



City of Omaha  
Jim Suttle, Mayor

NOV 18 2010 10:16 AM

Amended by CCID No. 1393  
of 12-14-10 (te)

Finance Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 1004  
Omaha, Nebraska 68183-1004  
(402) 444-5416  
Telefax (402) 546-1150

Pam Spaccarotella  
Director

Allen R. Herink  
City Comptroller

Honorable President

and Members of the City Council,

The attached Ordinance would address the sale and use of certain fireworks in the City of Omaha. Some features of the proposed Ordinance include:


- The use of "consumer fireworks," as defined by state law, would be allowed within the City of Omaha, during certain hours from June 25 through July 4 and December 28 through January 1.
- The retail sale of consumer fireworks within the City would be allowed, from June 24 through July 5, subject to obtaining a required sales permit and following certain regulations.
- A procedure would be set up for the yearly review and approval of applications for permits for the retail sale of fireworks. The City Clerk would receive and grade applications, and the Planning and Fire Departments will provide recommendations. The City Council will give final approval or disapproval of all applications. Permits would be limited to ~~20 per year~~ *30 to 35 per year.*
- The Ordinance sets out detailed regulations for fireworks sales permit holders to follow.
- A holder of a fireworks sales permit would be subject to an occupation tax of \$2,500 per year.


This effort parallels recent changes in state laws that reclassify the types of fireworks that may be used by citizens and that set standards and revised time periods for the retail sale of fireworks. It also parallels a proposed agreement between the City and the National Safety Council, Greater Omaha Chapter ("Safety Council"), under which the Safety Council would carry out a program of public education on fireworks safety. That agreement is being forwarded to the City Council under a separate resolution.

Your favorable consideration of this Ordinance is respectfully requested.

Respectfully submitted and approved,

Referred to City Council for Consideration:

  
\_\_\_\_\_  
Pam Spaccarotella  
Finance Director  
Date 11-18-10

  
\_\_\_\_\_  
Mayor's Office  
Date 18 Nov 2010

Amended by CCW No. 1393  
of 12-14-10 (fe)

ORDINANCE NO. 38896

1 AN ORDINANCE to amend the Omaha Municipal Code by adding new sections 19-94, 20-320, and  
2 30-260 through 30-271, and amending section 46-4; to permit and regulate the use and sale  
3 of certain consumer fireworks as allowed by state law; to require permits for the sales of  
4 fireworks, and to provide for application procedures for such permits; to repeal Sec. 46-4 as  
5 heretofore existing; and to provide the effective date thereof.

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

7 Section 1. Purpose and findings. The City Council recognizes the historic role of fireworks  
8 as a means of celebration within the United States and the state of Nebraska, while also recognizing  
9 that the sale, possession, and use of fireworks involve a risk of danger to public health and safety.  
10 Injuries to users of fireworks have been a threat to the safety of Nebraskans for many years.  
11 Fireworks injuries have occurred within the City of Omaha, despite the City's past prohibition on the  
12 use of fireworks.

13 The City Council finds that the health and safety of Omahans can be better served by the  
14 close regulation of fireworks use and sales, coupled with a program of advertising and public  
15 education to promote fireworks safety. The Nebraska Legislature's 2010 Legislative Bill 880 re-  
16 classifies the types of fireworks that may be used and discharged by citizens in the state of Nebraska,  
17 and sets standards and revised time periods for the retail sale of fireworks.

18 The regulations in this Ordinance shall implement the state laws adopted in Legislative Bill  
19 880, and promote safety in the use and sale of fireworks. It is the intention of the City to fund,  
20 through agreements with local agencies such as the National Safety Council, Greater Omaha  
21 Chapter, comprehensive programs for advertising and public education on fireworks safety.

