



*INTERDEPARTMENTAL CORRESPONDENCE
LEGISLATIVE REFERENCE BUREAU*

M E M O

To: Fireworks Task Force Committee Members
From: Leslie Silletti, Legislative Research Analyst
Date: January 25, 2007
Re: Follow-up to 1/11/07 Fireworks Task Force Meeting

This memo provides information relating to certain items that were discussed at the 1/11/07 Fireworks Task Force meeting. Please find attached to this memo:

1. The Milwaukee County Code provisions applicable to Fireworks.....page 1.
2. The complete set of fireworks prosecutions for the years 1999, 2000, 2001 in the State of Wisconsin, as compiled by the Wisconsin Legislative Council. Note there were no prosecutions in the City of Milwaukee.....page 3.
3. A spreadsheet listing all of the explosive/permits issued from January, 2005, to December, 2006, provided by the Development Center.....page 11.
4. Section 236-31 of the City of Milwaukee Code, "Fireworks," which discusses the permitting process.....page 15.

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number of participants involved. Such fees shall be used by the department exclusively for the purpose of cleaning of the adjacent parks and parklands where the event was held.

- (c) In the event that the organizers or sponsors of any such event deviate from the plan submitted in the application or from the route course submitted, without the prior approval of the City of Milwaukee and the county, such organizers or sponsors and such event thereafter shall be denied a permit for any events on Lincoln Memorial Drive for the following calendar year.

(7) *Written notice to the facilities.* The department of parks, recreation and culture shall provide written notice, within a reasonable period of time prior to closing or limitation of access on Lincoln Memorial Drive due to such events, to organizations and facilities that may be affected thereby. Without limitation by reason of enumeration, the following facilities and organizations shall receive such notice: Charter Captains, Milwaukee Yacht Club, McKinley Tennis Club, Milwaukee Community Sailing Center, Great Lakes Sports Fishermen and McKinley Marina.

47.04. Sales and solicitation for sale prohibited without permit, distribution of advertisements; regulation of.

(1) *Sales and solicitation of sales.* No person shall sell, keep or offer for sale any intangible article, merchandise or thing; nor solicit for or pursue any trade, occupation, business or profession, within any park or parkway, without the written permit of the director of parks, recreation and culture or designee, provided that any fee imposed for taking photos of persons, groups of individuals, parties or any events shall not be chargeable or collectible from individuals taking photographic pictures within the county park system, except at the Boerner Botanical Gardens in Whitnall Park and the Domes in Mitchell Park. Notwithstanding this limitation, the director is authorized to levy a charge in certain instances where a reasonable basis exists for issuance of a permit including, primarily, where county personnel or equipment is requested or where the

general public will be refused or denied use of such park or park areas in order to accommodate the photo sessions.

(2) A permit to sell or solicit shall be issued by the director of parks, recreation and culture or designee provided:

- (a) The applicant has filed a written request for a permit under the provisions of section 47.02.
- (b) A permit under the provisions of section 47.02 has been or will be granted.
- (c) The applicant files a written request for a permit showing the time and place of the sale or solicitation and a description of the purpose of the sale and of the items that will be offered for sale, or a description of the purpose of the solicitation, or both if applicable.
- (d) The sale or solicitation shall be concurrent with and related to the event for which a permit under the provisions of section 47.02 has been or will be granted.
- (e) The sale or solicitation is not for commercial gain by a person or entity engaged, directly or indirectly, in rendering services or supplying goods for profit.

(3) Should a permit not be issued hereunder, to a permittee or an applicant for a permit under section 47.02 by the director of parks, recreation and culture or designee, the provisions of section 47.02(3) shall be complied with.

(4) Any person violating any of the provisions of this section shall, for each offense, forfeit a penalty not to exceed one hundred dollars (\$100.00), the cash deposit thereof shall be fifty dollars (\$50.00) and the penalty assessment shall be six dollars (\$6.00), and in default of payment thereof, shall be imprisoned in the county jail or house of correction of the county for a period not to exceed ninety (90) days in the discretion of the court.

47.05. Use of firearms, fireworks; hunting with bow and arrow and trapping; throwing of missiles; making of fires; deposit or breakage of tin cans, bottles and glassware; prohibitions.

