

## ORDINANCE NO. 1312

AN ORDINANCE to amend Chapter 7 “Fire Department and Fire Regulations”, Adding Article 5 “Fireworks”, Adding Sections 501 “Definitions”; 502 “Generally”; 503 “Unlawful Discharge; Special Permit”; 504 “Public Displays”; 505 “Weather Hazard”; to repeal all Ordinances and parts of Ordinances in conflict herewith; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHADRON, DAWES COUNTY, NEBRASKA

Section 1. Section 5-501 through 5-505 of the Chadron, Nebraska, Municipal Code is amended to add the following:

### §5-501 FIREWORKS; DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

FIREWORKS shall mean 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 49 Code of Federal Regulations.

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, lady fingers, not to exceed seven-eighths of an inch in length or one-eighth inch in diameter, total explosive composition not to exceed fifty milligrams in weight, color wheels, and any other fireworks approved under section 28-1247.

RETAILER shall mean any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than distributors or jobbers.

*(Ref. Neb. RS 28-1241)*

### §5-502 FIREWORKS; GENERALLY

(1) It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, other than permissible fireworks.

(2) The provisions of this section shall not apply to any fireworks to be used for the purpose of public exhibitions or display or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal.

*(Ref. Neb. RS 28-1244, 28-1245)*

### §5-503 FIREWORKS; UNLAWFUL DISCHARGE; SPECIAL PERMIT

Discharge of fireworks.

(1)(a) A person commits the offense of discharging fireworks if he or she discharges fireworks except during the period beginning at 8:00 a.m. on June

25 and ending July 5 at 1:00 a.m. of each year. Permissible fireworks can be discharged only during said period of time between the hours of 8:00 a.m. and 10:00 p.m. on June 25 through and including July 3, and between the hours of 8:00 a.m. on July 4 to 1:00 a.m. on July 5.

(b) However, a person may discharge permissible fireworks at times other than those times designated herein upon obtaining a special permit to do so, which permit may be issued if approved by the City Council upon application.

(2) It shall further be unlawful to discharge fireworks within 300 feet of a fireworks stand, gasoline station, or any commercial area where flammable materials are stored, or in or on any public park.

*(Ref. Neb. RS 16-246, 28-1241(7), 28-1244, 28-1245)*

#### §5-504 FIREWORKS; PUBLIC DISPLAYS

No person shall conduct a public exhibition or display of fireworks without first procuring a display permit from the State Fire Marshal. Said display permit shall also be filed with the City Clerk prior to the exhibition or display.

*(Ref. Neb. RS 16-246, 19-646, 28-1239.01,)*

#### §5-505 FIREWORKS; WEATHER HAZARD

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

*(Ref. Neb. RS 16-246)*

Section 2. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Section 3. That any other Ordinance or section passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with its provisions is hereby repealed.

Passed and approved this 5th day of May, 2008.

CITY OF CHADRON

/s/ Donald C. Grantham  
Mayor

ATTEST:

/s/ Donna J. Rust  
City Clerk

(S E A L)