1 Section 2. The Omaha Municipal Code is amended by adding a new section 19-94, reading  
2 as follows:

3 **Sec. 19-94. Fireworks retailers.**  
4

5 Any person who shall sell or offer for sale at retail within the city consumer fireworks, as  
6 such term is defined in Neb. Rev. Stat. section 28-1241, as amended, shall pay to the city an  
7 occupation tax of \$2,500.00 per calendar year. This tax shall be paid in addition to any permit or  
8 application fee otherwise required under this Code. This tax shall be paid within 10 days of the city  
9 council firework committee's approval of the fireworks sales permit, and prior to issuance of such  
10 permit.  
11

12 Section 3. The Omaha Municipal Code is amended by adding a new Article X of Chapter 20,  
13 entitled "Fireworks," and a new section numbered 20-320, reading as follows:

14 **ARTICLE X. FIREWORKS.**  
15

16 **Sec. 20-320. Fireworks permitted and prohibited.**  
17

18 (a) It shall be unlawful for any person to, within the city, possess, sell, offer for sale, hold  
19 for sale, bring into the city, use or discharge any fireworks, except for the following:  
20

21 (1) Consumer fireworks, as defined by Neb. Rev. Stat. section 28-1241, as amended; or  
22

23 (2) Any display fireworks, purchased by a person licensed to purchase such fireworks,  
24 and purchased from a licensed distributor; or  
25

26 (3) Any display fireworks purchased by the holder of a display permit issued pursuant to  
27 section 28-1239.01; or  
28

29 (4) Any fireworks brought into this state for storage by a licensed distributor and held for  
30 sale outside of this state; or  
31

32 (5) Any fireworks furnished for agricultural purposes pursuant to written authorization  
33 from the state fire marshal to any holder of a distributor's license; or  
34

35 (6) Toy cap pistols or toy caps, each of which does not contain more than twenty-five  
36 hundredths of a grain of explosive material.



1           The sale of any fireworks increases the risk of danger to public health and safety. The city,  
2 however, recognizes the historic role of fireworks as a means of celebration within the United States  
3 and the state of Nebraska, and therefore allows the sale of consumer fireworks upon compliance with  
4 the following regulations, which are enacted to protect public health and safety.

5  
6 **Sec. 30-261. Definitions.**

7  
8           For the purposes of this article, the following definitions shall apply:

- 9
- 10           (a) “Fireworks” shall mean any composition or device designed for the purpose of  
11 producing a visible or audible effect by combustion, deflagration, or detonation and  
12 which meets the definition of consumer or special fireworks set forth by the United  
13 States Department of Transportation in Title 49 of the Code of Federal Regulations.
- 14
- 15           (b) “Consumer fireworks” shall mean consumer fireworks as defined by Neb. Rev. Stat.  
16 section 28-1241, as amended.
- 17
- 18           (c) “Community betterment” shall mean that which generally betters or enhances the  
19 community of the city, such as:
- 20                   (1) The acquisition, improvement and maintenance of parks and recreational  
21 facilities, public equipment and other items for community use and  
22 enjoyment or to be used by the city in service to the community;
- 23
- 24                   (2) The recruitment and attraction of new businesses and jobs to the city  
25 community;
- 26
- 27                   (3) Athletic programs for the community, charities who provide social services in  
28 the city, and youth organizations and programs; and
- 29
- 30                   (4) Other acquisitions, services or programs of general benefit to the city  
31 community.
- 32
- 33           (d) “Net proceeds” shall mean gross sales less the cost of fireworks, permit fee, rental or  
34 lease expense, advertising, wages and salaries paid to paid staff and personnel, and  
35 similar costs of operation of the fireworks stand. Any remuneration paid or given to  
36 persons performing services in connection with the sale of fireworks shall be deemed  
37 a cost of operation.



- 1 e. If the applicant has held a permit in any of the three preceding years, it must
- 2 file with its application a written statement of the income and expenses from
- 3 the sale of its fireworks within the city for each of such years, together with a
- 4 statement of its community betterment expenditures made from the net
- 5 proceeds from the sale of fireworks in each said year.
- 6
- 7 f. The applicant shall state the nature of the community betterment purpose for
- 8 which the net proceeds from the current year's sale of fireworks will be
- 9 utilized if the permit be granted.
- 10
- 11 g. A signed statement from the owner of the property upon which the sales will
- 12 be conducted, or from the owner's authorized property management company
- 13 or agent, granting the applicant permission to so utilize the property.
- 14
- 15 h. An application fee of \$150.00 shall be paid to the city clerk with the
- 16 application. None of the application fee will be refunded.
- 17

18 (b) After the application filing period, the city clerk shall review the applications, and  
 19 submit recommended point tallies on the same to the city council fireworks committee. The  
 20 planning and fire departments shall review the applications and forward general recommendations on  
 21 the applications to the city clerk and to the city council fireworks committee regarding issues  
 22 relevant to the applications. Applications will be evaluated on the following criteria point system:

