



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item F1

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

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: April 27, 2004

Subject: Fireworks

Item #'s: F-1

Presenter(s): Douglas R. Walker, City Attorney

Background

Pursuant to the discussion that took place at the study session of the City Council on April 6, 2004, revisions have been made to the Grand Island fireworks ordinance. The changes that are now being proposed to the fireworks ordinance are primarily in the following areas:

1. Streamline the process for obtaining a permit to sell fireworks.
2. Permit fireworks to be discharged for special events upon obtaining a permit throughout the year other than the period from June 27th to July 4th.
3. Increase the size restriction on fireworks stands to 500 square feet.
4. Provide requirements for signage at the fireworks stands.
5. Make the provisions of the city ordinances consistent with standards adopted by the Nebraska Fire Marshall's Office.

Discussion

Pursuant to the input received from the public at the April 6th study session, changes to the city fireworks code have been drafted. The proposed ordinance does not change the dates of sale or the hours for discharging fireworks. The ordinance does however have provisions to streamline the permitting process so that those seeking permits to sell fireworks will have only one city department to contact to receive their permits.

The code has also been changed to permit members of the public to obtain permits for the discharge of fireworks at special events throughout the year at times other than the traditional period for discharge from June 27th through July 4th.

Another change to the current ordinance is that the maximum allowable size of fireworks stands will be increased to 500 feet to permit the larger size trailers currently in use.

The proposed ordinance will also require no smoking signs as well as a sign that notifies the public about the hours for discharging fireworks permitted by the City Code.

The ordinance has also been changed to make the City Code consistent with the standards adopted by the State Fire Marshall; therefore, some types of fireworks that have previously been restricted will be permitted if the State Fire Marshall's standards allow them.

Alternatives

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

1. Approve the ordinance as drafted.
2. Disapprove or /Deny the ordinance.
3. Modify the ordinance to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the ordinance be adopted as drafted.

Sample Motion

Approve the revisions to the City of Grand Island Fireworks ordinance as set forth in Ordinance #8895.

ORDINANCE NO. 8895

An ordinance to amend Chapter 16 of the Grand Island City Code; to amend Sections 16-13, 16-16, 16-18, 16-20, and 16-22 pertaining to fireworks; to delete Section 16-14 pertaining to business locations for selling fireworks; to add Section 16-16.1 pertaining to required signage; to delete Section 16-21 pertaining to prohibition on sky rockets; to repeal Sections 16-13, 16-16, 16-18, 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 at the place of business of the holder thereof. Such permits shall not be transferable.

SECTION 2. Section 16-14 of the Grand Island City Code is hereby deleted:

~~§16-14. Permittees; One Business Location~~

~~_____ No person to whom a permit pursuant to this Article has been issued shall sell or offer for sale permissible fireworks at more than one location within the City.~~

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

§16-16. Temporary Fireworks Stands

Any person having obtained 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

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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 22 through and including July 9 of each year. 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 ~~five~~ three hundred square feet in size.

SECTION 4. Section 16-16.1 is hereby added to the Grand Island City Code to read as follows:

§16-16.1. Signage Required

Smoking shall not be permitted inside or within 50 feet of the temporary fireworks stand or sales area. At least one sign that reads as follows, in letters at least 2 inches in height on a contrasting background, shall be conspicuously posted on the exterior of each side of the fireworks stand:

NO SMOKING OR
DISCHARGE OF FIREWORKS
ON THE PREMISES

In addition to the "no smoking" sign, at least one sign, 2 foot by 3 foot in size, on a contrasting background, shall be posted on the exterior of the fireworks stand that reads as follows:

THE GRAND ISLAND CITY CODE ALLOWS
FIREWORKS TO BE DISCHARGED ONLY ON THE
FOLLOWING DATES AND TIMES :
June 27 through July 3 – 8:00 a.m. to 11:00 p.m.
July 4 – 8:00 a.m. to midnight

SECTION 5. 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 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 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 ~~two one and one half~~ two inches in length ~~and three-eighths of an inch or one-fourth in~~ diameter, total 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.~~

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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 16-21 of the Grand Island City Code is hereby deleted:

~~§16-21. Sky Rockets Prohibited~~

~~— Skyrockets, bottle rockets, or any other form of fireworks consisting of a case containing a combustible composition fastened to a guiding stick which is designed and manufactured to be projected through the air by the reaction and resulting from the rearward discharge of gases liberated by combustion shall not be permissible fireworks within the City of Grand Island, notwithstanding any action by the state fire marshal to the contrary, and it shall be unlawful for any person to sell at retail, offer for sale at retail, discharge, explode, or use any of said fireworks within the City.~~

SECTION 8. 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 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:

June 27 through July 3..... 8 a.m. to 11 p.m.

July 4..... 8 a.m. to midnight

The ~~sale, 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. Public exhibition applications shall be accompanied by documentation of a display license issued by the State Fire Marshal. Private party display applications will not require a State Fire Marshal license, but displays will be limited to permissible fireworks as described in §16-20 of this Article. 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 discharged, the procedures used to discharge the fireworks and the qualifications of the individuals discharging the fireworks.

SECTION 9. Section 16-13, 16-16, 16-18, 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.

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Enacted: April 27, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk