



# City of Grand Island

Tuesday, March 23, 2004

Council Session

## Item F5

### **#8895 - Consideration of Amending Chapter 16 of the Grand Island City Code Pertaining to Fireworks**

*The ordinance changes proposed will include number of days and time of day for sales and discharge, the type of structure that can be used and the signage that is allowed. The ordinance also provides the authority to the fire department to approve the discharge of fireworks for other events.*

Staff Contact: Jim Rowell

## Council Agenda Memo

**From:** Fire Chief Jim Rowell  
**Meeting:** March 23, 2004  
**Subject:** Fireworks  
**Item #'s:** F-5  
**Presenter(s):** Fire Prevention Division Chief Fred Hotz

### Background

We have had concerns regarding the safety of fireworks and as a part of reviewing the Laws and City code regarding the sale and discharge of fireworks we have found several areas to address to make their use and sale safer. We also found some changes that will make the process of obtaining a permit and getting inspections done much simpler and more efficient. Several city departments' representatives met to review the issues and develop solutions. The Building, Legal, Police, Fire and City Clerk representatives reviewed the codes and the process involved in issuing a fireworks permit and made suggestions to modify them.

### Discussion

The discussion has included the changes that have taken place in the state law and upcoming changes in the new building and fire codes. We also discussed the enforcement issues for the Police Department, Fire Department and Building Department. The reduction of the time period for sale and discharge will not eliminate the enforcement issues but it does reduce the time period in which the enforcement is an issue. The enforcement issue for Fire and Building departments includes the safety of those selling and those purchasing the fireworks while at the site of sale. The code would also provide clarification of the signage allowed.

### Proposed Changes:

Following are proposals with corresponding options:

1. Nebraska State Law allows the private discharge and sale of fireworks from June 24 thru the 4<sup>th</sup> of July. Current city code limits the time frame from June 27 thru the 4<sup>th</sup> of July. **The proposal is to reduce the current time frame to July 1 thru July 4<sup>th</sup>.**
2. Current City Ordinance allows for the discharge and sale of fireworks from 8 AM to 11 PM and 8 AM to 12 AM on 4<sup>th</sup> of July. **The proposal is to change the hours of discharge and sale.**
  - a. The sale would be from 10 AM to 10 PM July 1<sup>st</sup> through July 4<sup>th</sup>.
  - b. The discharge would be 10 AM to 11 PM July 1<sup>st</sup> through July 3<sup>rd</sup> and 10 AM to 12 AM on the 4<sup>th</sup> of July.
3. The last few years have seen the considerable increase in the use of tractor trailers used as fireworks stands. These trailers have raised many issues with both fire and building

officials as to their safety (*including egress, door and isle widths, height off the ground, ADA requirements, and rickety and narrow steps*). The trailers are used as public access stands. Customers are allowed to enter into the trailer and pick out the fireworks themselves. **The proposal is to ban the use of these and other public access stands.** The International Fire Code, companion to the International Building Code soon to be adopted by the city Fire and Building Departments ban public access sales. *3308.11 Fireworks displayed for retail sale shall not be made readily accessible to the public.*

4. If the council opts to continue to allow the use of tractor trailer and other public access fireworks stands. **The proposal is to develop and place into ordinance regulations insuring a safer environment for the public consumer.** These regulations are found in the NFPA 1124 standard.
5. Signs associated with fireworks stands have been used in violation of city code. **The proposal is to include in the fireworks section of the code this section: "All signage associated with the Temporary Fireworks Stand shall be attached to the stand as flat or banner signs. No portable or temporary signage will be allowed."**
6. We have received requests for discharge of fireworks at special events. **This provision has been added which will allow the Fire Department to approve the discharge of fireworks for other events.**

In the past, the procedure to obtain a license to sale fireworks in Grand Island required making application with the State Fire Marshal's office, the City Clerk's office, Fire Department and Building Department. The City Clerk would issue a city permit only after the Fire and Building Departments signed off and the appropriate state permit was presented. **The proposal is to locate the application and license process at the Fire Administration office** eliminating the need to make stops at the city clerk and building department offices.

A packet of information will be provided to the applicant. The information will include the City Code Fireworks Section and applicable code.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve Ordinance #8895.
2. Disapprove or Deny Ordinance #8895.
3. Modify the Ordinance to meet the wishes of the Council
4. Table the issue

### **Recommendation**

City Administration recommends that the Council approve Ordinance #8895.

### **Sample Motion**

Approve Ordinance #8895 to amend the City Code concerning the sale and discharge of fireworks.

ORDINANCE NO. 8895

An ordinance to amend Chapter 16 of the Grand Island City Code; to amend Sections 16-13, 16-15, 16-16, 16-18, 16-19, 16-20, and 16-22 pertaining to fireworks; to add Section 16-16.1 pertaining to signage for temporary firework stands; to repeal Sections 16-13, 16-15, 16-16, 16-18, 16-19, 16-20, and 16-22 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 16-13 of the Grand Island City Code is hereby amended to read as follows:

**§16-13. Permit to Sell Fireworks**

It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City without first having made application to the Fire Administration Office (City Hall) Bureau of Fire Prevention for a permit and received a permit to do so from the Fire Prevention Division ~~city clerk~~. Such permits shall be in accordance with the City of Grand Island Fee Schedule and shall be valid for the calendar year in which issued, and shall at all times be displayed conspicuously within the temporary stand at the place of business of the holder thereof. Such permits shall not be transferable. Applications will not be accepted unless accompanied by an approved display permit from the State Fire Marshal's Office (pursuant to Nebraska Act Book 28-1239.01 and 28-1246, as amended). A copy of the invoice of all fireworks in every license holder's possession shall be available for inspection by the State Fire Marshal or the Grand Island Fire Marshal or his/her designee.