(1) *Use of firearms and fireworks; hunting with bow and arrow; trapping.* No person shall carry,

fire or discharge any gun, pistol or firearm, nor any rocket, torpedo or other fireworks of any description, nor shall any person engage in trapping within any park or parkway without a written permit of the department of parks, recreation and culture; nor shall any person hunt with bow and arrow within any park or parkway. The word "gun" shall include airgun.

(2) *Times for the setting off of fireworks displays on county-owned parks and parkways.* No person shall cause or allow the setting off of fireworks on the county-owned parks, or on the parkways, after 12:00 midnight on any Friday or Saturday, or on any day that is, or precedes, a holiday, or unless prior approval is obtained from the county board. No fireworks shall be set off on any other day, after 10:00 p.m., unless prior approval is obtained from the county board.

(3) *Throwing of stones or missiles.* No person shall throw stones or missiles in or into any park or parkway.

(4) *Making of fires.* No person shall make or kindle a fire for any purpose except in places provided therefor, and then subject to such regulations as may be prescribed.

(5) *Deposit of tin cans, bottles and glassware forbidden except in waste container; removal of broken tin cans, bottles or glassware.*

(a) No person shall deposit any tin cans, bottles or other glassware after the same have been used in any place in a park or parkway, except in waste containers provided by the department of parks, recreation and culture, or except in containers carried by such person for the purpose of removing same from such park or parkway.

(b) Any person who breaks a bottle or other glassware in any park or parkway shall immediately pick up the broken pieces and remove same to a park waste container.

47.06. Animals in parks.

(1) *Disturbance of animals on exhibition.* No person shall injure, molest or disturb any animal exhibited in the zoological garden or in any other

area of the park or parkway, nor feed or attempt to feed the same where posted rules prohibit such conduct.

(2) *Animals not allowed in parks; when; exception.* No animal, except those placed in the parks or parkways by the authority of the director of parks, recreation and culture (hereinafter parks director), and excepting horses when saddled or harnessed and in use for riding or pleasure, driving only on roadways or paths duly designated, and except dogs, as regulated by subsection (3) hereof, shall be conducted into or driven within the parks or parkways or be allowed to remain therein.

(3) *Dogs prohibited in certain areas.* No person having the control or care of a dog shall suffer or permit such dog to enter or remain in a public park or parkway unless it be led by a leash of suitable strength not more than six (6) feet in length, and then only within such areas in parks as have been designated by the parks director. Dogs may be off leash in specific areas designated solely as off leash dog exercise areas under all of the following conditions.

- (a) The owner or keeper of the dog must be present;
- (b) The dog must be under the voice control of the owner or keeper at all times;
- (c) The dog must wear a current rabies vaccination tag; and
- (d) Feces must be properly removed and disposed of in designated containers.

Said off leash areas shall be designated by the parks director. The parks director shall cause signs to be posted in areas wherein dogs are not permitted, or permitted off leash.

(4) *Dogs not permitted in zoological gardens.* No dogs, whether on leash or not, shall be permitted at any time in the zoological gardens nor in any other area of the park or parkway where domestic or wild animals are exhibited.

(5) *Impounding of dogs, when.* Dogs found running at large within any park or parkway may be impounded by any peace officer or by any employe of the department of parks, recreation and culture.



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: MEMBERS OF THE SPECIAL COMMITTEE ON REVIEW OF FIREWORKS LAW
FROM: Dan Schmidt, Analyst, and Mary Matthias, Senior Staff Attorney
RE: Wisconsin Circuit Court Fireworks Prosecutions for 1999, 2000, and 2001
DATE: November 26, 2002

The attached correspondence contains the complete set of fireworks prosecutions for the years 1999, 2000, and 2001, organized by case number. Each case number indicates whether the prosecution was a felony, misdemeanor, ordinance, or traffic violation. (See the attached memorandum for more information.) Please note that the vast majority of prosecutions are for ordinance violations.

You may access the details of any of these cases using the Wisconsin Circuit Court Access website at <http://ccap.courts.state.wi.us/InternetCourtAccess/> and performing a case search by the appropriate case number.

If you have any questions regarding this information, please contact either of us at the Legislative Council staff offices.

