



City of Grand Island

Tuesday, April 06, 2004

Study Session

Item -1

**Discussion Concerning Amending Chapter 16 of the Grand Island
City Code Relative to Fireworks**

Staff Contact: Jim Rowell

Study Session Memo

From: Gary D. Greer, City Administrator

Meeting: April 6, 2004

Subject: Changes to Fireworks regulations

Item #'s: 1

Presenter(s): Jim Rowell, Fire Chief

Background

Fireworks sales and discharge regulations have been in effect for cities in Nebraska for many decades. It has always been a struggle to find a balance between safety and celebration concerning this issue. Fire works are incendiary devices that need proper care and concern so that they don't end up in causing loss of property or human life.

Originally, this issue was placed on the March 23rd 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. Therefore, the issue is now before the City Council in a Study Session format.

The State Fire Marshall's office has provided guidelines for the regulation of fireworks, but the City has the ability to adopt local regulations to ensure local control of the practice of celebrating the 4th of July and other important events. Attached is a comparison matrix for several Nebraska cities concerning key issues concerning fireworks regulations. The City of Grand Island has 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

Discussion

An ordinance has 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 are descriptive or minor housekeeping adjustments. However, there are substantive changes that are policy concerns that will change the direction of the law. Following is a brief description of the substantive changes proposed:

- Days of sale shortened from
June 24th - July 4th to July 1st –July 4th
- Hours changed for Discharging & Sale from 8 AM to 11 PM to:
10 PM to 10 PM for sale of fireworks
10 AM to 11PM July 1-3 for discharge of fireworks
10 AM to 12 Midnight July 4th 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.

Ordinance # 8895 is attached which accomplishes the aforementioned changes. City Administration has contacted organizations that received fireworks permits to assure they know about the Study Session on this issue. The list of contacted organizations and the letter that was sent is attached.

Recommendation

It is recommended that the Council review the changes proposed and take public input on this important issue. After reviewing the issue it would be appropriate to give general direction to City Administration for the finalization of the proposed Ordinance.

March 25, 2004

Address

RE: Firework Permits and Regulations

The Grand Island City Council is reviewing Chapter 16 of the Grand Island City Code relative to firework permits and regulations. They will be studying this issue at their **April 6, 2004 City Council Study Session** meeting beginning at 7:00 p.m. at City Hall Council Chambers, 100 East 1st Street, Grand Island, Nebraska.

I am contacting individuals that were issued permits last year that may be affected by these changes, to come and discuss this issue with the City Council. I have also enclosed proposed Ordinance #8895 which outlines the changes that are being reviewed. We would like to give you this opportunity to meet with the Mayor, City Council, City Administrator, and Department Director's to discuss this issue.

If you should have any questions, feel free to contact me at (308) 385-5444 Ext. 111.

Sincerely yours,

CITY OF GRAND ISLAND

RaNae Edwards
City Clerk

Enc.

2004 FIREWORK ADDRESSES

[illegible]

**Fireworks
Facts
Survey**

Do you allow for the sale and discharge of fireworks?

What are the days fireworks can be sold?

What are the days fireworks can be discharged?

What are the hours that fireworks can be sold?

What are the hours that fireworks can be discharged?

Can the public access the fireworks or do they get them from the vendor?

Can Fireworks be sold from outside a tractor trailer?

Are there any regulations specifying the distance fireworks can be discharged from stands?

Do you have provisions for special events that want to discharge through the year?

