

**Columbus Fire Department
Memorandum
For Record**

DATE: 29 March 2025

TO: Tara Vasicek, City Administrator

FROM: Ryan S. Gray, Fire Chief

RE: Fireworks Ordinance Changes

RECOMMENDATIONS:

Approve the recommended changes to the fireworks ordinance. Ordinance No. 18-28

DISCUSSION:

The fireworks ordinance needed to be clarified to clarify a few items and better align with the inspection process and checklist. These changes included removing redundant information regarding regulations already covered in the NFPA 1124, 2006 edition, which have to be met by all vendors. We also made changes to when the stands must be ready for inspection, now simply requiring them to be ready for inspection before commencing sales. The permit will not be issued until an on-site inspection has been completed.

We also removed the section about the storage of fireworks and having approval of the Fire Chief. Any facility storing fireworks needs to go through the proper zoning and permit processes with the City and the State Fire Marshal Office. Historically, we have not completed any inspections of storage facilities outside of the temporary retail spaces.

Language has also been added to include banning a vendor for 5 years if they have their permit revoked twice at any point in a 5-year period for continued violations.


FISCAL IMPACT:

N/A

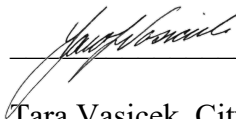
ALTERNATIVES:

We are not recommending any other options at this time.

SIGNATURES:



Ryan S. Gray, Fire Chief



Tara Vasicek, City Administrator



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: April 14, 2025
TO: Tara Vasicek, City Administrator
FROM: Shuraya Choat, City Clerk
RE: Fireworks Ordinance Changes

RECOMMENDATION:

Recommend approval of the amended fireworks ordinance.

DISCUSSION:

In addition to the changes recommended by Chief Gray, the fireworks discharge time for December 29 and 30 that is listed on the required signage at all fireworks sale locations, has also been amended. Section two of Ordinance No. 18-28 (§ 130.054 Discharging Fireworks) correctly stated the discharge time for December 29–30 as 8:00 a.m. to 10:00 p.m., while section one, incorrectly listed the discharge time as 8:00 a.m. to 12:00 a.m. (see redlined copy) This amendment corrects the inconsistency and accurately reflects the intended discharge hours.

FISCAL IMPACT:

None

ALTERNATIVE: We are not recommending any other options at this time.

SIGNATURE:

By: Shuraya Choat

Approved By: [Signature]

ORDINANCE NO. 18-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING SECTIONS 130.053 AND SECTION 130.054 OF CHAPTER 130 OF TITLE XIII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) REGARDING ADDITIONAL SIGNAGE REQUIREMENTS AT THE SALE LOCATIONS OF FIREWORKS, AND AMENDMENTS TO FIREWORK DISCHARGE TIMES; 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 Public Property, Safety, and Works Committee has recommended that the City Code be amended to extend the firework discharge times to 11:00 PM from June 25 through July 3; and,

WHEREAS, the Public Property, Safety, and Works Committee has further recommended that those people desiring to sell consumer fireworks within the City's jurisdiction be required to provide signage in both English and Spanish stating the allowed for firework discharge dates and times.

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

Section 1. That Section ~~130.053~~ 133.04 of Chapter ~~130~~ 133 of Title XIII of the Columbus City Code be amended and revised to read as follows:

§ ~~130.053~~ 133.04 PERMIT REQUIRED FOR SALE OF FIREWORKS.

(A) Any person desiring to sell any consumer fireworks as set forth in § ~~130.052~~ 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; ~~a site plan showing the location of the structure on the premises and a description of the structure to be used;~~
- ~~(4) Type of structure to be used:~~
 - ~~(a) Temporary structure (stand);~~
 - ~~(b) Tent;~~
- (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; and
- (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 25, a late fee as set by resolution, plus the original fee and the first late fee. Applications for New Year's Eve firework sales must be received by the City Clerk's office by 5:00 p.m. on December 19 of the year for which the application is being made. If any of the above dates fall 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 25 – July 4 and between December 29 – December 31, 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.

(GD) 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.

(1)-(2) Only Temporary structures (stands) 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. Structures from which sales are made shall be either:

— (a) Constructed of a substantial material, which shall consist of at least three-eighths inch plywood with three enclosed sides and a counter at one side only, with emergency doors installed at both ends with a minimum width of the doors being 28 inches and a height of at least six feet and the doors shall swing with the direction of exiting traffic; or

— (b) Not more than two side by side Sea Cargo Containers (Conex) with full width doors (8 feet x 8 feet) that can be secured on both ends and with the counter on the inside.

~~(3)~~ The structure shall be in place and ready for inspection prior to commencing firework sales. by 12:00 noon on the Thursday before June 25 and 12:00 noon on the Thursday before December 29 with Arrangements for inspection shall be being made with the Columbus Fire Department;

~~(2)-(4)~~ Temporary ~~structures (stands)~~ stands and trailers where fireworks are sold cannot shall not exceed 424 square feet;

~~(3)-(5)~~ Tents shall not exceed 2,400 square feet; ~~and shall comply with National Fire Protection Association (NFPA) 1124 Chapters 7 and 8. Tents can only be placed in commercial zoned areas and they must have a 30-foot set back from adjoining property;~~

~~(4)-(6)~~ Premises from which fireworks are to be sold must be in commercially zoned areas and conform with all city zoning regulations;

~~(5)~~ ~~Premises from which fireworks are to be sold cannot be closer than 25 feet to any permanent building;~~