DWS:MM:rv;wu

Attachment

SUPREME COURT OF WISCONSIN/DIRECTOR OF STATE COURTS
CORRESPONDENCE/MEMORANDUM

DATE: November 25, 2002
TO: Dan Schmidt – Legislative Council – 608/267-7251
FROM: Meg Ford – Court Operations – 608/267-7764
RE: Fireworks prosecutions – s.s. 167.10

Here is the complete set of case numbers you requested for 1999 through 2001. If necessary, you should be able to determine the outcome of each of these cases by using the WCCA website.

Case numbers that begin with 99 were filed in 1999; those beginning with 00 were filed in 2000, and so forth.

The alpha identifiers following the year include the following:

- CF = Felony
- CM = Misdemeanor
- TR = Traffic Forfeiture
- FO = Ordinance Violation

These codes identify the most severe charge included in the case as filed.

JV (Delinquency/JIPS) and JO (Juvenile Ordinance) case numbers are not supplied, but these cases are included in the statewide totals.

Please feel free to contact me if you have questions or concerns about this information.

cc: Sheryl Gervasi

99FO000290
Ashland

99FO000220
nett

99FO000301
Calumet

99FO000386
99FO000576
Chippewa

99FO001352
99FO002057
Dane

99FO000517
99FO000680
99FO000694
99FO000932
Grant

99FO000307
Green

99TR001810
Iowa

99CF000237
FO000498
FO000499
99FO000500
99FO000501
Jefferson

99CM001056
99FO000879
La Crosse

99FO000390
Lafayette

99FO000221
99FO000223
99FO000756
99FO000757
99FO000758
Marinette

99FO001789A
Outagamie

99FO000466
99FO000629
99FO000663
Polk

99FO001352
Sauk

99FO000709
99FO000710
99FO000711
99FO000764
99FO000765
99FO000766
99FO000767
Shawano

99FO001492
99FO001711
99FO001872
99FO001921
99FO002269
Sheboygan

99FO000220
99FO000334
Trempealeau

99FO000154
99FO000244
99FO000245
Washburn

99FO000392
Washington

99FO001524
99FO002008
Waukesha

99FO001424
99FO002689
99FO002801
99FO002879
99FO003053
99FO003149
99FO003202
99FO003206
99FO003224
Winnebago

***** State Total *****

State Total is 78
(includes 1 JV and 17 JO cases)

00FO000254
Bayfield

00FO000335
0000336
Burnett

00FO000180
00FO000347
Clark

00FO000635
00FO000707
Door

00FO000072
Florence

00FO000084
00FO000311
00FO000459
Green

00TR002086
Iowa

00CM000091
00FO000323
Jackson

00CM000037
00CM000923
00FO000938
00FO000981
00FO000982
La Crosse

00FO000212
00FO000248
00FO000249
00FO000250
00FO000251
00FO000257
Lincoln

00FO001153
00FO001154
00FO001155
00FO001210
Marathon

00FO000396
00FO000397
Marinette

00FO000462
Monroe

00FO000667
00FO000676

00FO000678
00FO000836
Po¹-

00FO000146
00FO000755
00FO000760
Racine

00CF002937
Rock

00FO000375
St Croix

00FO002225
00FO002579
00FO003815
Sauk

00FO001553
00FO001930
00FO002021
00FO003471
Sheboygan

00FO000332
00FO000333
00FO000334
Whburn

00FO001338
00FO001361
00FO001366
00FO001370
00FO001420
00FO001427
00FO001824
Waukesha

***** State Total *****

State Total is 67
(includes 1 JV and 7 JO cases)

01TR001012
Ashland

01 00207
Burnett

01FO000830
Chippewa

01FO001827
01FO001922
01FO002387
Dane

01FO000521
Door

01CF000400
01FO001025
Eau Claire

01FO000372
01FO000575
Green

01FO000908
01FO000970
Kenosha

0000239
Lincoln

01FO001613
01FO001786
Marathon

01FO000741
Polk

01FO000996
01FO001116
Racine

01FO000142
Rusk

01FO002634
01FO002640
Sauk

01FO001886
01FO001937
01FO002044
01FO002403
Sheboygan

1FO000461
Vilas

01FO000945

Waukesha

***** State Total *****

te Total is 32
(includes 4 JO cases)

Milwaukee Development Center - Explosives/Fireworks Permits issued from Jan 2005 thru Dec 2006

