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Office of the City Clerk

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May 1, 2007

Representative Samantha Kerkman  
P.O. Box 8952  
Office 109-W  
Madison, WI 53708

Re: City of Milwaukee Fireworks Task Force Position to Legislative Bill - LRB 2001/1.

Dear Representative Kerkman,

By resolution dated September 26, 2006, the Common Council of the City of Milwaukee created the Fireworks Task Force. The task force was charged with the duty of studying issues related to the prevalence of illegal fireworks in the City of Milwaukee and to submit findings and recommendations of how best to deal with the problem to the Milwaukee Common Council.

The membership of the task force was drawn from a broad range of disciplines and perspectives from both the public and private sectors. Each member brought to the task force his or her unique experience thereby ensuring the creation of appropriate and useful findings and recommendations for submission to the Common Council.

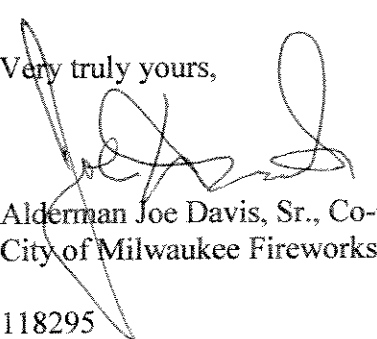
The task force found that fireworks pose a substantial risk to the public. Personal injury, the threat of fires, and the disruption of the quality of the life are just a few of the unwanted byproducts of the use of these devices in a populated urban setting. The task force intends to recommend a multi-pronged approach to deal with this situation. Among the recommendations the task force will make will be the creation of an educational campaign reminding people of the dangers of the use of illegal fireworks, establishing relationships with local and private organizations in an attempt to disseminate education materials, as well as a more concerted effort to use block watch surveillance as an aid to law enforcement as well as the use of both civil and criminal prosecutions to create an effective deterrent to the use of illegal fireworks.

In the end, however, the task force has reached the conclusion that without the state legislature having the political will to close the current loopholes that exists in state law that in essence permits the advertising, by use of huge signs along expressways and sell of illegal fireworks within a half hour's drive from City Hall, the City of Milwaukee, regardless of its best efforts and due diligence, will be unable to stem the tide of illegal fireworks cascading into the city.

As you are aware, current state law permits the mayor, president of a village or chairperson of a town to issue a permit or for either the possession or use of fireworks within that jurisdiction. See, Wis. Stat. § 167.10(3). This *pro forma* license scheme allows fireworks vendors to operate in the open within close proximity to the City of Milwaukee. Unless and until this sizable loophole in state law is closed, individuals will be able to purchase fireworks and possess them in those towns that offer such *pro forma* licensing. These individuals then transport those fireworks into the City of Milwaukee in an unlawful manner. The fact that the transport and possession of these fireworks becomes an illegal act at the moment they are removed from the jurisdiction where they were purchased is apparently of no concern to individuals who have purchased them for the very purpose of violating the law by igniting them within the city.

Because this is a problem caused by a failure of state law, there is nothing the City of Milwaukee can do to prevent it. Further, the danger caused by the use of illegal fireworks should be recognized as a matter of statewide concern. We submit that the small amount of revenue raised by jurisdictions that issue these *pro forma* permits is inconsequential when compared to the amount of damage and suffering caused by illegal fireworks. Therefore, the Fireworks Task Force of the City of Milwaukee supports whatever measures that can be taken to reform state law to prohibit the sell of fireworks anywhere within the State of Wisconsin to anybody other than legitimate fireworks show exhibitors and suppliers.

Very truly yours,



Alderman Joe Davis, Sr., Co-Chair  
City of Milwaukee Fireworks Task Force

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