SECTION 2. Section 16-15 of the Grand Island City Code is hereby amended to read as follows:

**§16-15. Dates of Lawful Sale**

Permissible fireworks may be sold or offered for sale in the City of Grand Island on July 1 ~~June 27~~ through and including July 4 of each year.

July 1 through July 3  
July 4

10 a.m. to 10 p.m.  
10 a.m. to 10 p.m.

SECTION 3. Section 16-16 of the Grand Island City Code is hereby amended to read as follows:

Approved as to Form	☐ _____
March 19, 2004	☐ City Attorney

## ORDINANCE NO. 8895 (Cont.)

### **§16-16. Temporary Fireworks Stands**

Any person having obtained ~~the appropriate permits from both the state and city a permit~~ to sell permissible fireworks may sell or offer for sale such fireworks only from a temporary stand or enclosure erected or placed on real estate for that purpose. No fireworks shall be sold from permanent buildings or structures in the City. If fireworks are to be sold from a temporary stand or enclosure, such stand or enclosure shall be of wood or steel frame construction covered with metal or wood. Any temporary enclosure or stand shall be permitted only in those areas of the City zoned for business or manufacturing, and only after a permit is obtained from the Fire Prevention Division building department for the erection or placement of such temporary enclosures or stands. Such temporary enclosures or stands shall be permitted to remain on real estate where permissible fireworks are sold for only the period beginning on June 26 ~~June 22~~ through and including July 9 of each year. The codes regulating the use of temporary stands will be found in the packet, "RETAIL SALES OF CONSUMER FIREWORKS" based upon NFPA 1124, and will be distributed from the City Fire Administration office. ~~Any such temporary stand or enclosure shall not be located closer than twenty-five feet from any building, and at least one hundred feet from any station where gasoline and oil for motor vehicles is sold. Such temporary stand or enclosure shall not exceed three hundred square feet in size.~~

SECTION 4. Section 16-18 of the Grand Island City Code is hereby amended to read as follows:

### **§16-18. Discharging Fireworks Where Sold**

It shall be unlawful for any person to discharge fireworks in, ~~or~~ upon, or within three hundred (300.0) feet of the premises where fireworks are sold; provided, that, this regulation shall not be construed to include the use of toy pistols using what is commonly known as caps.

SECTION 5. Section 16-19 of the Grand Island City Code is hereby amended to read as follows:

### **§16-19. Explosives; Throwing Prohibited**

It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object: (1) from, at, or into a motor vehicle; (2) onto any street, highway, or sidewalk; (3) at or near any person; (4) into any building; or (5) into or at any group of persons. Unlawful throwing of fireworks is a Class III misdemeanor.

SECTION 6. Section 16-20 of the Grand Island City Code is hereby amended to read as follows:

### **§16-20. Definitions**

Permissible fireworks shall mean only sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charge for the purpose of making a noise, ~~firecrackers not to exceed one and one half inches in length or one fourth in diameter, lady fingers not to exceed seven-eighths of an inch in length or one-eighth inch in diameter, total explosive pyrotechnic composition not to exceed 50.0 milligrams each in weight, color wheels, and those fireworks authorized by the State Fire Marshall, by regulation, after having been submitted to him and tested to their safety and general use, and any other fireworks approved under Section 28-1247 of the State Fire Marshal's Act Book. See also: Rules and Regulations concerning fireworks in the State of Nebraska Administrative Code, Title 157.~~

## ORDINANCE NO. 8895 (Cont.)

Person as used in this Article shall include any person, firm, partnership, association of persons, or corporation.

Sale shall include barter, exchange, or gift or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

SECTION 7. Section 16-22 of the Grand Island City Code is hereby amended to read as follows:

### **§16-22. Discharge of Fireworks**

Permissible fireworks may be discharged, ~~exploded, or used~~ in the City of Grand Island on ~~July 1 June 27~~ through and including July 4 of each year; provided that on such days the discharge and explosion of fireworks shall be permitted during the following times:

<del>July 1 June 27</del> through July 3	10 8 a.m. to 11 p.m.
July 4	10 8 a.m. to midnight

The sale, ~~or discharge, or exploding~~ of fireworks within the City of Grand Island on any dates or times other than as set out in this ~~section ordinance shall be unlawful.~~ require a permit from the Fire Prevention Division for public exhibitions. Application for such permit shall be accompanied by documentation of a display license issued by the State Fire Marshal. Applicant shall also show that there will not be any substantial danger to people or property. Factors that will be considered when reviewing an application will include, but not be limited to, where the fireworks will be used, the procedures used to discharge the fireworks and the qualifications of the individuals using the fireworks.

SECTION 8. Section 16-16.1 is hereby added to the Grand Island City Code to read as follows:

### **§16-16.1. Signage; Temporary Fireworks Stands**

All signage associated with a temporary fireworks stand shall be attached to the stand as flat or banner signs. No portable or temporary signage will be allowed.

SECTION 9. Sections 16-13, 16-15, 16-16, 16-18, 16-19, 16-20, and 16-22 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 10. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8895 (Cont.)

Enacted: March 23, 2004.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk