

ORDINANCE

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

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 to 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.

~~Application to possess or use fireworks shall be made on a permit application form prepared by the Fire Department. A \$25.00 permit fee shall accompany any application. The Fire Department shall make a recommendation to the Mayor with regard to any application received. If an application is denied, the permit fee shall be refunded to the applicant.~~

(2) Permit Required. No person may possess or use fireworks or pyrotechnics, as defined in Wis. Stat. § 167.10(1), without a Fireworks or Pyrotechnics Permit issued by the City of Manitowoc.

(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. 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; and 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 \$100.

(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.

(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 \$1000.”

Section 2. The bond schedule for violations of Section 6.070 shall be as follows:

Adult:	\$100 <u>\$175</u> + costs
Juvenile:	\$100 <u>\$175</u> + costs

Section 3. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Negligible
Funding Source:	n/a
Finance Director Approval:	/sc
Approved as to form:	/em

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney

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