

**ORDINANCE NO. 1909**

**AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER 8, ARTICLE 4, SECTION 8-402 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, RELATED TO "APPLICATIONS FOR THE SALE OF FIREWORKS"; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA.

Section 1. Chapter 8, Article 4, Section 8-402 of the Plattsmouth Revised Municipal Ordinances 2011 is amended by deleting the same in its entirety and substituting the following:

**SECTION 8-402: APPLICATIONS FOR THE SALE OF FIRE-WORKS.**

1. Vendors applying with the City for a license to sell fireworks shall secure and complete an application for fireworks license from the City Clerk's office and submit the application, together with the other items required in this Section, to the City Clerk's office. Applications will not be accepted prior to April 1<sup>st</sup> of the year for which vendor is seeking a license, and applications will not be accepted after June 1<sup>st</sup> of the year for which vendor is seeking a license. Applications must be submitted by United States Postal Service regular First Class Mail or in person at the City Clerk's office; emailed or faxed applications will be rejected without notice to the vendor.
2. In addition to the application, each vendor must:
  - a. submit a copy of their State license;
  - b. pay a non-refundable application fee set by the fee ordinance;
  - c. provide the requisite occupation tax;
  - d. provide a certificate of insurance;
  - e. provide a copy of their state sales tax permit;
  - f. provide a bond in an amount set by the fee ordinance
  - g. provide a site plan which illustrates the facilities at which the fireworks will be sold; and
  - h. if the vendor is other than the record owner of the property on which the fireworks will be sold, provide evidence satisfactory to

the City that the vendor has obtained the record owner's authorization for vendor to sell fireworks on the property.

3. Before the City Council considers the application, the City Clerk shall submit the application to the Fire Chief who shall inspect the site proposed and make a recommendation regarding the potential fire hazard to the City Council, with the application. The Fire Chief shall recommend denial when the fireworks location is a moveable vehicle, a gasoline or filling station, a trailer, a premises holding a liquor or beer license, or a temporary structure for which a duly authorized and issued building permit has not been properly secured.

4. If the City Council grants the license, the City Council shall direct the City Clerk to issue the license. Such license shall authorize the sale of permissible fireworks only between June 24 and July 5 of each year.

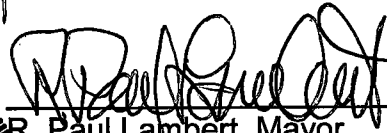
4. The City Council may revoke a license at any time after proper notice and a hearing if one is requested. No license is transferable and separate licenses are required for each location. (Ref. Neb. Rev. Stat. §§ 28-1246; 28-1249)

5. The vendor's bond will not be returned after expiration or revocation of a license until the Fire Chief and Police Chief have inspected the property for which the license was granted and determined that the vendor complied with the terms of the license and applicable local and state law.

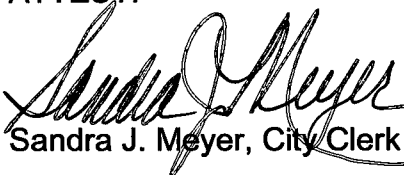
Section 2. All ordinances passed and approved prior to the passage, approval, and publication or posting of this ordinance which are in conflict are repealed.

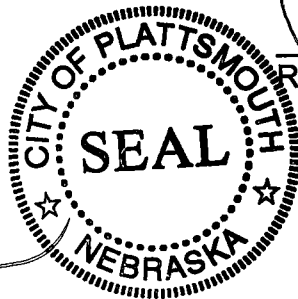
Section 3. This ordinance is adopted and published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 18<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
R. Paul Lambert, Mayor

ATTEST:

  
Sandra J. Meyer, City Clerk



Publication Date: July 21, 2016.

**CITY OF PLATTSMOUTH  
NOTICE OF PUBLICATION OF  
ORDINANCE IN PAMPHLET FORM**

On the 18<sup>th</sup> day of July, 2016, the Mayor and City Council of the City of Plattsmouth, Nebraska adopted an ordinance entitled:

**ORDINANCE NO. 1909**

**AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER 8, ARTICLE 4, SECTION 8-402 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, RELATED TO "APPLICATIONS FOR THE SALE OF FIREWORKS"; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE**

Said Ordinance was published in pamphlet form and copies thereof are available at the office of the City Clerk, 136 North 5<sup>th</sup> Street, Plattsmouth, Nebraska.

/s/Sandra J. Meyer, City Clerk

Publication Date: July 21, 2016-----1 Proof please