- 23
- 24 (1) Each year all applications will start out with a total of 20 points.
- 25
- 26 (2) Applications shall be automatically disqualified if they are received after the
- 27 application deadline of January 31; or if the applicant is a prior-year permit holder
- 28 that has displayed and/or sold or attempted to sell illegal fireworks or has otherwise
- 29 violated the law regarding the operation of their fireworks stand.
- 30
- 31 (3) Applications that are not disqualified will be reviewed by the city clerk and city
- 32 council fireworks committee and will lose points according to the following
- 33 schedule:
- 34

<u>Point Deduction</u>	<u>Infraction</u>
<u>2</u>	<u>Missing information regarding the fireworks sales application</u>
<u>2</u>	<u>Missing information regarding the tent or stand to be used</u>
<u>2</u>	<u>Missing information regarding the sign plan</u>
<u>2</u>	<u>Missing information regarding the storage of fireworks</u>

<u>2</u>	<u>Missing information regarding the site plan</u>
<u>5</u>	<u>Lack of sufficient detail or inadequacy regarding proposed community betterment expenditures</u>
<u>5</u>	<u>Lack of sufficient detail or inadequacy regarding previous years income and expenditures</u>
<u>5-20</u>	<u>Concerns with proposed location based on recommendations from city departments</u>

1  
2       (c)     In the event of a tie or ties after ranking, first preference shall be given to those  
3 eligible applicants that identify community betterment acquisitions, services or programs which will  
4 benefit the city as a whole. Those that benefit only particular areas or neighborhoods of the city shall  
5 have second preference. If all other application requirements are met, special consideration will be  
6 given to applicants agreeing to co-locate and operate a fireworks stand.

7  
8       (d)     After the application filing period and after the city clerk's submittal of  
9 recommendations, the city council fireworks committee shall review all applications, and after a  
10 public hearing shall by motion either approve, approve with conditions, or deny each such  
11 application. The city council fireworks committee shall be comprised of the following five persons:  
12 the three city councilmembers currently on the city council law department committee, the city clerk,  
13 and a designated representative of the mayor's office.

14  
15       (e)     Prior to issuance of the permit, the applicant shall supply to the city clerk a copy of a  
16 certificate of insurance issued by an insurance company in good standing, authorized to do business  
17 in Nebraska, providing the applicant with combined liability coverage for bodily injury and property  
18 damage in a minimum amount of \$300,000 per occurrence and \$1,000,000 in aggregate coverage and  
19 naming the city of Omaha as an additional insured. The applicant shall also pay all occupation taxes  
20 as required by chapter 19 of this Code.

21  
22       (f)     The permit may be obtained at the office of the city clerk only after an inspection of  
23 the fireworks stand or place of sale by the fire department and planning department inspectors to  
24 determine if such stand or place of sale conforms to all city laws, building codes, electrical codes,  
25 fire safety codes and land use regulations. The applicant shall request the city to make such  
26 inspection not later than 10 days prior to the opening day of the particular period of the fireworks  
27 season, and such inspection shall be made by the city within a reasonable time after the request.

28  
29       (g)     Permits will be valid only for the period specified in this article for the particular  
30 fireworks sales season and will automatically terminate on the specified ending date. A permit shall  
31 allow sales only at one location in the city. Permit holders shall not have any property right to or

1 expectation of receiving a permit or operating a fireworks stand in the city in any future year or  
2 period.

3  
4 (h) The city council fireworks committee may, after public hearing, revoke a permit if it  
5 determines that the permit holder has violated this Code or any of the terms or conditions of the  
6 permit. Such revocation shall be effective immediately.

7  
8 **Sec. 30-264. Number of permits limited.**

9  
10 Permits for the sale of fireworks shall be limited to up to 35 in number for a fireworks  
11 season, this number being the maximum number of permits that may normally be safely regulated by  
12 the city.

13  
14 **Sec. 30-265. Sales regulations.**

15  
16 Persons holding a permit to sell fireworks shall comply with the following regulations.

17  
18 (a) Permit holders may sell only consumer fireworks.

19  
20 (b) Permit holders may sell consumer fireworks only during the fireworks season. Within  
21 the fireworks season, consumer fireworks may be sold only between the hours of  
22 8:00 a.m. and 11:00 p.m.

23  
24 (c) Permit holders shall during such times in which consumer fireworks are being sold  
25 have an adult in charge of his or her stand or retail outlet and shall display therein the  
26 required permit in a conspicuous manner and place.

