

**CITY OF BROKEN BOW, NEBRASKA  
ORDINANCE NO. 1224**

**AN ORDINANCE PROVIDING FOR THE SALE OF FIREWORKS IN THE CITY OF BROKEN BOW, NEBRASKA.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. Fireworks, definitions.

- (a) Fireworks. Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations.
- (b) Permissible fireworks. Only those fireworks annually listed and promulgated by the State Fire Marshal for that year in Title 157, Chapter 8, entitled "Fireworks Acceptable in the State of Nebraska for the year 2010.

Section 2. Fireworks stand.

- (a) A trailer, tent or temporary structure which stands alone and is not connected to or which any other trailer, tent or structure, either temporary or permanent, from which any product other than permissible fireworks is sold or distributed.
- (b) All firework stands shall be dismantled and/or removed from its site no later than July 12<sup>th</sup> of the current year.
- (c) No regulated fireworks shall be sold from permanent buildings or structures in the City except as permitted by Nebraska State Statutes.
- (d) No electrical space heaters will be used at any time within the fireworks stand.
- (e) Each fireworks stand shall have at least <sup>2</sup> one fire extinguisher within the stand or ~~as directed by the Fire Chief.~~
- (f) There shall be no camping or sleeping overnight in the fireworks stand.
- (g) The following signs, with at least 2 V2 inch block lettering of permanent design of contrasting color shall be installed on all four (4) sides of the structure from which fireworks are to be sold. Said signs shall state:
  - i. No smoking within 25 feet;
  - ii. No discharging of fireworks within 100 feet;
  - iii. No parking within 12 feet.

*with one  
ABC fire  
extinguisher  
1 water  
extinguisher  
per ordinance*

Section 3. Fireworks; generally.

It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City of Broken Bow without first having made application and paid the required fees to the Broken Bow City Clerk.

Section 4. Permit; application.

The application to sell or offer for sale permissible fireworks shall contain:

- (a) The name and residence address of the applicant.
- (b) The street address or legal description of the premises for which the permit is sought.
- (c) An accurate description of the structure to be used and location of the structure on the premises.
- (d) Where the inventory will be stored.
- (e) When the inventory will arrive.
- (f) Where the inventory will be stored during the off season.
- (g) Certificate of Insurance in the amount of \$500,000, naming the City of Broken Bow as an additional insured.

#### Section 5. **Permit fees.**

- 1) Persons selling fireworks within the City of Broken Bow who are doing so **for-profit will pay a fee of \$1,000**, payable to the City of Broken Bow.
- 2) Persons selling fireworks within the City of Broken Bow who are doing so not-for-profit will pay a fee of \$50, payable to the City of Broken Bow. This fee will be paid yearly at the time of the application process.
- 3) Permit fees collected by the City of Broken Bow will be transferred to the Organization or Party who handles the annual public firework display held on July 4<sup>th</sup> each year. If such a display ceases to exist, the fees collected stay with the City of Broken Bow.

#### Section 6. Permit; when granted.

The City Clerk shall submit copies of any application to sell permissible fireworks to the Fire Chief and the Police Chief, who shall thereafter review the application and the applicant to determine, that all of the provisions of the City Code and any other applicable federal or state law or regulations have been met. The results of such review and application shall be delivered to the City Clerk who will bring the results before the City Council for review who then can issue the permit. Any permit which is granted shall be prominently displayed at the fireworks stand to which it has been issued. No permit shall be transferable.

#### Section 7. Age requirements.

A person of at least 19 years of age shall supervise all sales of fireworks by a salesperson that is younger than 16 years of age.

Section 8. Sale and use of permissible fireworks.

Permissible fireworks may be sold only during the following times:

June 25 to July 4: 9:00 AM until 11:00 PM

December 29th at 9:00 AM until December 31st 11:00pm

Permissible fireworks may be used, discharged, or exploded only during the following times:

June 25 to July 3: 9:00 AM until 11:00 PM July 4<sup>th</sup>:

9:00 AM until 12:00 Midnight

December 29th, & 30th 9:00 AM Until 11:00 P.M. and

Dec. 31st 9:00 AM until 2 AM on the morning of

January 1st.

Section 9. Prohibited acts.

It shall be unlawful for any person to:

- (a) Use, discharge, explode or possess any fireworks within the City of Broken Bow other than what is prescribed in Section Eight of this ordinance.
- (b) Use, discharge, or explode any fireworks within any building, or in the vicinity of any person or property in a manner that exposes such person or property to injury or damage.
- (c) Throw any fireworks from or into a motor vehicle, onto any street, highway or sidewalk, at or near any person, into any building or into or at any group of persons.
- (d) Use, discharge, or explode any fireworks on any public street, alley, sidewalk, park or other property owned by the City of Broken Bow without first obtaining permission from the City Council.

Section 10. Weather Hazard.

The Broken Bow City Council reserves the right to ban or further limit the sale/discharge of fireworks in the event of dry weather or other weather hazards.

Passed and approved this 12<sup>th</sup> day of May, 2020.

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Rod Sonnichsen, Mayor

ATTEST:

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Stephanie Wright, City Clerk