



www.city.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 3, 2007

Dear Local Official:

Attached is a copy of the Final Report and Recommendations of the City of Milwaukee Fireworks Task Force. The Milwaukee Common Council directed that a letter be sent to other municipalities in Southeastern Wisconsin regarding the findings of this Task Force, especially the fact that many municipalities and fireworks vendors are not adhering to state law.

The Task Force found that the prevalence of illegal fireworks in the City of Milwaukee creates substantial public health and safety risks, at great expense to public resources. The byproducts of illegal fireworks include personal injury to fireworks users and bystanders, the destruction of personal property from fireworks-related fires, a drain on public safety resources, and the disruption of the quality of life of persons throughout the city. The Task Force found that this prevalence of illegal fireworks in the city is principally due to a misinterpretation of state law by municipalities and vendors that are issuing illegal permits and selling illegal fireworks.

The report further states: "(A)ny permit issued by a fireworks vendor to an individual is illegal, and the sale of fireworks to a person who does not hold a valid permit is a violation of State law. The Department of Justice's position is that these permits are invalid because State law only authorizes the top official at the municipal level, whether it is the mayor, village president or town chair, to issue a permit or delegate the authority to issue a permit to a municipal employee. The delegation to a vendor is beyond what is allowed by the statute, and the owner of the store is violating the law when he or she sells fireworks under an invalid permit. The reason a permit sold by a vendor is not valid, even though it may bear a facsimile of the top official, is that the name of the person to whom the permit is issued was filled in by the vendor, so the vendor was the one who really issued the permit, and not the top official. Beyond that, the statute requires that permits be issued to groups, and not individuals."

The Task Force found that to effectively stop the practice of issuing illegal permits, the City of Milwaukee should lobby state legislators to reform state law to prohibit the sale of fireworks anywhere within the state to anyone other than legitimate fireworks show exhibitors and suppliers and create effective enforcement mechanisms. Your support in this lobbying effort is encouraged.

This communication is only one of many recommendations in the Task Force's comprehensive approach to the illegal fireworks problem. The Task Force chairs, Ald. Joe Davis, Sr. and Ald. Terry Witkowski, who may be reached at the address on this letterhead, would both be happy to discuss this report with you and others in your community at any time.

Sincerely,

Ronald D. Leonhardt, City Clerk