



# City of Grand Island

Tuesday, July 26, 2005

Council Session

## Item H1

**Consideration of Request from Scott Adams, 2712 West Charles Street Relative to Chapter 16 of the City Code for Changes to Projectile Type Fireworks**

Staff Contact: Gary Greer



## REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Name: Scott Adams

Address: 2712 w. Charles St.

Telephone #: 382-2871

Date of Request: 7-8-05

Description of Requested Topic: Prohibiting the sale and use of

projectile type fireworks such as roman candles, whistling

rockets and the like within the City limits of Grand Island NE. Numerous

times I have found residue from these devices on our house and garage roof(s)

patio, lawn, etc. The danger these pose to the public far outweighs any profit that

is made from the sale of these devices. As a community we cannot

wait until someone is injured or killed as a result of a fire caused by these.

There are still ample opportunities for fund raising without selling

these types of fireworks

Sincerely Scott Adams

RaNae Edwards  
100 East First St.  
Grand Island, NE 68801



Dear Ms. Edwards:

Thank you for the call on 7-11-05 regarding the form I had sent to Mr. Greer's office. Thanks as well for the copy of the City Code regarding fireworks. The following is my letter to the Mayor and City Council about amendments that I believe we need to make to our City Code in Article II Fireworks. I have also enclosed a copy of the letter I had sent to former Council President Jackie Pielstick in which I discuss the issue of fireworks with her in the first part of the letter.

Mr. Mayor and City Council persons:

I ask that the City Council amend the City Code Section 16-20 so that all types of projectile or aerial shells or other airborne-type fireworks that shoot into the air and cause debris to go onto others property including Public Property as a result of said airborne travel be banned from sale or use by the General Public within the City limits of Grand Island, NE.

This is clearly an issue of our Public Safety and it is one that our Community and its City Council can be and should be proactive on and thus greatly diminish the chances of a tragedy just waiting to happen. Numerous times I have found debris from those types of fireworks on our roof. One year we had a shingle tab partially blackened and the debris from the fireworks lying on top of this spot. I was extremely concerned by this incident and also very thankful that our house did not burn down and in the process cost my family and I our lives as well.

As we look at Section 16-20 of the City Code regarding fireworks I would say that most of the projectile or aerial shell type of fireworks that have been sold in our Community are in direct violation of this part of the Code. If I may quote... "Without explosive charge for the purpose of making a noise..." most of what I have seen and heard do actually culminate in an explosion of some sort. So when we consider this in combination with the potential for a serious fire especially in such dry conditions as we have been experiencing this year as in years past, our City Code is in need of this amendment.

I believe an amendment is also needed in Section 16-16.1. The sign that states NO SMOKING OR DISCHARGE OF FIREWORKS ON THE PREMISES should be in letters at least four inches in height and that these letters should be red in color and on a white background.

And finally to the issue of fund raising in relation to the fireworks sales; I am aware that many organizations use fireworks sales as a source of revenue for their particular organization. I can understand that it is essential to them. However, I truly believe that the celebration of our Nation's Independence together with the proceeds of fireworks sales conducted during this time of year can and must coincide with a dedicated and earnest effort on behalf of Public Safety. With our Community's safety and well being in mind I ask our City Council to make these amendments to our City Code.

I thank the Mayor and City Council for allowing me to share my comments with them on this very important issue.

Sincerely,

*Scott Adams* 7-15-05

Scott Adams  
2712 West Charles St.  
Grand Island, NE 68803  
382-2871

Scott Adams  
2712 W Charles  
Grand Island, NE 68803  
308(382-2871)

11-14-2003

City Council President Jackie Pielstick  
City Hall 100 E. 1<sup>st</sup>  
Grand Island, NE 68801

Dear Ms. Pielstick;

I would like to discuss two issues with you that I believe would improve community safety and the appearance of our city.

First, I believe it is time to amend our city ordinance regarding fireworks. I think we should ban the sale and use of "projectile" type fireworks, i.e. "candles" or the type that shoot into the air. I have shared my views and personal experience on this issue in the past with Mayor Vavricek and former City Administrator Marlan Ferguson, as well as Councilman Scott Walker. Over the last few years the problem has gotten progressively worse. Not only does the potential for serious injury and extensive property damage concern me, but also that in the event that multiple fires involving these types of fireworks do take place, the City could be held partially responsible. I remember several years ago when the State of Nebraska banned pop bottle rockets. I believe the situation we find ourselves in now is just as bad or worse than when pop bottle rockets were sold here. I am aware that several organizations use the sale of fireworks as a fund raising activity, but I seriously doubt that their revenues would be drastically reduced by this ordinance change. Making this ordinance change would also greatly assist our local police and fire departments in their efforts during the annual celebration of our nation's independence.

