



CITY OF MANITOWOC

WISCONSIN, USA

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January 5, 2024

TO: Members of the Public Safety Committee

FROM: Eric Nycz, City Attorney

Re: Proposed Amendments to Chapters 6, 16, 17 and 18

Issue Presented

On December 18, 2023, the Manitowoc Common Council gave its approval to enter into an agreement with EPLEX, LLC (DBA as E-Plan Exam) in order to increase efficiency in the review and granting of permits in the City of Manitowoc, as well as create a small revenue stream for its residents. In order to execute on that agreement, the City must revise its code to reflect the new process for construction permits and meet the standards required by EPLEX, LLC to operate within the City. Therefore, with the help of Inspection Supervisor Bill Nichols, this office drafted the following document to meet those needs and, additionally, fill in some gaps in the code.

Notable Changes

Many of the changes that you will see are somewhat superficial; the fire inspector is an authorized agent of the Wisconsin Department of Safety and Professional Services (no longer the Wisconsin Department of Commerce). Numerous changes were made to reflect these changes in the statutes and administrative code.

Section 6 of the document is where you will find the substantive changes required by EPLEX, LLC, to perform their work. In essence, a section was added to define the substance and scope of the delegated agent (EPLEX) for review and inspection.

Finally, Section 3 of the document was revised unrelated to the EPLEX changes. I was unsure if you would want to see this as a separate issue as it is a proposed change to Chapter 6 of the Code, and we are proposing several changes to Chapter 6 elsewhere, yet it is substantively different. It makes no difference to this office if you would like to separate this section from this document, accepting or rejecting the proposed change. The specific substance, as you will see, does not change any legal requirement regarding fireworks. However, ordinances and laws are often written by attorneys, for attorneys. When it comes to fireworks, every 4th of July (or thereabouts) the Police Department seizes unlicensed fireworks, sometimes due to citizens not being aware that what they purchased was “illegal.” This revision is meant to clarify what fireworks may be used without a permit. It is not an exhaustive list, but it is an attempt to address the most popular fireworks that require and do not require permits. Again, there is no substantive change to the law – the Wisconsin Statutes bind cities and do not allow municipalities less restrictive standards for fireworks. This is simply meant as a clarifying measure.

CITY ATTORNEY ERIC NY CZ

CITY HALL ■ 900 QUAY STREET ■ MANITOWOC, WI 54220
PHONE: (920) 686-6990 ■ EMAIL: CITYATTORNEY@MANITOWOC.ORG



Recommendation from the City Attorney

Many of these changes simply bring our code up to date with changes at the state level. Section 6 is required to effectuate the relationship approved by the Common Council in December. And Section 3 clarifies, in plain language, the fireworks that a typical citizen may use without a permit. I wholeheartedly request the Committee recommend these changes be approved by the full Council.