27  
28 (d) Permit holders shall at all times comply with all regulations in this article or  
29 elsewhere in this Code, and with state and federal laws.

30  
31 (e) Permit holders shall at no time sell any fireworks to any person under 16 years of age.

32  
33 (f) Any persons actually selling or offering for sale any fireworks shall be at least 16  
34 years of age.

35  
36 (g) The permit holder shall issue a fireworks use safety pamphlet, approved by the city,  
37 to each person purchasing any fireworks.

1           (h)    The permit holder shall maintain sufficient security personnel on the site of the sales  
2                    facility, at all times when fireworks are stored on the site while the sales facility is  
3                    closed.

4  
5           (i)    The permit holder shall obtain all licenses or permits required by the state of  
6                    Nebraska.

7  
8    **Sec. 30-266. Location and site regulations.**

9  
10           (a)   In addition to all other requirements and regulations of the city, all temporary  
11                   fireworks stands or places of sale of fireworks shall be located and set back at least 25 feet from the  
12                   nearest public right-of-way, and be separated from any permanent structure by a minimum of 50 feet.

13  
14           (b)   Parking for the sales facility shall be provided on a hard surface. The permit holder  
15                   shall provide at least one parking space for each 250 square feet of tent or sales area. Handicapped  
16                   spaces shall be provided as required by this Code.

17  
18           (c)   Any temporary structure or any structure that does not have a water sprinkling system  
19                   installed, and to which pedestrian traffic is allowed, shall have a minimum of two exits which shall  
20                   be located directly opposite each other. Every entrance shall also be utilized as an exit.

21  
22           (d)   Maximum sign area for the site shall be 64 square feet. There shall be no inflatable  
23                   signs or other objects intended to attract attention to the site.

24  
25           (e)   If some condition changes between the time of issuance of a fireworks sales permit  
26                   and the end of that fireworks season, the permit holder does not lose the permit if the permit holder  
27                   promptly files information with the city clerk describing the changed condition and showing that the  
28                   permit holder's operation remains in compliance with the applicable laws.

29  
30    **Sec. 30-267. Proximity to certain business or activities.**

31  
32           Stands and areas where fireworks are to be sold shall be located at least 300 feet from any  
33                   gasoline or liquid propane gas dispensing station or repair shop using flammable materials, and shall  
34                   be located at least 20 feet from any other establishment selling fireworks. Such distance shall be  
35                   measured from the closest point of where fireworks are sold or stored, to the closest point where  
36                   gasoline, liquid propane gas or combustible materials is dispensed or stored above ground or from  
37                   the closest point where other fireworks are sold or stored, as the case may be. Stands and areas  
38                   where fireworks are to be sold shall be located at least 50 feet from any child-care center, school (any  
39                   governmental or privately supported place or institution of education or physical instruction) or  
40                   playground associated with any day-care center or school. Such distance shall be measured from the  
41                   closest point where fireworks are sold or stored to the closest point of the day-care center, school or

1 playground. Fireworks shall not be sold in an area zoned residential, and may be sold only in the  
2 following zoning districts: limited office, general office, limited commercial, community  
3 commercial, general commercial, mixed use, downtown service, highway commercial services,  
4 limited industrial, general industrial, and heavy industrial.

5  
6 **Sec. 30-268. Screening.**

7  
8 All stands and places for sale of fireworks shall screen all supplies sold and stored so as to  
9 prevent other fireworks being tossed or thrown into such supplies.

10  
11 **Sec. 30-269. Fire safety.**

12  
13 (a) Fire extinguishers and “No Smoking” signs shall be placed on the site as required by  
14 the city’s fire code regulations on retail display and sale of fireworks.

15  
16 (b) The permit holder shall comply with the rules for retail sales of consumer fireworks  
17 contained in that most recent edition of the National Fire Protection Association (“NFPA”) Standard  
18 1124, chapter 7, which has been adopted by the state fire marshal. In the event of conflict between a  
19 provision of NFPA 1124, chapter 7, and another rule in this Code, the stricter or more restrictive rule  
20 shall apply. A copy of the said NFPA 1124, chapter 7, shall be maintained in the office of the city  
21 clerk for public review.