Permit Date	Permit Type	Address	Address	Address	Addn Info	Occupancy	Contractor	Applicant/ Owner
1/10/2005	Explos/Firew	625	655	E	CHICAGO ST	PARKING	BARTOLOTTA FIREWORK	P IANELLI
1/11/2005	Explos/Firew	1001	1001	N	4TH ST	RECREATION	APPLICANT	PIRANHA PRDNS
1/11/2005	Explos/Firew	1001	1001	N	4TH ST	CONVENTION CENTER	APPLICANT	BRADLEY CENTER
1/26/2005	Explos/Firew	412	518	W	KILBOURN AV	RECREATION	WISCONSIN CENTER	M SCHMIT
2/1/2005	Explos/Firew	710	710	N	PLANKINTON AV	RECREATION	APPLICANT	
2/18/2005	Explos/Firew	400	400	W	WISCONSIN AV	COMMERCIAL	ADVANCED ENTERTAINM	M MICHALSKI
3/7/2005	Explos/Firew	412	518	W	KILBOURN AV	RECREATION	PYRITZ PYROTECHNIC S	
3/29/2005	Explos/Firew	750	750ADJ	N	LINCOLN MEMORIAL DR	PARK	BARTOLOTTA FIREWORK	
3/29/2005	Explos/Firew	902	926	W	JUNEAU AV	RECREATION	ADVANCED ENTERTAINM	
4/27/2005	Explos/Firew	1001	1001	N	4TH ST	COMMERCIAL	ZENITH PYROTECHNOL O	ZENITH PYROTECH
4/27/2005	Explos/Firew	301	301	S	44TH ST	STADIUM	BARTOLOTTA FIREWORK	A MERCER
5/3/2005	Explos/Firew	1601	1603	N	CASS ST	CHURCH	THREE HOLY WOMEN	PARISH THREE HOLY WOMEN
5/9/2005	Explos/Firew	400	400	W	WISCONSIN AV	RECREATION	UNKNOWN	MIDWEST CONV CTR
5/24/2005	Explos/Firew	750	750	N	LINCOLN MEMORIAL DR	SERVICE STATION	BARTOLOTTA FIREWORK	FIREWORKS CO INC BARTOL
5/24/2005	Explos/Firew	200	200	N	HARBOR DR	APPLICANT	FIVE STAR FIREWORKS	LEN HADDOVSKI
6/8/2005	Explos/Firew	6200	6200	W	GOOD HOPE RD	COUNTRY CLUB	MELROSE PYROTECHNIC	TECHNICS
6/8/2005	Explos/Firew	950	950	N	OLD WORLD THIRD ST	PARK	MELROSE PYROTECHNIC	MELROSE PYRO
6/8/2005	Explos/Firew	200	200	N	HARBOR DR	SERVICE STATION	J & M DISPLAYS	J & M DISPLAYS
6/16/2005	Explos/Firew	200	200	N	HARBOR DR	PARK	BARTOLOTTA FIREWORK	CITY OF MILWAUKEE
6/16/2005	Explos/Firew	200	200	N	HARBOR DR	PARK	BARTOLOTTA FIREWORK	CITY OF MILWAUKEE
6/21/2005	Explos/Firew	1623	1623	N	CASS ST	CHURCH	BARTOLOTTA FIREWORK	ST RITAS CHURCH
6/29/2005	Explos/Firew	1001	1001	N	4TH ST	RECREATION	PYROTECH LIMITED	F THAIN
7/5/2005	Explos/Firew	809	809	N	BROADWAY	SERVICE STATION	BARTOLOTTA FIREWORK	COMMISSION 4TH OF JULY
7/5/2005	Explos/Firew	318	324	N	WATER ST	SERVICE STATION	BARTOLOTTA FIREWORK	US BANK CLEAR CHANNEL