~~(6)~~ ~~Premises from where fireworks are to be sold must be at least 100 feet from any station, building, or permanent storage where gasoline and oil for motor vehicles are sold or stored, to include propane dispensers, aboveground tanks for flammable or flammable liquids, flammable gases or flammable liquefied gases;~~

~~(7)~~ ~~A distance of at least 300 feet shall be maintained from bulk flammable or combustible liquid, flammable gas or flammable liquefied gas (propane) tanks or dispensers;~~

~~(8)-(7)~~ Temporary ~~structures (stands)~~ stands and trailers from where fireworks are to be sold must be equipped with (1) one two and one-half gallon pressurized water fire extinguisher ~~for each 424 square feet of permitted sales area and one (1) ten-pound Class A fire extinguisher. Tents from where fireworks are to be sold must be equipped with (1) ten pound Class A fire extinguisher and (1) two and one-half gallon pressurized water fire extinguishers for every 600 square feet of retail space; as follows: a 40 foot x 20 foot tent shall have two extinguishers, a 40 foot x 40 foot tent shall have three extinguishers and a 40 foot x 60 foot tent shall have four extinguishers; all tents shall, in addition, have one ten pound Class A fire extinguisher;~~

~~(9)-(8)~~ In addition to all other requirements and regulations of the City, all fireworks stands or places of sale of fireworks, cannot be located within the right-of-way and 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.

~~(10)-(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 25 – JULY 3 8:00 AM -11:00 PM AND JULY 4 8:00 AM – 12:00 AM

MIDNIGHT; DECEMBER 29 – DECEMBER 30 8:00AM – ~~10:00 PM 12:00 AM~~
~~MIDNIGHT~~ AND DECEMBER 31 8:00 AM – JANUARY 1 1:00AM;

(e) LA DESCARGA DE FUEGOS ARTIFICIALES SON SOLAMENTE PERMITIDOS EN LA CIUDAD: DEL 25 DE JUNIO AL 3 DE JULIO, DE 8:00 AM A 11:00 PM Y EL 4 DE JULIO DE 8:00 AM A 12:00 AM (MEDIANOCHE); DEL 29 AL 30 DE DICIEMBRE DE 8:00 AM A ~~10:00 PM 12:00 AM (MEDIANOCHE)~~ Y DEL 31 DE DICIEMBRE DE 8:00 AM AL PRIMERO DE ENERO A LA 1:00 AM.

~~(11)-(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;

~~(12) The area around a fireworks sales facility shall be kept clear of dry grass, brush and combustible debris for a distance of at least 30 feet; and~~

~~(13) A vehicle or trailer used for fireworks storage shall be parked at least 12 feet from a fireworks sales facility.~~

~~(D) Stands and tents which are equipped with electrical service must meet the following conditions:~~

~~(1) Have its own exclusive electrical services or heavy wiring which is elevated for adequate motor vehicle clearance;~~

~~(2) Have all electrical work done in such a manner as to conform to the current, as adopted, National Electrical Code;~~

~~(3) Have protective covers over all light bulbs which are less than eight feet from ground level; and~~

~~(4) Have portable generators at least 20 feet from fireworks sales.~~

~~(a) Fuel for generators shall be limited to five gallons for diesel and two gallons for gasoline; and~~

~~(b) Fuel storage shall be at least 20 feet from fireworks sales.~~

~~(E) During a time period in which sales are not permitted, storage of fireworks shall be limited to business and industrial zoned areas and the location must meet with approval of the Fire Chief before permission is granted for the storage of fireworks.~~

~~(F) The permit shall be valid for a period from June 25 through July 4 of the year in which it is issued. In addition, in accord with the provisions of Neb. RS 28-1249, a permit may be issued for a period from December 29 of that year through January 1 of the following year. 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. Sales of consumer fireworks for the period of December 29 through December 31 will require a permit to be applied for and paid for by the applicant. All application fees are non-refundable.~~

(~~EG~~)

(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.

(~~H~~ F)

(1) Penalties for ~~not complying non-compliance~~ with any part of the code section, except division (~~GE~~) above, ~~for temporary structures and tents~~ 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 or member of, for a period of 5 years.

Section 2. That Section 130.054 of Chapter 130 of Title XIII of the Columbus City Code be amended and revised to read as follows:

§ 130.054 DISCHARGING FIREWORKS.

Consumer fireworks may be discharged from June 25 through July 3 between the hours of 8:00 a.m. and 11:00 p.m. and on July 4 between the hours of 8:00 a.m. and 12:00 midnight and for the period of December 29 through December 30 from 8:00 a.m. to 10:00 p.m. and on December 31 from 8:00 a.m. to 1:00 a.m. on January 1. It shall be unlawful to discharge fireworks from 12:00 midnight on July 4 to 8:00 a.m. on December 29 of that year and from 1:00 a.m. on January 1 of the following year to 8:00 a.m. on June 25 of that year.

Section 3. This Ordinance shall repeal all Ordinances or portions thereof and conflict herewith.

Section 4. This Ordinance shall be in full force and effect from and after its passage approval of 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 /s/ Troy G. Hiemer

PASSED AND ADOPTED THIS 4 DAY OF SEPTEMBER, 2018.

/s/ James B. Bulkley
MAYOR

ATTEST:

/s/ Janelle Kline
CITY CLERK

APPROVED AS TO FORM:

/s/ Neal Valorz
CITY ATTORNEY