22  
23 **Sec. 30-270. Removal.**

24  
25 Immediately after the fireworks sale season, the permit holder shall clean the area in and  
26 around any stand where fireworks were sold and remove any portable tent or stand from its  
27 temporary location. Such work shall be completed within three days of the closing of the particular  
28 period of the fireworks season.

29  
30 **Sec. 30-271. Severability.**

31  
32 If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to  
33 any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions  
34 of this ordinance which can be given effect without the invalid provision or application, and to this  
35 end the provisions of this ordinance are declared to be severable.

36  
37 Section 5. Section 46-4 of the Omaha Municipal Code shall be amended to read as follows:

38 **Sec. 46-4. Specific amendments.**

39  
40 The following amendments are made to the following portions of The International Fire  
41 Code, 2003 edition:

- 1 (a) Section 301.2 - Delete "306, 308.3, & 315."
- 2
- 3 (b) Section 307.2 - Add to first sentence "or a recreational fire."
- 4
- 5 (c) Section 308.3 - Delete and renumber "308.3.1" to "308.3" and "308.3.1.1." to
- 6 "308.3.1."
- 7
- 8 (d) Section 315.1 - Delete 2nd sentence.
- 9
- 10 (e) Section 501.2 - Delete.
- 11
- 12 (f) Section 501.3 - Delete and insert: "Construction documents. Construction documents
- 13 for proposed fire apparatus access and location of fire lanes shall be submitted to the
- 14 fire department for review and approval prior to construction."
- 15
- 16 (g) Section 503.2.1 Dimensions - Change "20 feet" to "24 feet."
- 17
- 18 (h) Section 503.2.7 Grade - Delete and insert: "The grade of the fire apparatus access
- 19 road shall be a maximum of 10%."
- 20
- 21 (i) NEW SECTION 503.2.8 Appendix D may be used as an alternative option.
- 22
- 23 (j) Section 503.3 Marking - Delete and insert: "Where required by the fire code official,
- 24 signs shall be posted at each fire apparatus access road to identify such roads and
- 25 prohibit the obstruction thereof. Signs shall read: "Fire Lane - No Parking Anytime -
- 26 Omaha Municipal Code." All signs shall have a white reflective background with red
- 27 letters, and shall be maintained in a clean and legible condition at all times. If there is
- 28 a curb along the fire lane, the curb shall be painted red or yellow."
- 29
- 30 (k) Section 508.5.1 - Change "400 feet" to "600 feet" and delete both exceptions.
- 31
- 32 (l) Section 508.5.3(1) - Delete and insert: "Private fire hydrants (all types) shall be
- 33 served by a minimum of a 6-inch main, and shall be certified by the Metropolitan
- 34 Utilities District."
- 35
- 36 (m) Section 508.5.6 Physical Protection - Delete and insert: "Where private fire hydrants
- 37 are subject to impact by a motor vehicle, guard posts or other approved means shall
- 38 comply with Section 312."
- 39
- 40 (n) Section 601.2 Permits. Delete "refrigeration systems and."
- 41
- 42 (o) Section 610.1 General. Insert "and NFPA 96."

- 1 (p) Section 903.2.11 During Construction. Change "Section 1413" to "Section 1414."
- 2
- 3 (q) Section 907.20 Inspection, Testing and maintenance. Change "Chapter 7" to "Chapter
- 4 10."
- 5
- 6 (r) Section 907.20.2 Testing. Change: "Chapter 7" to "Chapter 10."
- 7
- 8 (s) Section 1101.3 Permits. - delete "aircraft refueling vehicles,"
- 9
- 10 (t) Section 1601.2 Permits. – delete.
- 11
- 12 (u) Section 2101.2 Permits. – delete.
- 13
- 14 (v) Section 2301.1 Scope - (4) change reference from "NFPA 231C" to "NFPA 230."
- 15
- 16 (w) Section 2304.2 Designation based on engineering analysis. - change reference in 3rd
- 17 sentence from "NFPA 231 and NFPA 231C" to "NFPA13."
- 18
- 19 (x) Section 2307.2 Fire Protection. - change reference from "NFPA 231" to "NFPA 13."
- 20
- 21 (y) Section 2307.2.1 Shelf Storage. - change reference from "NFPA 231" to "NFPA 230
- 22 and NFPA 13."
- 23
- 24 (z) Section 2308.2 Fire Protection. - change reference from "NFPA 231C" to "NFPA
- 25 13."
- 26
- 27 (aa) Section 2308.2.2 Racks with Solid Shelving. Exception 2. - change Reference from
- 28 "NFPA 231C" to "NFPA 230."
- 29
- 30 (bb) Section 2308.2.2.1 Fire Protection. - change reference from "NFPA 231C" to "NFPA
- 31 13."
- 32
- 33 (cc) Section 2308.4 Column Protection. - change reference from "NFPA 231C" to "NFPA
- 34 13."
- 35
- 36 (dd) Section 2310.1 General. - change reference from "NFPA 231C" to "NFPA 13."
- 37
- 38 (ee) Section 2403.2 Approval required. - Delete the phrase "first obtaining a permit and."
- 39
- 40 (ff) Section 2403.4 Permits. – Delete.
- 41
- 42 (gg) Section 2403.7 Inspections. - Delete the words "permit" and "permittee."

- 1 (hh) Section 2403.7 Exception. - Delete "permit."
- 2
- 3 (ii) Section 2501.1 Scope - change reference from "NFPA 231D" to "NFPA 230."
- 4
- 5 (jj) Section 2505.1 Individual piles. - Add new 1st sentence - "These regulations shall
- 6 apply to outdoor storage of tires where fifty (50) or more tires are stored." Change
- 7 "5,000 square feet (464.5 M2)" to 2,500 square feet (232.3 M2)" and change "50,000
- 8 cubic feet (1416 M3)" to "25,000 cubic feet (707.92 M3)." Add - "A maximum of
- 9 two tire piles may be established on a single site."
- 10
- 11 (kk) Section 2505.6 – Delete.
- 12
- 13 (ll) Section 2505.8 - Add as a new section to read as follows: "Bond. As a condition of
- 14 the issuance or continuation of any permit authorizing the outdoor storage of tires,
- 15 the applicant or permittee shall file with the city clerk a bond in favor of the city, with
- 16 good and sufficient surety, in the amount of \$20,000. This bond shall be conditioned
- 17 that the applicant or permittee, as principal, shall faithfully perform all of the
- 18 requirements imposed upon the outdoor tire storage operation by federal, state, and
- 19 local law; and shall perform such cleanup, moving, or removal of tires as is required
- 20 by federal, state, or local law. This section shall apply immediately to all applications
- 21 or renewal requests submitted after the effective date of this section.
- 22
- 23 Holders of permits as of the effective date of this section shall file the required bond
- 24 within 90 days of the effective date of this section.
- 25
- 26 Once every two years after the effective date of this section, the city shall inspect all
- 27 sites licensed under this section. If such an inspection finds that the fair and
- 28 reasonable cost to lawfully remove and dispose of all tires stored on the site exceeds
- 29 \$20,000, then the amount of the required bond for that site shall be immediately
- 30 increased to equal that cost. In such case, the license holder shall be so notified, and
- 31 shall provide the required bond within thirty (30) days. Nothing in this section shall
- 32 be construed to permit the storage of a volume of tires in excess of that which is
- 33 otherwise allowed by law."
- 34
- 35 (mm) Section 2507.1 - Delete and insert "Where required. A firmly anchored fence or other
- 36 approved method of security that controls unauthorized access to the storage yard
- 37 shall surround the storage yard."
- 38
- 39 (nn) Section 2507.2 Construction. - change "6 feet (1829mm) high" to 10 feet (2048mm)
- 40 high."
- 41