7/21/2005	Explos/Firew	750	750	N	LINCOLN MEMORIAL DR		RECREATION	BARTOLOTTA	PARKS MILLWAUK
7/25/2005	Explos/Firew	737	749	N	16TH ST	MARQUETTE UNIVERSITY	PARKING	BARTOLOTTA	WORKS CO INC
7/25/2005	Explos/Firew	2220	2220	N	TERRACE AV	VILLA TERRACE	PARKING	BARTOLOTTA	WORKS CO INC
7/25/2005	Explos/Firew	200	200	N	HARBOR DR	FEST ITALIANA	RECREATION	BARTOLOTTA	FIREWORKS CO
7/25/2005	Explos/Firew	2866	2866	S	SUPERIOR ST	SOUTH SHORE	RECREATION	BARTOLOTTA	BARTOLOTTA
7/25/2005	Explos/Firew	200	200	N	HARBOR DR	LAKE SHORE ST PARK	RECREATION	BARTOLOTTA	FIREWORKS CO
8/9/2005	Explos/Firew	200	200	N	HARBOR DR	HARBOR DR	AMPHITHEATER	PYRITZ INC	BARTOLOTTA
8/11/2005	Explos/Firew	200	200	N	HARBOR DR	IRISH FEST	SERVICE STATION	BARTOLOTTA	FIREWORKS
8/11/2005	Explos/Firew	200	200	N	HARBOR DR	MEXICAN FIESTA	SERVICE STATION	BARTOLOTTA	FIREWORKS
8/11/2005	Explos/Firew	301	301	S	44TH ST		SERVICE STATION	BARTOLOTTA	FIREWORKS
8/19/2005	Explos/Firew	301	301	S	44TH ST	MILLER PARK	STADIUM	BARTOLOTTA	FIREWORK
8/29/2005	Explos/Firew	200	200	N	HARBOR DR		SERVICE STATION	ADVANCED ENTERTAINM	ENTERTAINMENT ADVANCED
9/1/2005	Explos/Firew	200	200	N	HARBOR DR	INDIAN SUMMER	FESTIVAL	BARTOLOTTA	COUNTY OF- PARKS MILLWAUK
9/1/2005	Explos/Firew	524	524	S	LAYTON BL		FESTIVAL	BARTOLOTTA	FIREWORK
9/1/2005	Explos/Firew	1001	1001	N	4TH ST		RECREATION	STAGE & EFFECTS ENG	A HOFSTRA OF COMMERGE
9/1/2005	Explos/Firew	950	950	N	OLD WORLD THIRD ST		PARK	BARTOLOTTA	HISPANIC CH
9/1/2005	Explos/Firew	950	950	N	OLD WORLD THIRD ST		PARK	BARTOLOTTA	MANOR PARK THE VILLAGE
9/1/2005	Explos/Firew	950	950	N	OLD WORLD THIRD ST		COMMERCIAL	STRICTLY FX LLC	
10/3/2005	Explos/Firew	1001	1001	N	4TH ST	BRADLEY CENTER	RECREATION	PYROTECK SPECIAL EFF	EFFECTS INC
10/12/2005	Explos/Firew	1001	1001	N	4TH ST		RECREATION	MELROSE PYROTECHNIC	PYROTEK SPE
11/11/2005	Explos/Firew	950	950	N	OLD WORLD THIRD ST		PARK OR PLAYGROUND	PYROTECK SPECIAL EFF	
11/11/2005	Explos/Firew	1001	1001	N	4TH ST		RECREATION, INDOOR	MELROSE PYROTECHNIC	
11/11/2005	Explos/Firew	3930	3930	W	STATE ST		MANUFACTURING, LIG	BARTOLOTTA	
12/6/2005	Explos/Firew	138	138	N	BROADWAY		PARK	PYROTECK SPECIAL EFF	N OKEEFE
12/12/2005	Explos/Firew	1001	1001	N	4TH ST		COMMERCIAL	FALCON DRILLING & BL	
1/26/2006	Explos/Firew	929	929	N	WATER ST	STATE STREET BRIDGE	COMM-NONBLDG STRUC		

