

ORDINANCE NO. 5645

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING CHAPTER 7, ARTICLE 3 OF THE FREMONT MUNICIPAL CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, THAT:

SECTION I. That Chapter 7, Article 3, be amended to read as follows:

Sec. 7-301. Fireworks, sales and use, permitted dates, fees, license required, permitted structures.

(a) *Definitions.*

- (1) *Permissible fireworks* shall mean only fireworks approved under section 28-1247 of the State Fire Marshal's Act Book. See also Rules and Regulations concerning fireworks in the State of Nebraska Administrative Code, Title 157.
- (2) *Person* as used in this article shall include any person, firm, partnership, association of persons, club, or corporation.
- (3) *Sale* shall include barter, exchange, or gift or offer therefore, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

(b) *General.* It shall be unlawful for any person to possess, sell, offer for sale, bring into this City, or discharge any pyrotechnics, commonly known as fireworks other than permissible fireworks; provided, that the provisions of this section shall not apply to:

- (1) Any fireworks for purposes of public exhibitions or displays purchased from a licensed distributor or the holder of a display license to be issued by the State Fire Marshal, which license shall be good only for the calendar year in which issued and which shall not authorize the holder to sell or hold for sale any permissible fireworks or any firecrackers of any description, whether soft shell or hard shell;
- (2) Any public exhibition or display under the auspices of the City of Fremont;
- (3) Any fireworks brought into this state for storage by a licensed distributor and held for sale outside of this State;
- (4) Any fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal to any holder of a distributor's license; or
- (5) Toy cap pistols or toy caps each of which does not contain more than twenty-five hundredths of a grain of explosive material.

(c) *License Required.* It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City without first having made application to the City Clerk (City Hall) or designee and received a license to do so from the City Clerk upon approval from the Fire Department. Such licenses shall be valid for the calendar year in which issued, and shall at

all times be displayed at the place of business of the holder thereof. Such license shall not be transferable.

An application for such license shall be obtained from the City Clerk or designee. The City Clerk or designee shall receive the application, accompanied by the fee set forth below and certification of liability insurance naming the City as additional insured of not less than one million dollars (\$1,000,000.00) and a copy of the Nebraska State Fire Marshal License for sale of fireworks. Upon the acceptance of a complete application, the temporary stand and premises shall be inspected by the Fire Department. If in conformity with the City and State requirements, the City Clerk or designee will issue a receipt in the form of a license which shall be valid only for the calendar year in which issued and shall be displayed at the place of business of the holder thereof, where such fireworks are offered for sale at wholesale or retail.

Before June 15 of the calendar year for which the license is being sought, the fee for such license shall be one thousand five hundred dollars (\$1,500.00). On or after June 15 of the calendar year for which the license is sought, the fee shall be three thousand dollars (\$3,000.00).

A separate license is required for each location approved under the provisions of this section.

- (d) *Dates of Lawful Sale.* Permissible fireworks may be sold or offered for sale in the City of Fremont on June 27 at 12:01 a.m. through and including July 4 at 11:59 p.m. of each year. No matches shall be sold or distributed from the temporary fireworks stand.
- (e) *Temporary Fireworks Stands.* Any person having obtained a permit to sell permissible fireworks may sell or offer for sale such fireworks only from a temporary stand or enclosure erected or placed on real estate for that purpose. No fireworks shall be sold from permanent buildings or structures in the City. Fireworks are to be sold from a temporary stand or enclosure, such stand or enclosure shall be of wood or steel frame construction covered with metal or wood and placed on a paved surface. Any temporary enclosure or stand shall be permitted only in those areas of the City zoned Commercial or Industrial, and only after a permit is obtained from the City Clerk or designee for the erection or placement of such temporary enclosures or stands. Such temporary enclosures or stands shall be permitted to remain on real estate where permissible fireworks are sold for only the period beginning on June 22 at 7:00 a.m. through and including July 9 at 7:00 p.m. of each year. Any such temporary stand or enclosure shall comply with the Site Development Regulations and Vision Clearance Zones per the Zoning Ordinance and not be located closer than fifty (50) feet from any building, and at least one hundred (100) feet from any station where gasoline and oil for motor vehicles is sold. Such temporary stand or enclosure shall not exceed five hundred (500) square feet in size.
- (f) *Signage Required.* The following signage in letters at least two (2) inches in height on a contrasting background shall be conspicuously posted on the stand in three (3) separate locations:
 - (1) No Smoking Sign. Smoking shall not be permitted inside or within 50 feet of the temporary fireworks stand or sales area. The No Smoking Sign shall read:
NO SMOKING WITHIN 50 FEET

- (2) Discharge Dates and Time Sign shall read:

THE FREMONT MUNICIPAL CODE ALLOWS FIREWORKS TO BE
DISCHARGED ONLY ON THE FOLLOWING DATES AND TIMES:

June 27 through July 3 - ^{12:00P}~~8:00 a.m.~~ to 11:00 p.m.

July 4 - 8:00 a.m. to midnight

- (3) Safety Discharge Zone Sign shall reads as follows:

NO DISCHARGING FIREWORKS WITHIN 300 FT. OF THIS STAND

- (4) No Parking Sign. Vehicles shall not be parked within twelve (12) feet of the temporary structure. The No Parking Sign shall read:

NO PARKING WITHIN 12 FEET

- (g) *Age Limitation for Selling Fireworks.* Retail sales establishments shall, at all times, be supervised by a person of at least eighteen (18) years of age. Failure to comply with this regulation may result in immediate revocation of the retail license.
- (h) *Discharging Fireworks Where Sold Prohibited.* It shall be unlawful for any person to discharge fireworks within 300 feet of the premises where fireworks are sold.
- (i) *Explosives; Throwing Prohibited.* It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object: (1) from, at, or into a motor vehicle; (2) onto any street, highway, or sidewalk; (3) at or near any person; (4) into any building; or (5) into or at any group of persons.
- (j) *Discharge of Fireworks.* Permissible fireworks may be discharged, exploded, or used in the City of Fremont on June 27 through and including July 4 of each year; provided that on such days the discharge and explosion of fireworks shall be permitted during the following times:

June 27 through July 3 - 12:00 p.m. to 11:00 p.m.

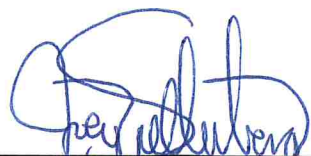
July 4 - 8:00 a.m. to midnight

The discharge of fireworks within the City of Fremont on any dates or times other than as set out in this section shall require approval from the City Council.

SECTION II. That all other Ordinances of the City of Fremont, Nebraska, and Sections of the Fremont Municipal Code not amended hereby or in conflict herewith shall remain in full force and effect.

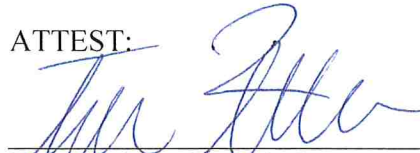
SECTION III. That this Ordinance shall be published in pamphlet form and shall take effect and be in force from and after its passage, approval and publication according to law.

PASSED AND APPROVED THIS 30th DAY OF May, 2023.



Joey Spellerberg, Mayor

ATTEST:


Tyler Ficken, City Clerk