Second, I think it is time to either amend, or if one does not exist, establish an ordinance that would require any rented multi-unit (2 or more) home, apartment or dwelling that is used primarily or exclusively for human inhabitation be required to use a dumpster of adequate proportions for the residents' trash disposal needs. Some of our rental property owners are doing a good job on this issue, but improvements are needed. By establishing an across the board policy on this, not only would sanitary conditions improve, but the overall appearance of our neighborhoods and thus our community would be greatly improved.

I thank you for reading my thoughts and ideas on these two issues. I wanted to get these to you before the annual December Council Retreat. Again, thank you for your time and consideration.

Sincerely,

*mailed 11-14-03*

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL STUDY SESSION

April 6, 2004

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on April 6, 2004. Notice of the meeting was given in the Grand Island Independent on March 31, 2004.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase. Councilmember Gilbert was absent. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Finance Director David Springer, City Attorney Doug Walker and Public Works Director Steve Riehle.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: Nineteen individuals reserved time to speak on agenda items.

MAYOR COMMUNICATION: Mayor Vavricek introduced Jennifer Fuller newly hired Public Information Officer.

Discussion Concerning Amending Chapter 16 of the Grand Island City Code Relative to Fireworks. Fire Chief Jim Rowell stated that fireworks sales and discharge regulations had been in effect for cities in Nebraska for many decades. It had always been a struggle to find a balance between safety and celebration concerning this issue.

Originally, this issue was placed on the March 23<sup>rd</sup> Council Meeting for consideration. There was a great deal of public input on the issue, which indicated a need for a more in depth review on the subject.

The State Fire Marshall's office had provided guidelines for the regulation of fireworks, but the City had the ability to adopt local regulations to ensure local control of the practice of celebrating the 4<sup>th</sup> of July and other important events. The City of Grand Island had been looking at our fireworks regulations in order to update our code to accomplish the following:

- Eliminate duplication and streamline the permitting process
- Increase and insure safety
- Allow for the appropriate celebration of special events
- Mirror newer regulations implemented by the State

An ordinance had been drafted with the review and input of the Fire, Police, Building, Legal and Administration Departments. This ordinance would change the City Code with the aforementioned goals in mind. Many of the changes were descriptive or minor housekeeping

adjustments. However, there were substantive changes that were policy concerns that would change the direction of the law. Following is a brief description of the substantive changes proposed:

- Days of sale shortened from June 24<sup>th</sup> - July 4<sup>th</sup> to July 1<sup>st</sup> - July 4<sup>th</sup>
- Hours changed for Discharging & Sale from 8 AM to 11 PM to:  
10 AM to 10 PM for sale of fireworks  
10 AM to 11 PM July 1-3 for discharge of fireworks  
10 AM to 12 Midnight July 4<sup>th</sup> for discharge of fireworks
- Ban all direct public access to fireworks in fireworks stands
- Ban all unattached signs concerning fire stands
- Change process for permitting fire stands to make Fire Department One Stop location
- Delineate fireworks can not be discharged within 300 feet of a fire works stand
- Allow for approval process of special events discharge of fireworks during the year
- Establish throwing fireworks as a class III misdemeanor
- The size of fireworks stands allowed changed from 300 to 320 square feet. This would accommodate the use of 8' X 40' spaces such as semi trailers.

It was noted that City Administration had contacted organizations that received fireworks permits to assure they knew about the Study Session on this issue.

Councilmember Hornady made a speech on the meaning of the 4<sup>th</sup> of July and why we celebrate it. Ms. Hornady supported not changing the time of sales and discharge. This was followed by a standing ovation. Councilmember Walker questioned the reason for shortening the time frame. Chief Rowell stated that it was a safety issue. It would impact the Police and Fire Departments in response calls. Mr. Walker stated the biggest complaints he had received was those people working and wanted to see shortening the hours for discharging.

