

DRAFT

ORDINANCE NO. 25-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING SECTION 133.03, SECTION 133.04, AND SECTION 133.05 OF CHAPTER 133 OF TITLE XIII OF ORDINANCE NO. 24-01 (COLUMBUS CITY CODE) AMENDING FIREWORKS DISCHARGE DATES, DISCHARGE TIMES, AND SALE DATES; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, the Committee of Whole has recommended that the Columbus City Code be amended to change the allowable fireworks discharge days to encompass June 28th through July 4th, change times when fireworks may be discharged, and to remove the current allowable discharge days of December 29th through December 31st; and

WHEREAS, the Committee of the Whole has also recommended the dates that fireworks may be sold and the required signage at all sales locations be changed to coincide with the amended discharge days and times.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 133.03 of Chapter 133 of Title XIII of the Columbus City Code be amended and revised to read as follows:

§ 133.03 SALE AND USE OF FIREWORKS.

(A)

(1) It shall be unlawful for any persons to possess, sell, offer for sale or discharge any pyrotechnics, commonly known as consumer fireworks, of any description whatsoever within the corporate limits of the city, except those fireworks which comply with the State Fire Marshall's rules and regulations, as adopted at the time of the effective date hereof, and which may be amended from time to time.

(2) Such consumer fireworks shall be sold only by a person who holds a permit from the city to do so in accordance with the provisions of § 133.04 of this code, and the consumer fireworks shall be sold only from June 28 through July 4 between the hours of 8:00 a.m. and 10:00 p.m. This subchapter does not apply to novelty items such as toy cap and toy cap pistols which may be sold, possessed or discharged at any time. This subchapter shall apply to pyrotechnic exhibitions and display when duly authorized and permitted by the

State Fire Marshal pursuant to the laws of the state. All applicants for such displays within the corporate limits of the city shall make application to the City Clerk 45 days prior to discharging. This subchapter shall not apply to the sale, storage or use of railroad track torpedoes or their signaling devices used by railroads, nor to the sale, storage or use of flashlight composition by photographers or dealers of photographic supplies

- (B) Any person who shall sell or offer for sale consumer fireworks in the city, or any person employed by another to sell or offer for sale such fireworks, must be at least 18 years of age, except those persons who are 14 through 18 inclusive may, when working in the direct presence and supervision of an adult 21 years or older, sell or offer for sale the fireworks. During the hours of sale, the attendants shall restrict smoking to 50 feet or further from the structure and shall restrict the discharge of fireworks at least 300 feet or further from the structure. No matches shall be sold or given away from said structure.

Section 2. That Section 133.04 of Chapter 133 of Title XIII of the Columbus City Code be amended and revised to read as follows

§ 133.04 PERMIT REQUIRED FOR SALE OF FIREWORKS.

- (A) Any person desiring to sell any consumer fireworks as set forth in § 133.03 shall make application on a form prepared by the Fire Chief or designee. The application for a permit to sell consumer fireworks shall be filed with the City Clerk. The application shall provide the following information.
 - (1) The name and address of the applicant;
 - (2) Location of the premises for which the permit is sought;
 - (3) The legal description of the premises;
 - (4) Description of temporary structure to be used (type and size)
 - (5) A site plan showing the location of the structure on the premises, and the listing of minimum separation distances from other structures, roadways, and property lines.
 - (6) Where inventory will be stored;
 - (7) When inventory will arrive;
 - (8) Where inventory will be stored during the off season;
 - (9) Certificate of insurance in the amount to be set by resolution and naming the City of Columbus as an additional insured; and
 - (10) Copy of your State Fire Marshal license for retail sales of fireworks.
- (B) Application period. The applicant for a permit shall pay a fee as set by resolution to the City Clerk at the time of submitting the application for each of the premises from which the fireworks are to be sold and shall

otherwise comply with all regulations and conditions as set forth herein providing this application is received in the Clerk's office by 5:00 p.m. on June 10 of the year for which the application is being made. From June 11 through June 18, there will be a late fee charge as set by resolution, plus the original fee; from June 19 through June 28, a late fee as set by resolution, plus the original fee and the first late fee. If the submission deadline falls on a weekend, the deadline would be the following Monday by 5:00 p.m.