2/10/2006	Explos/Firew	412	518	W	KILBOURN AV		RECREATION, INDOOR	WISCONSIN CENTER DIS	WISCONSIN CENTER DISTR
2/28/2006	Explos/Firew	625	655	E	CHICAGO ST		MV-PARKING	BARTOLOTTA FIREWORKS	ITALIAN COMMUNITY CENT BRADLEY CENTER SPORTS
3/16/2006	Explos/Firew	1001	1001	N	4TH ST		MERCANTILE, OTHER	APPLICANT	
4/18/2006	Explos/Firew	301	301	S	44TH ST		MERCANTILE, OTHER	MELROSE PYROTECHNIC S	MILWAUKEE COUNTY
4/25/2006	Explos/Firew	400	400	W	WISCONSIN AV	CONCERT	RECREATION	PYROTECK SPECIAL EFF	WISCONSIN CENTER DISTR
4/27/2006	Explos/Firew	400	400	W	WISCONSIN AV		RECREATION	STRICKLY FX LLC	WISCONSIN CENTER DISTR
5/4/2006	Explos/Firew	6200	6200	W	GOOD HOPE RD		RECREATION	MELROSE PYROTECHNIC S	BRYNWOOD COUNTRY CLUB
5/4/2006	Explos/Firew	950	950	N	OLD WORLD THIRD ST	PERE MARO PARK	PARK OR PLAYGROUND	MELROSE PYROTECHNIC S	MILWAUKEE COUNTY
5/10/2006	Explos/Firew	809	809	N	BROADWAY		PARK OR PLAYGROUND	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
5/15/2006	Explos/Firew	12201	12201	W	MILL RD		MERCANTILE, OTHER	BARBAROSSA BLASTING	MILWAUKEE COUNTY
5/31/2006	Explos/Firew	200	200	N	HARBOR DR		RECREATION, OUTDOOR	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
5/31/2006	Explos/Firew	950	950	N	OLD WORLD THIRD ST		RECREATION, OUTDOOR	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
5/31/2006	Explos/Firew	200	200	N	HARBOR DR		RECREATION, OUTDOOR	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
5/31/2006	Explos/Firew	200	200	N	HARBOR DR		RECREATION, OUTDOOR	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
6/20/2006	Explos/Firew	200	200	N	HARBOR DR	LAKESHORE STATE PARK	PARK OR PLAYGROUND	N/A	CITY OF MILWAUKEE
6/22/2006	Explos/Firew	200	200	N	HARBOR DR		RECREATION	APPLICANT	CITY OF MILWAUKEE
7/14/2006	Explos/Firew	777	777	E	WISCONSIN AV		OFFICE-GENERAL	BARTOLOTTA FIREWORKS	US BANK NATIONAL ASSN
7/17/2006	Explos/Firew	2866	2866	S	SUPERIOR ST		RECREATION	BARTOLOTTA FIREWORKS	MILWAUKEE COUNTY
7/26/2006	Explos/Firew	200	200	N	HARBOR DR		PARK OR PLAYGROUND	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
7/26/2006	Explos/Firew	200	200	N	HARBOR DR		PARK OR PLAYGROUND	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
7/26/2006	Explos/Firew	200	200	N	HARBOR DR		PARK OR PLAYGROUND	BARTOLOTTA FIREWORKS	CITY OF MILWAUKEE
8/25/2006	Explos/Firew	200	200	N	HARBOR DR		RECREATION	STAGE & EFFECTS ENG	CITY OF MILWAUKEE
8/31/2006	Explos/Firew	200	200	N	HARBOR DR		MERCANTILE, OTHER	PYRITZ INC	CITY OF MILWAUKEE

9/22/2006	Explos/Firew	3401	3401	S	39TH ST		MV-PARKING	MELROSE PYROTECHNIC S	ALVERNO COLLEGE
10/23/2006	Explos/Firew	950	950	N	OLD WORLD THIRD ST		RECREATION	MELROSE PYROTECHNIC S	MILWAUKEE COUNTY
10/23/2006	Explos/Firew	3930	3930	W	STATE ST		INDUSTRIAL BUILDIN	MELROSE PYROTECHNIC S	MILLER BREWING CO
11/8/2006	Explos/Firew	1001	1001	N	4TH ST		RECREATION		BRADLEY CENTER SPORTS
12/27/2006	Explos/Firew	1001	1001	N	4TH ST		RECREATION	PYROTEK SPEC. EFFECT SHEA-KENNY CONSTR	BRADLEY CENTER SPORTS
12/8/2006	Explos/Firew	700	700	E	JONES ST		INDUSTRIAL BUILDIN	SHEA-KENNY CONSTR	MILWAUKEE METROPOLITAN
12/8/2006	Explos/Firew	643	649	E	ERIE ST		MERCANTILE, OTHER	SHEA-KENNY CONSTR	HARBOR FRONT MARINA LL
12/8/2006	Explos/Firew	1233	1233	S	BARCLAY ST		STRUCTURE/NOT BLDG	SHEA-KENNY CONSTR	SQUARE B CORP

236-31. Fireworks. 1. DEFINITIONS. In this section:

a. "Fireworks" means any device or contrivance commonly used or sold as fireworks containing nitrates, chlorates, oxylates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound containing any of the same or other explosives.

b. "Pyrotechnics" means any display of fireworks or chemicals for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation.

