coverage for the display to make whole those harmed by the display. Regulation of Wis. Stat. §167.10 is the responsibility of municipalities and counties but because Manitowoc County has no ordinance, regulation of fireworks within the City is solely the City's responsibility.

The changes proposed are intended to (1) reduce the number of unlawful fireworks displays within the City, (2) eliminate the sale of illegal fireworks within the City, and (3) hold those who violate the fireworks statute or allow minors in their care to violate the fireworks statute accountable.

Regarding the Fireworks Permit, the amendment:

- Expands applicability to sellers as well as those who possess or discharge fireworks.
- Sets a deadline of 30 days before the proposed display date for a permit application to be submitted for consideration. Current code has no submission deadline. For comparison, Sheboygan requires applications be submitted no less than 45 days pre-display while Green Bay requires submission be no less than 15 days pre-display.
- Increases the permit fee from \$100 to \$150. This fee is consistent with Green Bay's and Sheboygan's permit fee.

The proposed ordinance also requires that fireworks permittees notify the Fire Chief of the location where fireworks are stored for sale or pre-display, equip fireworks storage sites with adequate fire extinguishers and prohibit smoking wherever fireworks are stored or handled. Fireworks storage sites may not be located within 50 feet of a dwelling, public assemblage or place where gasoline or volatile liquids are dispensed.

Finally, this proposed ordinance establishes a penalty for adults who allow their wards to use fireworks consistent with Wis. Stat. § 167.10(9)(c), and increases the forfeitures for those who violate MMC § 6.070. State law allows fireworks violation forfeitures to be as much as \$1000 plus costs. We propose a more modest increase to \$400 plus costs for adults and \$200 plus costs for minors. Our hope is that a further increase is not necessary to deter unlawful fireworks displays.

Enforcement for unlawful display or discharge will be handled by the Manitowoc Police Department. Enforcement for unlawful sale or violations of the fireworks permit will be handled by the Manitowoc Fire Department. Public Service Announcements or press releases will be issued in advance of the 2022 fireworks season to further inform the public of these changes.