

Article 4. Fireworks

Sec. 7-401 TERMS DEFINED.

(1) "Display Fireworks" shall mean any composition or device which meets the definition of 1.3G explosives or display fireworks set forth in Nebraska Revised Statute § 28-1241.

(2) "Consumer Fireworks" shall mean any composition or device classified as a 1.4G explosive designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of consumer or special fireworks set forth by the United States Department of Transportation in Title 49 of the Code of Federal Regulations or which meets the definition of consumer fireworks set forth in Nebraska Revised Statute § 28-1241.

(3) "License" shall mean a permit issued by the City of Blair authorizing the Retail Vendor, in association with a Non-Profit Applicant(s), to engage in the business of retail sales of fireworks at one specific location within its corporate limits, but not within its extraterritorial jurisdiction.

(4) "Non-Profit Applicant" shall mean any organization lawfully organized with the State of Nebraska and which is recognized by the Internal Revenue Code as a 501(c)(3) organization.

(5) "Outlet" shall mean a location or place of business within the City of Blair at which a Retail Vendor, in association with a Non-Profit Applicant(s), is authorized to engage in the retail sale of fireworks.

(6) "Sale" shall mean barter, exchange or gift or offer thereof and each such transaction made by person, whether as principal, proprietor, agent, servant, or employee.

(7) "Retail Vendor" shall mean any person engaged in the business of making sales of fireworks at retail to consumers or to persons. Retail Vendors, in association with a Non-Profit Applicant(s), must purchase a City of Blair license for each Outlet.

(Amended by Ordinance 1997 03/23/2004, Ordinance 2472 2/22/2022, Ordinance 2530 5/28/2024)

Sec. 7-402 DAYS AND HOURS OF SALE, DISCHARGE, AND POSSESSION. It shall be unlawful for any person within the City of Blair to offer for sale, discharge, ignite, use, explode or set off any Consumer Fireworks as set forth in Sec. 7-401 at any time except between the hours of 8:00 o'clock a.m. and 10:30 o'clock p.m. between June 25th and July 2 and between the hours of 8:00 o'clock a.m. and 11:30 p.m. between July 3 and July 4, inclusive, of each year.

It shall be unlawful for any person, business, or vendor to discharge, ignite, use, explode or set off any Display Fireworks without first having obtained a Display Fireworks permit issued by the City Clerk. The date, time and location must be specified in the permit application.

It shall be unlawful for any person within the City to have in his/her possession any fireworks which are prohibited from being sold, used, or discharged by the provisions of this Section or the previous Section. If any person shall have in his possession any fireworks which are prohibited from being sold, a warrant may be issued for the seizure of the fireworks, the same shall be safely kept by the Chief of Police to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender shall be discharged, the fireworks shall be returned to the person in whose possession they were found. (Penalties refer to Sections 7-501 through 7-503 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2038 06/14/2005) (Amended by Ordinance 1998 03/23/2004; Ordinance 2140 06/10/2008; Ordinance 2249 07/09/2013, Ordinance 2472 2/22/2022, Ordinance 2530 5/28/2024)

Sec. 7-403 FIREWORKS; THROWING FIRECRACKERS. It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object; 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. (Neb. Rev. Stat. §16-227, 28-1242) (Penalties refer to Sections 7-501 through 7-503 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2140 06/10/2008)

Sec. 7-404 [RESERVED FOR FUTURE USE] (Amended by Ordinance 2472 2/22/2022)

Sec. 7-405 LICENSE REQUIRED. In addition to any license to sell Consumer Fireworks which may be required to be issued by the State Fire Marshal pursuant to the Revised Statutes of Nebraska, it shall be unlawful for any Retail Vendor to sell or engage in the sale of Consumer Fireworks within the city limits of Blair, Nebraska without first having obtained a License issued by the City Clerk and payment of an annual license fee in the amount of \$5,000.00 for each Outlet.

Retail Vendors must associate with a Non-Profit Applicant(s) for each Outlet. The Non-Profit Applicant must be a non-profit entity that is located within the City of Blair, Nebraska. Each application must be received before March 15th of that calendar year at the City of Blair Offices. Each License issued shall be valid only for the calendar year in which it is issued and shall be displayed at all times within the Outlet of the Retail Vendor / Non-Profit Applicant(s) to which it applies. The City of Blair allows unlimited Licenses.