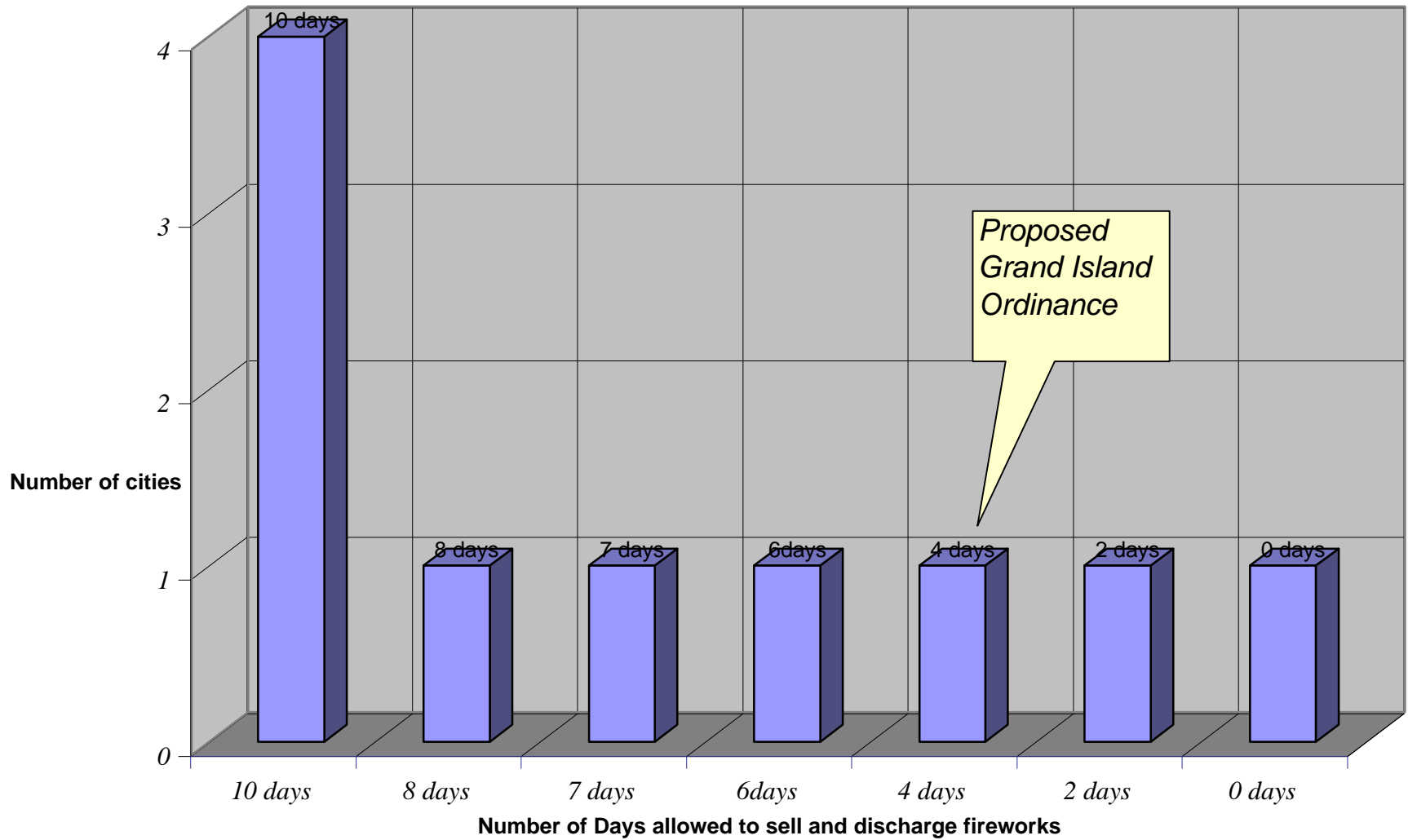
Do you have regulations against throwing fireworks?

How much are your permit fee's to sell fireworks?

Grand Island (Proposed Ordinance)	YES	4	4	07/01-07/04 10am-10pm	07/01-07/03 10am-11pm 07/04 10am-12mid	NO	NO	YES	YES	YES	\$200
Kearney	YES	6	6	06/29-07/02 8am-10pm 07/03-07/04 8am-12mid	06/29-07/02 8am-10pm 07/03-07/04 8am-12mid	YES	YES	YES	NO	YES	\$250 (\$100 deposit included)
Hastings	YES	10	10	06/25-07/03 9am-11pm 7/04 9am-11pm	06/25-07/03 9am-11pm 7/04 9am-12mid	YES	YES	NO	YES	YES	\$110
Omaha	NO	N/A	N/A	N/A	N/A	N/A	N/A	N/A	YES	YES	N/A
Fremont	YES	8	8	06/27 12mid 07/04 12mid	06/27 12mid 07/04 12mid	YES	NO	YES	YES	NO	before 06/19 \$500 after 06/19 \$1000
Norfolk	YES	10	10	06/25-07/03 8am-11pm 07/04 8am-12mid	06/25-07/03 8am-11pm 07/04 8am-12mid	YES	YES	NO	YES	YES	\$225
North Platte	YES	7	7	06/28-07/03 12noon-10pm 07/04 8pm-12mid	06/28-07/03 1 2pm-10pm 07/04 8pm-12mid	YES	YES	YES	YES	NO	\$250
Columbus	YES	10	10	06/25-07/03 8am-11pm 07/04 8am-12mid	06/25-07/03 8am-11pm 07/04 8am-12mid	NO	NO	YES	YES	NO	before 06/10 \$500 06/11-06/18 \$1000 06/19-06/25 \$2000
Bellevue (must be nonprofit)	YES	10	10	06/25-07/04 8am-12mid	06/25-07/04 8am-12mid	YES	YES	YES	YES	NO	\$2000 (90% of profit goes toward city projects)

