



## Legislation Details (With Text)

|                        |   |                      |                |
|------------------------|---|----------------------|----------------|
| <b>File #:</b>         | 190580  | <b>Version:</b>      | 2              |
| <b>Type:</b>           | Resolution  | <b>Status:</b>       | Passed         |
| <b>File created:</b>   | 7/9/2019  | <b>In control:</b>   | COMMON COUNCIL |
| <b>On agenda:</b>      |   | <b>Final action:</b> | 7/30/2019      |
| <b>Effective date:</b> |   |                      |                |
| <b>Title:</b>          | Substitute resolution directing the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of legislation relating to the sale of fireworks to residents of communities in which their possession and use are prohibited. |                      |                |
| <b>Sponsors:</b>       | ALD. JOHNSON, ALD. MURPHY, ALD. DODD, ALD. PEREZ, ALD. LEWIS, ALD. RAINEY, ALD. STAMPER, ALD. HAMILTON  |                      |                |
| <b>Indexes:</b>        | FIREWORKS, STATE LEGISLATION  |                      |                |
| <b>Attachments:</b>    |   |                      |                |

| Date      | Ver. | Action By                         | Action                   | Result | Tally |
|-----------|------|-----------------------------------|--------------------------|--------|-------|
| 7/9/2019  | 0    | COMMON COUNCIL                    | ASSIGNED TO              |        |       |
| 7/16/2019 | 1    | CITY CLERK                        | DRAFT SUBMITTED          |        |       |
| 7/22/2019 | 1    | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 7/30/2019 | 1    | COMMON COUNCIL                    | SUBSTITUTED              | Pass   | 14:0  |
| 7/30/2019 | 1    | COMMON COUNCIL                    | ADOPTED                  | Pass   | 14:0  |
| 8/8/2019  | 1    | MAYOR                             | SIGNED                   |        |       |

190580  
SUBSTITUTE 2

060529, 070741, 180898  
ALD. JOHNSON, MURPHY, DODD, PEREZ, LEWIS, RAINEY, STAMPER, II, HAMILTON

Substitute resolution directing the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of legislation relating to the sale of fireworks to residents of communities in which their possession and use are prohibited.

This substitute resolution directs the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of legislation that:

1. Prohibits the sale of fireworks to residents of communities in which their possession and use are prohibited.
2. Makes the requirements for obtaining a distributor license more stringent.
3. Provides an exception for a person who lives in Milwaukee but also owns property in another community where fireworks use is permitted to be able to purchase fireworks.
4. Provides a penalty for straw-purchasing of fireworks.

Whereas, On September 26, 2006, the Common Council adopted Resolution File Number 060529, creating the Fireworks Task Force; and

Whereas, On September 25, 2007, the Common Council adopted Resolution File Number 070741, directing the Department of Administration - Intergovernmental Relations Division to seek introduction of state legislation relating to the implementation of the recommendations of the Fireworks Task Force; and

Whereas, The final report of the Fireworks Task Force found that the prevalence of illegal fireworks in the city creates substantial public health and safety risks, which are a great expense to public resources; and

Whereas, The byproducts of illegal fireworks include personal injury to persons using fireworks and to bystanders; and

Whereas, Children ages 5 to 9 face the highest risk of fireworks injuries, and the most common fireworks-related injury is burns, followed by contusions and lacerations, hands and fingers, and head and eye injuries; and

Whereas, The National Fire Protection Association states that “based on the amount of time and quantities in use, fireworks pose a higher risk of death than any other consumer product”; and

Whereas, The use of illegal fireworks can lead to destruction of personal property from fireworks-related fires and drain on public safety resources, including the Milwaukee Fire Department, the Milwaukee Police Department, and the Milwaukee County Sheriff's Office; and

Whereas, Fireworks are problematic and cause undue stress to many veterans, senior citizens, small children, parents with babies, people with a variety of medical conditions, pets and wildlife, and many other groups of people; and

Whereas, It is the position of the Fire Department that trained professionals under controlled settings should be the only persons permitted to use fireworks, and appropriate safeguards should be in place; and

Whereas, The sale of fireworks is not permitted in the city of Milwaukee, but other municipalities within the state do allow the sale of fireworks; and

Whereas, The Fireworks 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 Wisconsin to anyone other than legitimate fireworks show exhibitors and suppliers; and

Whereas, The Department of Administration - Intergovernmental Relations Division currently has in its State Legislative Package an agenda item to “Amend Wis. Stat. § 167.10 to prohibit the possession and use of fireworks statewide, to strengthen state law for permitting of fireworks granted by the state or any local jurisdiction, to establish a penalty for fireworks violation and to establish enforcement jurisdiction where a violation occurs. (CC File #070741)”; and

Whereas, The State has not strengthened its fireworks legislation; and

Whereas, Prohibiting the sale of fireworks to residents of municipalities that prohibit the possession and use of fireworks could stem the tide of the influx of fireworks into those municipalities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration - Intergovernmental Relations Division is directed to seek introduction and passage of State legislation that:

1. Prohibits the sale of fireworks to residents of communities in which fireworks possession and use are prohibited.
2. Makes the requirements for obtaining a distributor license more stringent.
3. Provides an exception for people who live in Milwaukee but also own property in another community where fireworks use is permitted to be able to purchase fireworks.
4. Provides a penalty for straw-purchasing of fireworks.

; and, be it

Further Resolved, That the City Clerk shall send copies of this resolution to the City's delegation in the State Legislature; and, be it

Further Resolved, That File Number 180898 is amended by inserting the following item in the document attached to the file and identified as "AMENDED 2019-2020 State Legislative Detailed Proposals and Key Issues":

|                          |                |   |
|--------------------------|----------------|---|
| Public Health and Safety | Common Council | To prohibit sale of fireworks to residents of communities in which fireworks possession and use are prohibited; to make the requirements for obtaining a distributor license more stringent; to provide an exception for people who own property in other communities where fireworks are permitted to be able to purchase fireworks; and to provide a penalty for straw purchasing of fireworks. |
|--------------------------|----------------|---|

LRB174631-2  
Tea B. Norfolk  
7/25/2019