All applications must be accompanied by a bank draft or certified cashier's check for the \$5,000 . If an application is not accompanied by an appropriate bank draft of certified cashier's check, the application is incomplete and will not be accepted.

All Retail Vendors must provide valid liability insurance of at least one million dollars (\$1,000,000.00) with City named as additional insured party.

A retailer license for the retail sale of fireworks from the State Fire Marshal's Office must be granted and a copy of the license submitted to the city by April 30 of each year.

All Retail Vendors must submit written proof that they have a location within the City of Blair to conduct their firework sales as allowed under Sec. 7-406 of the City of Blair Municipal Code with the application. The City of Blair reserves the right to refuse issuance of the License if the location or the proof does not comply with this ordinance.

The Retail Vendor – Non-Profit Applicant association is intended to benefit the Non-Profit Applicant and the community. Therefore, proceeds received by the Non-Profit Applicant, or other non-profits located in the City of Blair, should be reported to the City of Blair. The Non-Profit Applicant shall file with the City Clerk by August 31st of the calendar year a signed statement of the total proceeds received from such firework sales, and a description of the community betterment efforts or expenditures to be done by the Non-Profit Applicant from the proceeds received from the sale of fireworks. If a Non-Profit Applicant does not comply with this Ordinance, it may not be eligible to associate with a Retail Vendor within the City of Blair in the future. (Amended by Ordinance 2000 03/23/2004; Ordinance 2216 01/24/2012; Ordinance 2472 2/22/2022; Ordinance 2491 11/22/2022, Ordinance 2530 5/28/2024)

Sec. 7-406 SALES AND STORAGE; LOCATION PERMITTED, SAFETY. No fireworks shall be stored within or without, nor displayed at or sold from, any building structure, stand or otherwise, whether or not the same is licensed outlet, within 100 feet from any service station or other establishment selling or storing gasoline, kerosene or other flammable or explosive liquids,

gases or other combustible materials, nor within or without, displayed at or sold from, any structure or building of a permanent nature; and may be sold only from a temporary structure or stand erected and used solely for such purposes only at a location located within CCB Central Business District or ACH Agricultural/Highway Commercial District as adopted in the City of Blair planning and zoning code, or on property owned by the Non-Profit Applicant applying for that Outlet. The Retail Vendor must submit written proof that the property owner and/or business consents to the location being used for fireworks sales. Furthermore, the City of Blair reserves the right to deny a License based on the location or proof not complying with this Ordinance. There will be no firework sales at Vet's Field in Blair, Nebraska. There must be ample storage and trash containers at the location. All Vendors are required to meet the minimum State Fire Marshal standards on setback requirements. No tent can be installed prior to June 12. Each successful bidder will be required to furnish trash service providing ample trash containers to handle their own trash accumulation with **a trash hauler that is licensed with the City of Blair. All trash related to firework business is required to be cleaned up daily.** Except as otherwise exempted or permitted by this Ordinance, the location, placement and use of all licensed Outlets shall be governed by applicable zoning, building and subdivision codes which have been, or may in the future be, adopted by the City of Blair. Reasonable discretion is hereby vested in and delegated to the City Clerk with reference to the granting or disapproval of all applications for fireworks licenses, and the physical placement of temporary structures or stands upon all premises intended to be licensed and used for the sale of fireworks. All licensed sales and storage outlets shall be subject to inspection at all times by the Fire Chief, Building Inspector and State Fire Marshal. (Amended by Ordinance 2001 03/23/2004; Ordinance 2472 2/22/2022; Ordinance 2491 11/22/2022, Ordinance 2530 5/28/2024).

Sec. 7-407 FLYING LANTERN-TYPE DEVICES PROHIBITED Flying lantern-type devices are prohibited from sales, possession and use in the City. For purposes of this section, flying lantern-type devices means devices that require a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Flying lantern-type devices shall not include hot-air balloons used for transporting persons. (Amended by Ordinance No. 2299 11/24/2015)