<i>Lincoln</i>	YES	2	2	07/03 07/04	8am-11pm 8am-12mid	07/03 07/04	8am-11pm 8am-12mid	NO	YES	YES	YES	YES	\$75
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Survey of number of days fireworks could be sold



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 restrictions on firework stands; to add Section 16-16.2 pertaining to signage for 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 be not 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 their 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 during the following times: on June 27 through and including July 4 of each year.

July 1 through July 3
July 4

10 a.m. to 11 p.m.
10 a.m. to midnight

The sale of fireworks within the City of Grand Island on any dates or times other than as set out herein shall be unlawful.

ORDINANCE NO. 8895 (Cont.)

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 ~~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. No public access stands shall be permitted. 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. ~~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 16-16.1 of the Grand Island City Code is hereby added to read as follows:

§16-16.1 Restrictions Applicable to all Temporary Fireworks Stands

- (A) Size: The maximum size of any temporary fireworks stands shall not exceed 320 square feet.
- (B) Setbacks: All temporary fireworks stands shall be setback from all adjacent property lines a minimum of five feet. Such stands shall not be allowed to encroach into or over the public right-of-way.
- (C) Clearance to Combustibles: The area located within thirty feet of a consumer fireworks stand shall be kept free of accumulated dry grass, dry brush, and combustible debris.
- (D) Other Separation Distances: Temporary fireworks stands shall not be located closer than 25 feet from any building (including but not limited to temporary fireworks stands), and at least 100 feet from any gasoline pumps, aboveground gasoline storage tanks, a vent pipe or fill pipe from any tank containing flammable liquids. Temporary fireworks stands shall not be located within 300 feet of any aboveground bulk storage or bulk dispensing area for flammable or combustible liquids, flammable gas, or flammable liquefied gas.
- (E) Parking: No motor vehicle or trailer shall be parked within ten feet of a temporary fireworks stand except when delivering, loading, or unloading fireworks and display materials.
- (F) Portable Generators: Portable generators shall be located not less than twenty feet from any temporary fireworks stand. Generators fueled by Class II and Class III combustible liquids (and containers) shall be limited to five gallons. Gas (Class I combustible liquids) powered generators shall be limited to two gallons.
- (G) Electrical Cords: Extension cords may only be heavy duty and have conductors of at least 14 AWG and such cords shall be provided with physical protection against damage caused by pedestrian or vehicular traffic.
- (H) Portable Fire Extinguishers: At least one multipurpose fire extinguisher, no smaller than 4A, shall be placed readily accessible to the person or persons operating the temporary fireworks stand, at a distance not to exceed 15 feet. (Two 2 1/2 gallon water cans may be used in place of the 4A extinguisher.)

ORDINANCE NO. 8895 (Cont.)

(I) Required Signage: Smoking shall not be permitted within fifty feet of the temporary fireworks stand or sales area. At least three signs that read as follows, in letters at least 2 inches in height on a contrasting background shall be conspicuously posted around temporary fireworks stands:

FIREWORKS – NO SMOKING

At least one sign that reads as follows, in letters at least four inches in height on a contrasting background, shall be conspicuously posted on the exterior of each side of the consumer fireworks retail sales facility:

NO FIREWORKS
MAY BE DISCHARGED
WITHIN 300 FEET

SECTION 5. Section 16-16.2 of the Grand Island City Code is hereby added to read as follows:

§16-16.2. Signage; Temporary Fireworks Stands

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

SECTION 6. 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 upon, or within three hundred (300) feet of 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 7. 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 8. 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~~

ORDINANCE NO. 8895 (Cont.)

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.~~

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 9. 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:

July 1 June 27 through July 3.....	10 8 -a.m. to 11 p.m.
July 4.....	10 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 10. Section 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 11. 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: April 13, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk