

**HASTINGS CITY COUNCIL
WORKSESSION AGENDA**

**Second Floor Conference Room – City Hall
220 North Hastings Avenue
July 17, 2017
5:30 PM**

ROLL CALL:

MOTION TO ADOPT CURRENT AGENDA for July 17, 2017 Worksession.

PUBLIC NOTICE - Notice posted on Friday, July 14, 2017. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

DISCUSSION ITEMS

1. Discussion of traffic signals at 5th and Marian Road and 7th and Marian Road (Requested by Councilmember Eley)
2. Discussion of fireworks ordinance (Requested by Councilmember Beahm)

ADJOURN:

The Mayor and City Council reserve the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the Mayor and City Council to take up the items on the agenda in sequential order. However, the Mayor and City Council reserve the right to take up matters in a different order to accommodate the schedules of the city council members, person having items on the agenda, and the public.

Article V. Fireworks.

13-501. Fireworks; definitions.

For the purpose of this chapter, the following words shall have the following meanings:

(1) Fireworks. Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation and as defined by the International Fire Code as adopted from time to time by the City

(2) Fireworks stand. A trailer, tent, or temporary structure which stands alone and is not connected to or with any other trailer, tent, or structure, either temporary or permanent, from which any product other than permissible fireworks is sold or distributed.

(Ord. No. 3310-4/93, 3976-11/2004, 4142-8/2007 and 4370-10/2013)

13-502. Fireworks; generally.

It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City without a permit from the City of Hastings.

(Ord. No. 3310-4/93 and 4142-8/2007)

13-503. Permit; application.

The application deadline is June 15th of each year.

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

(1) The name and address of the applicant and the local contact.

(2) The street address or legal description of the premises for which the permit is sought.

(3) An accurate description of the fireworks stand.

(4) A detailed site plan showing accurate scaled dimensions of the location of the fireworks stand and storage facility in relation to the boundaries of the premises and other structures. All tents shall have their location marked on an aerial view identifying utility locations.

(5) A non-refundable processing fee may be assessed at the time of the application as submitted.

(6) The surface type for the stand or tent shall be identified.

(7) The applicant shall furnish a completed copy of the application to the local contact in charge of the stand.

(8) Proof of a valid liability insurance policy of at least two million dollars (\$2,000,000.00) naming the City of Hastings as an additional insured party.

(Ord. No. 3310-4/93, 4142-8/2007, 4370-11/2013 and 4370-10/2013)

13-504. Permit; when granted.

The City Clerk shall submit copies of any application to sell permissible fireworks to the Building Official, the Fire Chief, and the Hastings Utilities, who shall thereafter review the application and the applicant to determine that all of the provisions of the Hastings City Code and any other applicable federal or state laws or regulations have been met. The results of such review and application shall be delivered to the City Clerk who shall then issue a permit to the applicant. In the event that any of the persons reviewing the application recommend that it not be issued, then the application shall be forwarded to the Hastings City Council which, after review, shall either refuse or grant the issuance of the permit. Issuance by the City Council may be based upon such conditions as will assure compliance with all applicable laws and regulations. Any permit which is granted shall be prominently displayed at the fireworks stand to which it has been issued. No permit shall be transferrable.

The applicant shall pay any applicable occupation tax as prescribed in Chapter 5 of the Hastings City Code. (Ord. No. 3310-4/93, 3371-1/94, 4142-8/2007 and 4370-10/2013)

13-505. Fireworks stands.

Permissible fireworks may be sold or offered for sale within the City only from a fireworks stand. The fireworks stand:

- (1) Must be located upon real estate which is zoned for commercial or industrial use;
- (2) Shall not be located within 25 feet from any building or other structure, or within 100 feet from any building or pump where gasoline, diesel fuel, or oil for motor vehicles is stored or sold;
- (3) Shall have at least one fire extinguisher of a type and at a location as directed by the Fire Chief;
- (4) May not be erected or located within the City before June 23rd of any year, and must be removed on or before July 6th of the year in which it is erected; and,
- (5) May consist of a tent, provided that:
 - (a) the tent is made of a flame resistant or fire resistant material of a type approved by the Fire Chief;
 - (b) the tent is placed at a location approved by the Building Official, Hastings Utilities and the Fire Chief;
 - (c) the tent is utilized for the sale of fireworks only and not for any other purpose, including, but not limited to, other commercial enterprises, camping, shelter or sleeping;
 - (d) all fireworks shall be removed from the sales tent by midnight each evening, and not placed back into the sales tent before 8:00 a.m. the following day, unless the vendor has adult security personnel in the tent at all times when the stand is not open for business, provided however, the requirement to remove fireworks by midnight shall be extended to 1:00 a.m. on the morning of July 4 and 5.
 - (e) any tent placed on a grassy surface shall maintain the grass at 1 inch or less throughout the selling period.
- (6) Shall post any placard or poster provided by the Hastings Fire Department setting forth the applicable laws regarding the use of fireworks.
- (7) Electrical power for fireworks stands shall comply with the most recently adopted edition of the National Electric Code NFPA 70 and the following:
 - (a) All power, whether utilities or generator, for fireworks stands and storage shall be protected by a ground fault circuit interrupter (GFCI) device, including but not limited to: outlets, breakers, inline cord units.
 - (b) All GFCI's shall be tested before use.
 - (c) All extension cords shall be 3 conductor (grounded) with the ground pin intact, and be of adequate gauge (size) for the load and distance.
 - (d) Any portable distribution boxes and distribution cords shall be 4 wire system (Hot, Hot, Neutral, Ground) and shall also be protected by a GFCI device.
 - (e) Any replacement or newly installed GFCI's shall be of the WR, weather resistant, type.