- 1 (oo) Section 2604.2.1 When required. - change "30 minutes" to "2 hours" and change  
2 "extend" to "modify."  
3
- 4 (pp) Section 2607.1 Calcium Carbide Storage. - change "Chapter 7 of NFPA 51" to  
5 Chapter 9 of NFPA 51."  
6
- 7 (qq) Section 2609.1 General. - change "Chapter 3 of NPFA 51" to Chapter 5 of NFPA  
8 51."  
9
- 10 (rr) Section 2801.2 Permit Required. – Delete.  
11
- 12 (ss) Section 3301.1.3 Fireworks. - ~~Delete Exception 4.~~ Add an Exception 4, which shall  
13 read as follows: 4. The possession, storage, sale, handling and use of “consumer  
14 fireworks,” as such term is defined by Neb. Rev. Stat. section 28-1241, as amended.  
15
- 16 (tt) Section 3308.11 Retail Display and Sale. - ~~Delete and insert:~~  
17  
18 "Retail display and sales of fireworks is prohibited."  
19  
20 Add the following: Retail display and sales of fireworks is prohibited; provided, that  
21 “consumer fireworks,” as such term is defined by Neb. Rev. Stat. section 28-1241, as  
22 amended, may be displayed for retail sale and sold at such locations and under such  
23 conditions as approved by the city council fireworks committee. A minimum of one  
24 pressurized-water portable fire extinguisher complying with Section 906 shall be  
25 located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from  
26 the hazard; and, additional fire extinguishers shall be provided as required in NFPA  
27 1124. “No Smoking” signs complying with Section 310 shall be conspicuously  
28 posted in areas where fireworks are stored or displayed for retail sale.  
29
- 30 (uu) Section 3404.3.3.9 Idle Combustible Pallets. Change reference from "NPFA 231" to  
31 "NFPA 230".  
32
- 33 (vv) Section 3404.3.7.5.1 Fire Extinguishing Systems. Delete reference to "NFPA 231C."  
34
- 35 (ww) Section 3404.3.8.4 Fire Extinguishing Systems. Delete reference to "NFPA 231C."  
36
- 37 (xx) Section 4201.2 Permits. Delete.  
38
- 39 Section 6. Sec. 46-4 of the Omaha Municipal Code as heretofore existing is hereby repealed.

ORDINANCE NO. 38896  
Page 15

1 Section 7. This Ordinance shall be in full force and take effect fifteen days from and after the  
2 date of its passage.

INTRODUCED BY COUNCILMEMBER

Harry Hernandez

APPROVED BY:

Jim Smith 12/16/10  
MAYOR OF THE CITY OF OMAHA DATE

PASSED DEC 14 2010 7-0 as amended

ATTEST:

Christa Brown 12/16/10  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

Alan Park 12-16-10  
CITY ATTORNEY DATE

**"NOTICE TO PUBLIC"**

The following Ordinance has been set for City Council Hearing on **December 7, 2010**, at 2:00 p.m.:

AN ORDINANCE to amend the Omaha Municipal Code by adding new sections 19-94, 20-320, and 30-260 through 30-271, and amending section 46-4; to permit and regulate the use and sale of certain consumer fireworks as allowed by state law; to require permits for the sales of fireworks, and to provide for application procedures for such permits; to repeal Sec. 46-4 as heretofore existing; and to provide the effective date thereof.

BUSTER BROWN,  
City Clerk

11-26-10

**THE DAILY RECORD  
OF OMAHA**

**RONALD A. HENNINGSEN, Publisher  
PROOF OF PUBLICATION**

UNITED STATES OF AMERICA, }  
The State of Nebraska, } ss.  
District of Nebraska, }  
County of Douglas, }  
City of Omaha, }

**J. BOYD**

being duly sworn, deposes and says that she is

**LEGAL EDITOR**

of **THE DAILY RECORD**, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in **THE DAILY RECORD**, of Omaha, on \_\_\_\_\_

November 26, 2010

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.

Publisher's Fee \$ 15.20  
Additional Copies \$ \_\_\_\_\_  
Total \$ 15.20

Subscribed in my presence and sworn to before me this 26th day of November 20 10

Notary Public in and for Douglas County, State of Nebraska

1393

City Council  
5

ORDINANCE NO. 38896

**AN ORDINANCE** to amend the Omaha Municipal Code by adding new sections 19-94, 20-320, and 30-260 through 30-271, and amending section 46-4; to permit and regulate the use and sale of certain consumer fireworks as allowed by state law; to require permits for the sales of fireworks, and to provide for application procedures for such permits; to repeal Sec. 46-4 as heretofore existing; and to provide the effective date thereof.

P\LAW - CITY COUNCIL  
DOCUMENTS\2010\30142dlm

48 ✓

**PUBLICATIONS**

**PUBLICATION OF HEARING**

Date 11-26-10

**PUBLICATION OF ORDINANCE**

Date \_\_\_\_\_

**PRESENTED TO COUNCIL**

1st Reading NOV 23 2010 - Reading  
12-7-10 - Pursuant to City  
Council Rule VII.F.  
Hearing DEC 07 2010 - CMC 60  
12-14-10

Final Reading DEC 14 2010 -  
Ordinance read  
Amendment "A" - Approved 7-0  
Amendment "B" - Approved 7-0  
Passed as amended 7-0

**BUSTER BROWN**  
City Clerk