

ORDINANCE NO. 3025

AN ORDINANCE AMENDING THE CITY OF FAIRBURY MUNICIPAL CODE §§ 91.70 AND 91.75 REGARDING THE DEFINITIONS AND REGULATION OF FIREWORKS.

WHEREAS, Neb. Rev. Stat. § 17-137 provides for cities of the second class to regulate, prohibit, and restrain the use of fireworks, firecrackers, Roman candles, sky rockets, and other pyrotechnic displays;

WHEREAS, sky lanterns, as herein defined, and similar devices, present a danger to the public health, safety, and welfare based on risks inherent in their design and intended use including, but not limited to, their unpredictable flight path, heightened sensitivity to winds and atmospheric conditions, use of a long-lasting open flame, and unpredictability of extinguishment prior to or after landing on potentially combustible materials;

WHEREAS, sky lanterns, as herein defined, often are accompanied by manufacturer's instructions for intended use that could generally preclude their proper use in most parts of a municipality;

WHEREAS, the City wishes to further define when public displays of fireworks may occur;

WHEREAS, the City of Fairbury finds this ordinance expedient for maintaining the peace, safety, and welfare of the City and its citizenry;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FAIRBURY, JEFFERSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1: That Fairbury Municipal Code § 91.70, subsection (C) of the definition of "CONSUMER FIREWORKS," shall be amended as follows:

CONSUMER FIREWORKS does not include

- (1) Rockets that are mounted on a stick or wire and project into the air when ignited, with or without report;
- (2) Wire sparklers, except that silver and gold sparklers are deemed to be consumer fireworks until January 1, 2014;
- (3) Nighttime parachutes;
- (4) Fireworks that are shot into the air and after coming to the ground cause automatic ignition due to sufficient temperature;
- (5) Firecrackers that contain more than fifty milligrams of explosive composition;
- (6) Fireworks that have been tested by the State Fire Marshal as a response to complaints and have been deemed to be unsafe; and
- (7) Sky lanterns, or similar devices, defined as any unmanned; balloon-like, or similar structure; device having as part of its structure a portion designed to capture heated gases from an open flame to produce lift or propulsion.

Section 2: That Fairbury Municipal Code § 91.75 shall be amended as follows:

Only consumer fireworks may be ignited or exploded within the City; provided, that consumer fireworks may be ignited or discharged only between the hours of 8:00 a.m. and 11:00 p.m. on July 1 through July 3, and between the hours of 8:00 a.m. and 11:59 p.m. on July 4, and between the hours of 8:00 a.m. and 11:00 p.m. on December 29 through December 30, and between the hours of 8:00 a.m. and 11:59 p.m. on December 31. It shall be unlawful for any person to ignite or cause to be exploded any fireworks except during the dates and times prescribed by this section. The provisions of this section shall not apply to display fireworks, which may be used for purposes of public exhibitions or displays as authorized by and according to regulation by the City Council. Unless otherwise provided by the City Council, the usual time for the City-sponsored exhibition of display fireworks shall be July 4 between the hours of 8:00 a.m. and 11:59 p.m. If weather conditions prevent such exhibition at that time, the City-sponsored exhibition of display fireworks shall occur at the same time on July 5, unless otherwise provided by the City Council.

Section 3: That all ordinances, resolutions and Code sections or portions thereof in conflict herewith are hereby repealed.

Section 4: That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 6th DAY OF November, 2012.

CITY OF FAIRBURY
JEFFERSON COUNTY, NEBRASKA

BY: _____
Homer L. Ward, Mayor

ATTEST:

Sharyl Preston, City Clerk

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