Councilmember Meyer stated he would like to see just seven days available to sell fireworks and supported the ban on selling out of semi-trailers. Councilmember Cornelius questioned the selling of over-the-counter with regards to semi-trailers. Chief Rowell stated that the trailers could store their fireworks in the trailers but this Ordinance would restrict patrons from going into the trailers. Ms. Cornelius supported the full eight days but would encourage shorter time to discharge.

Councilmember Pielstick commented on the importance of patriotism and encouraged parents to teach their children the importance of safety. Councilmember Haase questioned throwing

fireworks in the street. Chief Rowell stated that it was illegal to use public right-of-way, such as streets for discharging fireworks. City Attorney Doug Walker commented that using city streets had not been a problem. City Administrator Gary Greer stated that in the Ordinance, discharging fireworks on the right-of-way was prohibited because of the liability to the city.

Councilmember Whitesides questioned who was involved in creating this ordinance. Chief Rowell stated the Fire, Police, Building, Legal and City Clerk's office were involved. Mr. Whitesides complimented these individuals for their hard work. He stated that no matter what restrictions we put on fireworks, there would be those that would not follow it.

Police Chief Hetrick commented on statistics with regards to the date of sales and calls relating to fireworks. Councilmember Nickerson stated he hoped we would not wait for an accident before we do something. He stated we need to be proactive on this issue. Mentioned was a balance between celebration, public safety, and quality of life.

Mayor Vavricek commented on the time for discharging fireworks and that it's barely dark by 10:00 p.m.. Mentioned was the survey done by City Clerk and City Administrator with regards to the cost of the permits.

The following individuals spoke with regards to the firework changes proposed:

Paul Leech, 924 East Nebraska Avenue – opposed  
Ken Enck, 619 North Sherman Avenue - opposed  
Rich Ludvick, 1752 County Road E, Wahoo, Nebraska – opposed  
Justin Geis, 2203 North Lafayette – opposed  
Joe DeLeon, 404 West 12<sup>th</sup> Street – opposed  
Casey Oldiron, 626 South Colorado, Hastings, Nebraska – commented on fire safety  
Dianne Orr, 1623 West Koenig – opposed  
Teri Urbanski, 1824 Grand Island Ave – opposed - suggested 12:00 midnight on July 3rd  
Virginia Juett, 422 East 9<sup>th</sup> Street – opposed  
Rhonda Barker, 608 West 15<sup>th</sup> Street – opposed  
Margie Kolar, 1739 South Ingalls Street – opposed  
Glendale Reiss, 910 North Boggs Street – opposed  
Lynn Mayhew, 2221 West Anna Street – opposed  
Mike Miller, 15101 Munridge Road, Lincoln, Nebraska - opposed  
Donna Wratten, 605 East Bismark Road – opposed  
Marv Kolar, 1739 South Ingalls Street – opposed - suggested educating the public  
Kelly Baier, 216 Beachwood Drive – opposed  
Jerry Pankoke, 818 West Anna Street – opposed  
Laura Dexter, 4076 Zola Lane - opposed

Several Councilmember's stated that this issue needed to be looked at further and not be placed on the next regular meeting.

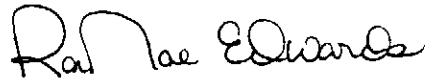
Craig Lewis, Building Department Director commented on the process of issuing firework permits and inspecting those stands. City Clerk RaNae Edwards commented on pending permits,



fees, and applications. Gary Greer, City Administrator stated that this issue would be studied further by city staff and be brought back with those housekeeping issues that were discussed and agreed upon within the next 30 days.

ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "RaNae Edwards". The signature is written in a cursive style with a large initial "R" and "E".

RaNae Edwards  
City Clerk

City Clerk: Ordinances #8897, #8898, #8899, #8900, and #8901 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8897, #8898, #8899, #8900, and #8901 are declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Whitesides, second by Walker to deny Ordinance #8895.

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

Mayor: Is there any one in the audience interested in these Ordinances? A lengthy discussion was held concerning the procedures in mowing and changes that would be consistent with Fire Marshall regulations.

Upon roll call vote, all voted nay. Motion failed.

Motion was made by Whitesides, second by Walker to approve Ordinance #8895.

City Clerk: Ordinance #8895 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8895 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8895 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Motion by Pielstick, second by Haase, to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Tort Claim Filed by Donald A. Nelsen.