1.5. STORAGE AND WHOLESALING.

a. Any resident, wholesaler, dealer or jobber firm may sell fireworks at wholesale, provided they are shipped or delivered directly outside the limits of the city and that a permit for such sale has been obtained from the commissioner.

b. Every wholesaler, dealer or jobber keeping or exposing for sale within the city fireworks of any description shall immediately notify the commissioner of the receipt of such stock of fireworks, the removal of such stock of fireworks from one location to another, and the location where the stock of such fireworks is stored.

c. Fire extinguishers approved by the commissioner shall be provided where fireworks are stored or handled. Smoking shall not be permitted where fireworks are stored or handled.

d. No fireworks shall be stored in any building used for dwelling purposes, or in any building situated within 50 feet of a building used for dwelling purposes or places of public assemblage.

2. PYROTECHNIC DISPLAYS, BLANK CARTRIDGES, FLARES PERMITTED. This section does not prohibit:

a. The use of fireworks for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals under permit granted by the department, provided that no fireworks shall be discharged after 11:00 p.m. or before 8:00 a.m. in the city, except as provided in par. e.

b. The use or sale of blank cartridges for circus and theatrical purposes, or for signal purposes in athletic contests or sports events, or for the use by militia, police or military organizations.

c. The use or sale of flares for railway signal and motor vehicle emergency warning purposes.

d. The use of pyrotechnics inside of buildings for theatrical performances provided such displays are limited to explosive devices or chemical illumination devices fired by electric match and approved for use inside of buildings by the department.

e. The use of fireworks for pyrotechnic displays held in conjunction with events at Miller Park, under permit granted by the department, provided that no fireworks shall be discharged:

e-1. After midnight on any Friday, Saturday, holiday or day preceding a holiday.

e-2. After 11 p.m. on any day not specified in subd. 1.

3. APPLICATIONS FOR PERMITS FOR PYROTECHNIC DISPLAYS. Application by organizations sponsoring pyrotechnic displays shall be submitted at least 15 days in advance of the date set for the display and shall contain the following:

a. The address and exact location of the proposed pyrotechnic display.

b. The date and time of display.

c. The name of the organization sponsoring the display and the name of the person responsible for arrangements.

d. The name of the organization and the names of the person in charge of firing the pyrotechnics and the person responsible for recovery of unfired pyrotechnics.

e. The number and kinds of pyrotechnics which will be fired.

f. The location where the pyrotechnic material will be stored prior to the display.

g. A diagram of the area where the display will take place showing the firing area, distances to the audience, buildings, roadways and public pathways, and special conditions.

h. The fee prescribed in s. 200-33.

4. ISSUANCE AND DENIAL OF PERMITS. The following requirements shall be complied with before a permit for a pyrotechnic display is issued:

236-31-5 Hazardous Occupancies

a. The applicant shall furnish a certificate of insurance issued by a company licensed to do business in the state of Wisconsin, by an agent whose license is on file in the city attorney's office. The certificate of insurance shall be for an amount as approved by the city attorney and shall name the city one of the insured.

b. Upon receipt of the application and site plan, the department may make an investigation of the site of the proposed display to determine compliance with this section.

c. No permit may be granted for any display of fireworks where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush.

d. Failure to provide all information requested 2 weeks prior to the display, including the certificate of insurance, failure to pay the required fee or a determination by the city that the proposed display would subject the public to undue hazards shall be sufficient cause for the commissioner to deny the permit.

5. **CONDUCT OF DISPLAY.** All fireworks displays shall be conducted so as to provide maximum safety for the public and shall meet the following requirements:

a. Spectators at a display of fireworks shall be restrained behind barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these barriers during the preparation, unloading or firing of fireworks.

b. No aerial fireworks or ground fireworks are to be fired from a point less than 200 feet from the nearest spectator, permanent building, public highway or thoroughfare, railroad or other means of travel, or less than 50 feet from the nearest above ground communication or power line, tree or other overhead obstructions.

c. Fireworks displays not in conformance with pars. a and b may be approved by the commissioner if proper safeguards are provided to protect life and property.

d. All fireworks that fire a projectile over land shall be so set up that the projectile will go into the air as nearly as possible in a vertical position.

e. Any fireworks that remain unfired after a display shall immediately be disposed of or removed in a safe manner. Upon the conclusion of any display, the operator shall make a complete and thorough search for any unfired fireworks which have failed to fire or function and shall dispose of them in a safe manner.

