



Legislation Text

File #: 090157, Version: 0

090157
ORIGINAL

ALD. DONOVAN

A charter ordinance relating to storage of gunpowder.

20-01 am

The Wisconsin legislature enacted s. 66.0409, Wis. Stats., effective November 18, 1995. This legislation limits the authority of political subdivisions to enact ordinances that are more stringent than state statutes in the regulation of firearms, firearm parts, ammunition and reloader components.

In an opinion dated March 13, 2009, the city attorney identifies provisions of the ordinances that are no longer enforceable under Wisconsin law. One provision that is no longer enforceable is that portion of s. 20-01 of the charter declaring depots, houses or buildings of any kind wherein more than 25 pounds of gun powder are deposited, stored, or kept, to be a public nuisance.

The city attorney notes that Wisconsin law provides for municipal regulation of explosives of any kind, but does not specifically authorize a municipality to declare storage of gunpowder to be a public nuisance.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 20-01 of the charter is amended to read:

20-01. Nuisances. The powers conferred upon the ~~[[said]]~~ common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. ~~[[Depots, houses or buildings of any kind, wherein more than twenty-five pounds of gun powder are deposited, stored or kept at one time, gambling]]~~ >>Gambling<< houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license, within the limits of said city, are ~~[[hereby]]~~ declared and shall be deemed public or common nuisances.

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB09226-1

RLW

5/26/2009