Approving Minutes of April 13, 2004 City Council Regular Meeting.

Approving Minutes of April 20, 2004 City Council Study Session. Councilmember Haase abstained.

Approving Appointment of Joanne Holmes as Alternate to the Zoning Board of Adjustment.

Approving Request of Fonner View Concessions, Inc. dba Fonner View Golf Course, 2224 South Stuhr Road for a Class "D1" Liquor License.

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) for a permit and received a permit to do so from the Fire Prevention Division. 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.

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 after a permit is obtained from the Fire Prevention Division 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

Approved as to Form  *DR4*  
April 29, 2004  City Attorney

ORDINANCE NO. 8895 (Cont.)

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 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.

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 inches in length and three-eighths of an inch in diameter, total pyrotechnic composition not to exceed 50.0 milligrams each in weight, color wheels, 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.*

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.

ORDINANCE NO. 8895 (Cont.)

SECTION 7. Section 16-21 of the Grand Island City Code is hereby deleted.

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:

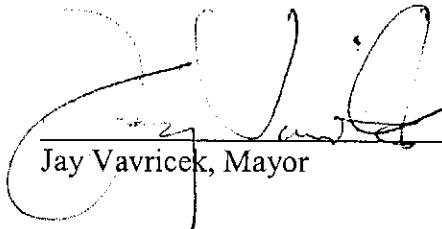
- June 27 through July 3..... 8 a.m. to 11 p.m.
- July 4..... 8 a.m. to midnight

The discharge of fireworks within the City of Grand Island on any dates or times other than as set out in this section shall 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.

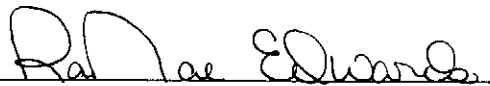
SECTION 9. Section 16-13, 16-16, 16-18, and 16-22 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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.

Enacted: April 27, 2004.

  
 Jay Vavricek, Mayor

Attest:

  
 RaNae Edwards, City Clerk



## **Article II. Fireworks**

### **§16-12. Generally**

It shall be unlawful for any person to possess, sell, offer for sale, bring into this City, or discharge any pyrotechnics, commonly known as fireworks other than permissible fireworks; provided, that the provisions of this section shall not apply to:

- (1) Any fireworks for purposes of public exhibitions or displays purchased from a licensed distributor or the holder of a display license to be issued by the State Fire Marshal, which license shall be good only for the calendar year in which issued and which shall not authorize the holder to sell or hold for sale any permissible fireworks as defined in §16-20 or any firecrackers of any description, whether soft shell or hard shell;
- (2) Any public exhibition or display under the auspices of the City of Grand Island;
- (3) Any fireworks brought into this state for storage by a licensed distributor and held for sale outside of this State;
- (4) Any fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal to any holder of a distributor's license; or
- (5) Toy cap pistols or toy caps each of which does not contain more than twenty-five hundredths of a grain of explosive material.

### **§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) for a permit and received a permit to do so from the Fire Prevention Division. 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.

Amended by Ord. No. 8895, effective 5-12-2004

### **§16-14. Repealed by Ordinance No. 8895**

### **§16-15. Dates of Lawful Sale**

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

### **§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 after a permit is obtained from the Fire Prevention Division 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 hundred square feet in size.

Amended by Ord. No. 8895, effective 5-12-2004

#### **§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

Added by Ord. No. 8895, effective 5-12-2004

#### **§16-17. Age Limitation for Selling Fireworks**

Retail sales establishments shall, at all times, be supervised by a person of at least sixteen (16) years of age. Failure to comply with this regulation may result in immediate revocation of the retail license.

#### **§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.

Amended by Ord. No. 8895, effective 5-12-2004

#### **§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.

#### **§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 inches

in length and three-eighths of an inch in diameter, total pyrotechnic composition not to exceed 50.0 milligrams each in weight, color wheels, 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.*

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.

Amended by Ord. No. 8895, effective 5-12-2004

**§16-21. Repealed by Ordinance No. 8895**

**§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	8 a.m.	to	11
3.....				p.m.		
July			8	a.m.	to	
4.....				midnight		

The discharge of fireworks within the City of Grand Island on any dates or times other than as set out in this section shall 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.

Amended by Ord. No. 8895, effective 5-12-2004