INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

260551 A substitute ordinance relating to the unlawful possession and use of fireworks.

Remove old MEMO (Suppl. #462)

Section Affected	Action	File Number	Effective Date	Remove Pages	Add Pages
				v-vi	v-vi
105-47-1	rc	260551	10/31/2026	591-592	591-592
105-47-2	rn	"	"	"	"
105-47-2	cr	"	"	"	"
105-47-3	rn	"	"	"	"
105-47-4	am	"	"	"	"

Abbreviations: am=amended, cr=created, corr=correction, ra=renumbered and amended, rc=recreated, rn=renumbered, rp=repealed

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Revised 10/13/2026
Suppl. #463

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through October 13, 2026.

Revised 10/13/2026
Suppl. #463

b. Any person convicted of violating any provision of this section except sub. 4 shall forfeit not less than $500 nor more than $5,000 per violation or, upon default of payment, be imprisoned for not more than 90 days.

105-46. Sale of Electric Scooters.

1. DEFINITION. In this section, “electric scooter” means a vehicle which is designed and built to be stood or sat upon by the operator and that has 2 small-diameter wheels in tandem, upright t-shaped handlebars, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. For the purposes of this section, an electric personal assistive mobility device, a moped, a motor bicycle or a motorcycle, as defined under s. 340.01, Wis. Stats., is not an electric scooter.

2. POSTING OF NOTICES TO BUYERS REQUIRED. Every retail commercial establishment selling electric scooters shall have posted on the premises in a prominent and conspicuous manner at or near the display of such item a placard stating as follows: "IMPORTANT NOTICE TO POTENTIAL ELECTRIC SCOOTER BUYERS: The operation of electric scooters upon public roadways, bicycle ways and sidewalks is against the law. Electric scooters may only be operated with permission on private property, and on private roads and driveways.”

3. SIGNED STATEMENT REQUIRED. Every retail commercial establishment selling electric scooters shall obtain from every person buying an electric scooter a signed statement on forms provided by the city clerk stating that the buyer is aware that electric scooters cannot be operated within the city on public roadways, bicycle ways and sidewalks, as set forth in chs. 341 and 346, Wis. Stats., as amended. The seller must retain the statement for a period of not less than one year from the date of sale.

4. PENALTY. Any person convicted of violating any provision of this section, shall forfeit not less than $500 nor more than $5,000 per violation, or upon default of payment be imprisoned in the house of correction or the county jail for not more than 90 days or until such forfeiture costs are paid.

105-47. Fireworks. 1. DEFINITION. In this section, “fireworks” means fireworks as defined in s. 167.10(1), Wis. Stats., and includes the devices described in s. 167.10(1)(e), (f), (i) to (n), and (p), Wis. Stats.

2. SALES, DISCHARGE, AND USE PROHIBITED. No person may sell, expose or offer for sale, use, keep, discharge, or explode fireworks in the city. No person who owns, occupies or has charge or control of private property may cause, suffer, or allow the use, keeping, discharge, or explosion of fireworks on the property.

3. STORAGE AND WHOLESALING. This section does not prohibit any resident, wholesaler, dealer or jobber firm from selling fireworks at wholesale, provided they are shipped or delivered directly outside the city limits.

4. PENALTY. a. Any person violating this section shall upon conviction forfeit not less than $500 nor more than $1,000, 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 costs are paid.

b. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than $1,000, 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 costs are paid.

105-48. Smoking Prohibited. 1. ADOPTION OF STATE LAW. The city adopts the provisions of s. 101.123, Wis. Stats., regulating smoking except as otherwise provided in city provisions not in conflict with s. 101.123, Wis. Stats., or other state statutes or administrative rules.

2. DEFINITIONS. In this section:

a. "City building," as referenced in s. 101.123(2)(a)8r, Wis. Stats., means a building, or portion of any building, owned or leased by the city including any enclosed walkway connecting city buildings or structures.

b. "Enclosed place" means all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

3. EXCEPTIONS. Prohibitions against smoking shall not apply to any of the following:

a. A private residence.

b. A room used by only one person in an assisted living facility as his or her residence.

c. A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

d. A retail tobacco store that has been in existence since June 3, 2009, and in which the smoking of cigars and pipes has been allowed.

e. A tobacco bar that has been in existence since June 3, 2009, and in which only the smoking of cigars and pipes has been allowed.

4. ELECTRONIC CIGARETTES. Prohibitions against smoking under this section shall include use of an electronic smoking device and electronic smoking device paraphernalia, as defined in s. 106-30.2-1.

5. PENALTIES. a. Any person violating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than $100 nor more than $250, and upon failure to pay the forfeiture, may be subject to not less than 2 nor more than 5 days of confinement in the county jail or house of correction.

b. Any person in charge of property as defined in s. 101.123(1)(d) Wis. Stats., who violates the provisions of s. 101.123(2m)(b) to (d), Wis. Stats., shall be subject to a forfeiture of $100 and, upon failure to pay the forfeiture, may be confined in the county jail or house of correction for a period of 2 days. No person may be held subject to more than $100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.

c. Any person using an electronic smoking device as defined in s. 106-30.2-1 in a place where smoking cigarettes is prohibited by state law shall upon conviction forfeit not less than $100 nor more than $250.

d. Any person using electronic smoking device paraphernalia as defined in s. 106-30.2-1 in a place where smoking cigarettes is prohibited by state law shall upon conviction forfeit not less than $100 nor more than $250.

105-49. Smoking Prohibited on City Property.

1. SMOKING PROHIBITED UPON UNENCLOSED CITY PROPERTY. a. The commissioner of public works may designate unenclosed properties owned or leased by the city as areas where smoking is prohibited for the purpose of protecting and preserving the health and comfort of the public.

b. Smoking or carrying, possessing, or being in control of any lit tobacco product is prohibited within 30 feet of any public building owned or leased by the city.

2. STATE SIGNAGE REQUIREMENTS. Signs setting forth the prohibition against smoking shall comply with requirements established by the state of Wisconsin department of safety and professional services, if any, and shall include information reasonably sufficient to inform individuals of the physical area within which smoking shall not be permitted. It is a violation of this section for an individual, following warning by any city employee or by any member of the public, to continue smoking within the posted area.

3. DESIGNATION OF OUTSIDE SMOKING AREAS. Notwithstanding any other provision of this section, any person in charge of a restaurant, tavern, private club or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club or retail establishment may smoke as provided in s. 101.123(4m), Wis. Stats., governing local authority to regulate smoking on public property. Any person in charge of a restaurant, tavern, private club or retail establishment that designates an area for smoking which is a reasonable distance from any entrance to a restaurant, tavern, private club or retail establishment shall assure that the designated area is kept free of litter including cigarette butts or other tobacco products.

4. ELECTRONIC CIGARETTES. Prohibitions against smoking on city property under this section shall include use of an electronic smoking device and electronic smoking device paraphernalia, as defined in s. 106-30.2-1.

105-49.5. Use of Smokeless Tobacco Products Prohibited. 1. DEFINITIONS. In this section:

a. “Person in charge” means the person, or his or her agent, who ultimately controls, governs or directs the activities at a sporting event venue where the use of smokeless tobacco is prohibited under this section.