13-506. Age requirements.

- (1) It shall be unlawful for any person who is under the age of 16 years to sell, or offer to sell any fireworks within the City.

(2) A person of at least 19 years of age shall supervise all sales of fireworks by a salesperson that is under the age of 19.

(3) It shall be unlawful for any person to sell or offer to sell any fireworks within the City to any person under the age of 16 years.

(Ord. No. 3310-4/93, 3371-1/94, 3900-5/2003 and 4142-8/2007)

13-507. Sale and use of permissible fireworks.

Permissible fireworks may be sold and/or ignited only during the following times:

(a) June 27th to July 2nd: 9:00 a.m. to 11:00 p.m.

(b) July 3rd and 4th: 9:00 a.m. to midnight.

(Ord. No. 3310-4/93, 3900-5/2003, 4063-2/2006 and 4111-11/2006)

13-508. Prohibited acts.

It shall be unlawful for any person to:

(1) Use, discharge, explode or possess any fireworks within the City before June 27th or after July 4th of any year; provided however, any person possessing a current permit as provided in this article may possess permissible fireworks between June 23rd and July 6th, unless a permit for additional storage time is issued by the Fire Chief; and further provided that fireworks may be used, discharged, exploded, or possessed at any time when a special permit to do so is issued by the Fire Chief.

(2) Use, discharge or explode any fireworks in the vicinity of any person or property in a manner which exposes such person or property to injury or damage, or within any building.

(3) Throw any fireworks from or into a motor vehicle.

(4) Use, discharge or explode any fireworks on any public street, alley, sidewalk, park or other property owned by the City of Hastings, without a special permit issued by the Fire Chief.

(5) Ignite sky lanterns, or any other free floating device which includes a flame or other heating device to heat air as a lifting mechanism shall be prohibited within the City. It shall be unlawful for any person to sell at retail or otherwise barter, exchange, or offer for sale at retail, give away, or have in their possession, discharge, light, release, use or bring into the City any said sky lanterns.

(Ord. No. 3310-4/93, 3453-1/95, 3900-5/2003, 3976-11/2004, 4142-8/2007 and 4370-10/2013)

13-509. Repealed. (Ord. No. 3976-11/2004)

FIREWORKS

Selling and Discharging

Hastings:

June 27th - July 2nd
July 3rd – July 4th

9:00 a.m. to 11:00 p.m.
9:00 a.m. to midnight.

Grand Island:

June 28th - July 2nd
July 3rd
July 4th

8:00 a.m. to 10:00 p.m.
8:00 a.m. to 11:00 p.m.
8:00 a.m. to midnight

Kearney:

June 28th – July 2nd
July 3rd – July 4th

8:00 a.m. to 10:00 p.m.
8:00 a.m. to midnight

North Platte:

June 28th - July 3rd
July 4th

12:00 p.m. to 10:00 p.m.
8:00 a.m. to midnight.

Bellevue:*Fireworks Sold:

June 25th – July 4th

No time given

Fireworks Discharged:

June 25th - July 3rd
July 4th

8 a.m. to 10:00 p.m.
8:00 a.m. to midnight.

***There has been discussion on making changes.**

McCook:Fireworks Sold:

June 28th – July 4th

8:00 a.m. and 10:00 p.m

Fireworks Discharged:

June 23rd - July 3rd
July 4th
July 5th

8:00 a.m. and 11:00 p.m.
8:00 a.m. and 11:59 p.m
8:00 a.m. and 11:00 p.m.

Columbus:Fireworks Sold:

June 25th - July 4th

8:00 a.m. and 10:00 p.m.

Fireworks Discharged:

June 25th - July 3rd
July 4th

8:00 a.m. and 10:00 p.m.
8:00 a.m. and midnight

Norfolk:

June 25th – July 3rd
July 4th

8:00 a.m. and 11:00 p.m.
8:00 a.m. and midnight

Lexington:*

June 25th – July 4th

No specific times set for discharging.

Times considered under noise nuisance code.

***There has been discussion on making changes.**

Fireworks Permit Fee
July, 2017

Municipality	Permit Fee	Notes
Alliance	\$ -	no charge!
Beatrice	\$ 100.00	
		(\$1,000 refundable Cashier's Check if the stand and area are cleaned up by noon on July 7)
Bellevue	\$ 600.00	Bellevue only has 2- stands and applicants must be a non-profit run by volunteers!
Columbus	\$ 700.00	Fees are \$550, \$600, \$700, \$900 or \$1,250 based on square feet and double or triple fees after certain dates
Fremont	\$ 1,000.00	\$3,000 after June 24
Grand Island	\$ 550.00	
Hastings	\$ 300.00	
Kearney	\$ 400.00	\$150/occupation tax and \$250/permit to sell
LaVista	\$ 2,500.00	For permit plus any fees for a remodeling permit, sign permit and explosive materials storage permit
Lexington	\$ 300.00	Non-residents (<i>\$75.00 for residents</i>)
McCook	\$ 75.00	
Norfolk	\$ 200.00	
North Platte	\$ 250.00	
South Sioux City	<u>\$ 1,000.00</u>	
Average	\$ 613.46	