6. FIREWORKS CONTRACTORS.

a. Fireworks contractors shall comply with the following safety regulations:

a. Post "No Smoking" signs at the fireworks storage area and launching site.

b. Locate the launching site as shown in the site plan submitted to the department.

c. Provide appropriate safe storage of fireworks at the launching site using plastic, wood or cardboard boxes with lids.

d. Provide first aid firefighting equipment such as fire extinguishers or a water hose at the fireworks storage area and the launching site.

e. Provide and secure fencing and barriers to keep the public out of the launching and storage areas.

f. When racks are used to hold mortar tubes, they shall be securely supported.

g. Mortar tubes shall be in safe operating condition.

h. Mortar tubes shall be horizontally and vertically restrained to prevent movement during firing. The side of the mortar tube the loader will be working on shall be sandbagged to protect the loader.

i. Magazine operators shall use flash lights when selecting shells.

j. All shells shall be sorted and stored by size one hour prior to the start of the display. The proper diameter shell shall be loaded into the appropriate-sized mortar tubes.

k. The contractor or person responsible for the fireworks display shall provide the department with the names of the persons assigned to the fireworks display at each site.

l. All personnel assigned to fireworks displays shall wear identification badges.

m. Unused fireworks shall be removed from the launching area in an approved container and in a safe manner immediately after the fireworks display.

7. **AUTHORITY TO TERMINATE OR DELAY DISPLAY.** The department may order a display to be delayed or terminated if any requirement of this section is being violated or if the display is causing a hazard to life or property. If the department takes action under this section, a fireworks permit may not be issued to the contractor during the following 15 months.

8. **PENALTY.** Any person violating this section shall upon conviction forfeit not less than \$250 nor more than \$1000, and upon default thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture and costs are paid.

236-41. Hazardous Substance Spills.

1. **DEFINITIONS.** In this section:

a. "Discharge" includes, but is not limited to, any spilling, leaching, pumping, pouring, emitting, emptying, escaping, releasing, disposing, injecting or dumping of a hazardous substance.

b. "Hazardous substance" means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives.

c. "Storage" means containment in such a manner as not to constitute disposal.

d. "Transport" means the movement from the point of generation of any intermediate site, and finally to the point of ultimate storage or disposal.

e. "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to render it nonhazardous, safer to transport, amenable for recovery or storage, or reduced in volume.

2. **DISCHARGES PROHIBITED.** No person shall discharge or cause to be discharged any hazardous substance upon any public street, alley or property, surface waters, subsurface waters or aquifer into the air, or upon any private property except those areas specifically licensed for waste disposal or landfill activities.

3. **CONTAINMENT, CLEANUP AND RESTORATION.** a. If a hazardous substance is discharged, the person responsible for the discharge shall immediately notify the fire, health and neighborhood services departments, the Milwaukee metropolitan sewerage district, Milwaukee county division of emergency government and the state of Wisconsin department of natural resources and begin immediate actions to contain, clean up and remove the offending substance, in a manner approved by the regulating agencies, to an approved repository and restore the site to its original condition to the extent practicable.

b. If the person responsible for a discharge fails to comply with par. a, and the discharge presents an immediate risk to the public health, safety or environment, the fire, health or neighborhood services departments, their agents or contractors may either clean up the discharge and require reimbursement for actual and necessary expenses incurred for materials, supplies and equipment to the city by the person violating this section or issue orders to the violator for the clean up of the discharge.

c. If the discharge of a hazardous substance is upon privately-owned property, upon written order to the owner, the owner shall begin immediate action to contain, clean up and remove the offending substance in a manner approved by the regulating agencies. If the discharge presents an immediate risk to the public health, safety or environment, the fire, health or neighborhood services department or their agents or contractors may contain, clean up and remove the discharge and the cost of the containment, clean up and removal as a charge against the real estate, which shall be a lien upon the real estate and assessed and collected as a special charge, or in the alternative proceed against the property owner for the cost of containment, clean-up or removal.