

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 5, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
DISCUSSION - FIREWORKS SALES	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR PAM BUETHE CITY CLERK

**SYNOPSIS**

A discussion has been scheduled regarding the possibility of Fireworks Sales during an additional time period in December.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Discussion only.

Recommendation of staff is not to extend the days of sales and discharge of fireworks at this time and to continue to work through possible solutions to the issues detailed below. Waiting would also give the city an opportunity to see how this has worked for other cities who have decided to extend days of sale and discharge; and to see what the benefits/downfalls were for them.

**BACKGROUND**

Council discussion was held at the July 10, 2010 meeting regarding LB 880, passed by the Nebraska Legislature in the 2010 session. The law changes the types of fireworks allowed and also allows an additional time period within the year for retailers to sell fireworks. The current period is June 24 to July 5 and the additional time period is December 28 to January 1.

Council directed staff to consider the feasibility of adding another period of sale and bring back a recommendation.

Staff gathered the following information regarding the sale of fireworks during the additional time period in December as allowed by LB 880.

**City Clerk**

- Same application process as for July permits
  - Currently advertise in November with a January deadline.
  - Applications are then reviewed by City Clerk and departments listed below.
  - Permit applications are taken to City Council for approval
  - Permits issued in June following a meeting with the vendors.
- To add this process again we would need to change city code.
  - We would publish in May with a deadline in July

- After reviewing applications would go to City Council in September/October for approval.
- Permits would be issued in December following a meeting with the vendors.
- Approximate cost for City Clerk's office would be \$300.00.

### **Community Development**

- Not sure of feasibility of tents in December. Challenging to erect a tent, keep the product dry, lack of heat for staff or shoppers, etc.
- Building code would need to be amended if we were to prohibit fireworks sales within buildings.
  - Current regulations would permit it if the following code requirements were met – fire separation areas, sprinkler system, exiting.
- General concerns due to the time of the year – i.e. parties and alcohol consumption.
- Approximate cost for Comm. Dev. to review applications - \$310.00

### **Fire**

- Doesn't recommend allowing fireworks sales and discharge during winter time frame proposed.
- Winter weather pose challenges for response and introducing another source of ignition to combustible structures in weather conditions accompanied by strong winds.
- Concern with alcohol use and fireworks during New Year's activities.
- Staffing is more difficult on New Year's Eve.
- Cold weather contributes to firefighter injuries, apparatus malfunction and difficulties delivering fire and EMS equipment to where it is needed most.
- Approximate cost for Chief to review applications - \$210.00

### **Police**

- Fireworks complaints during 2010
  - Total Complaints – 31(all were related to discharge of fireworks)
  - Complaints prior to legal sales – 3
  - Complaints between 6/25 and 7/4 – 28
- As far as response from police these calls don't typically take away from their normal calls so no issue regarding complaints.
- Approximate cost for Chief to review applications - \$120.00

A City Clerk list serve question elicited 20 responses to the question Is your city planning to amend their code to allow these expanded sales dates. At the time of the inquiry most had not addressed it or had decided to wait until it was requested and/or they could see how it worked for other municipalities throughout the state. Four municipalities have made determinations: Scottsbluff and Hastings decided not to extend the days of sales at this time, Papillion made the change in accordance with the statute and Malcolm made the change with a more limited time frame.