

ORDINANCE NO. 1980

AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO REPEAL CHAPTER 8, ARTICLE IV OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, RELATED TO FIREWORKS; TO ENACT CHAPTER 8, ARTICLE IV OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, RELATED TO 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 Chapter 8, Article IV of the Plattsmouth Revised Municipal Ordinances 2011 is hereby repealed.

Section 2. Chapter 8, Article IV, Sections 8-401 and 8-402 of the Plattsmouth Revised Municipal Ordinances 2011 are hereby enacted as follows:

**SECTION 8-401: FIREWORKS; LIMITATION ON SALE;
APPLICATIONS FOR THE SALE OF FIREWORKS**

- 1. No individual or entity may sell, barter, or exchange any "consumer fireworks", as defined by Nebraska Revised Statute 28-1241, at retail within the corporate limits of the City without first obtaining a license for the retail sale of fireworks, as set forth in this Section, and complying with all state and federal laws and regulations regarding the sale of consumer fireworks.**
- 2. Vendors applying to the City for a license to sell consumer fireworks shall obtain an application for a fireworks license from the City Clerk's office and submit the completed application, together with the other items required in this Section, to the City Clerk's office. Applications will not be accepted prior to April 1st of the year for which vendor is seeking a license, and applications will not be accepted after June 1st 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 applicant.**
- 3. In addition to submitting a completed application, each vendor must:**
 - a. submit a copy of their State license;**
 - b. pay a non-refundable application fee set by the City Council;**
 - 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 resolution of the City Council;
- 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 the vendor to sell fireworks on the property.

4. 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.

5. 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 consumer fireworks only between June 24 and July 5 of each year.

6. 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)

7. 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 8-402: FIREWORKS; LIMITATION ON HOURS FOR DISPLAY

1. No person shall discharge any "consumer fireworks", as defined by Nebraska Revised Statute 28-1241, within the corporate limits of the City except as follows:

- a. From 8:00 a.m. to 11:00 p.m. on June 24 through July 2;
- b. From 8:00 a.m. to 11:59 p.m. on July 3 through July 4;

- c. From 8:00 a.m. to 11:00 p.m. on July 5;
- d. From 11:00 p.m. on December 31 to 1:00 a.m. the following January 1; or
- e. During a fireworks display for which a special event license has been granted pursuant to this Section.

2. No person shall discharge any "display fireworks", as defined by Nebraska Revised Statute 28-1241, within the corporate limits of the City except during a fireworks display for which a special event license has been granted pursuant to this Section.

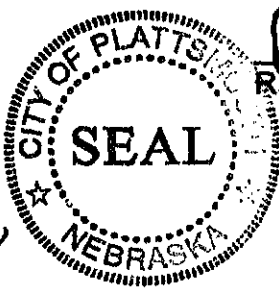
3. The City Council may issue a fireworks display license for special events, which license shall specify the place, hours of display, fire protection requirements, and public liability insurance limits for such event.

Section 3. All ordinances passed and approved prior to the passage, approval, and publication or posting of this ordinance which are in conflict are repealed.

Section 4. 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 17th day of May 2021.


R. Paul Lambert, Mayor



ATTEST:


Sandra J. Meyer, City Clerk

Publication Date: May 27, 2021.