- (C) In accord with the provisions of Neb. RS 28-1249, a permit to sell consumer fireworks will be valid for a period between June 28 – July 4 of the year in which a permit is issued. Upon payment of the permit fees, as set by resolution, and approval of the premises by the Fire Chief, the permit shall be issued by the City to the applicant. All application fees are non-refundable.
- (D) The following regulations apply to the premises from which said fireworks shall be sold:
 - (1) All structures used for the commercial sales of fireworks shall comply with all applicable rules and regulations set forth by National Fire Protection Association (NFPA) 1124, 2006 edition.
 - (2) Only temporary structures may be used for the retail sales of fireworks, including structures such as stands, trailers, and tents. No permanent building shall be used for the sale of fireworks to the general public.
 - (3) The structure shall be in place and ready for inspection prior to commencing firework sales. Arrangements for inspection shall be made with the Columbus Fire Department;
 - (4) Temporary stands and trailers shall not exceed 424 square feet;
 - (5) Tents shall not exceed 2,400 square feet;
 - (6) Premises from which fireworks are to be sold must be in commercially zoned areas and conform with all city zoning regulations;
 - (7) Temporary stands and trailers must be equipped with (1) two and one-half gallon pressurized water fire extinguisher and (1) ten-pound Class A fire extinguisher. Tents must be equipped with (1) ten-pound Class A fire extinguisher and (1) two and one-half gallon pressurized water fire extinguisher for every 600 square feet of retail space;
 - (8) In addition to all other requirements and regulations of the City, all fireworks stands or places of sale of fireworks, shall be located and set back at least 25 feet from the nearest curb line of any public right-of-way, or in the alternative, the selling windows of the fireworks stand must face away from the curb lines or any public right-of-way, which are within 25 feet of said selling window; stands shall not be located within the public right-of-way;

- (9) The following commercially made signs, with at least four inches high by one-half inch wide block lettering of permanent design of black against white background shall be installed on all four sides of the structure from which fireworks are to be sold. Said signs shall state:
- (a) FIREWORKS-NO SMOKING WITHIN 50 FEET;
 - (b) NO FIREWORKS DISCHARGED WITHIN 300 FEET;
 - (c) NO PARKING WITHIN 12 FEET;
 - (d) FIREWORK DISCHARGE IS ONLY PERMITTED IN THE CITY FROM: JUNE 28 – JULY 2 8:00 A.M. – 10:00 P.M. AND JULY 3 AND JULY 4 8:00 A.M. – 12:00 A.M. MIDNIGHT.
 - (e) LA DESCARGA DE FUEGOS ARTIFICIALES SON SOLAMENTE PERMITIDOS EN LA CIUDAD: DEL 28 DE JUNIO AL 2 DE JULIO, DE 8:00 A.M. A 10:00 P.M. Y EL 3 DE JULIO Y 4 DE JULIO DE 8:00 A.M. A 12:00 A.M. (MEDIANOCHE).
- (10) The address of the stand, name of licensee, name of manager and the telephone number of the licensee/manager shall be displayed on a sign with lettering no less than two and one-half inches high by one-half inch wide block lettering of permanent design of black against white background (no paper signs will be accepted). The sign shall be firmly attached to the structure so that the sign may be visible from the fronting street or avenue;

(E)

- (1) Consumer fireworks to be sold from tents may be stored on site during the time period for which a permit is valid. The permit holder shall maintain sufficient security personnel on the site of the sales facility at all times when fireworks are stored on the site while the sales facility is closed. Any violation of this section will result in the immediate revocation of the permit to sell fireworks. Violations include:
- (a) Failure to have security personnel on site;
 - (b) Security personnel on site observed to be smoking or with alcohol or other dereliction of duty to secure the site.
- (2) Observation of these violations can be made and reported by any sworn police officer or sworn firefighter of the City of Columbus.

(F)

- (1) Penalties for non-compliance with any part of the code section, are as follows:
- (a) Warning for first offense;
 - (b) Eight hours closed (8:00 a.m. - 4:00 p.m.) with no sales for second offense;
 - (c) Permit will be revoked for the remainder of the current selling season and there will be no exceptions for third offense.

- (2) If the violation occurs the last day of sales then it will be carried over to the next season that the applicant receives a permit for.
- (3) Should the applicant have his/her/its permit revoked for a second time at any point during the 5 years, said applicant will be banned from receiving a future permit for itself, or any entity of which it is an owner of member of, for a period of 5 years

Section 3. That Section 133.05 of Chapter 133 of Title XIII of the Columbus City Code be amended and revised to read as follows:

§ 133.05 DISCHARGING FIREWORKS.

- (A) Consumer fireworks may be discharged from June 28 through July 2 between the hours of 8:00 a.m. and 10:00 p.m. and July 3 through July 4 between the hours of 8:00 a.m. and 12:00 a.m. (midnight).
- (B) It shall be unlawful to discharge fireworks from 12:00 a.m. (midnight) on July 4 to 8:00 a.m. on June 28 of the following year.

Section 4. This Ordinance shall repeal all Ordinances or portions thereof and conflict herewith.

Section 5. This Ordinance shall be in full force and effect on the _____ day of _____, 2025, and after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City office.

INTRODUCED BY COUNCIL MEMBER _____

PASSED ND ADOPTED THIS ____ DAY OF _____, 2025.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY