

ORDINANCE NO. 676

AN ORDINANCE TO AMEND TITLE VIII GENERAL OFFENSES, CHAPTER 130, SECTION 130.01 OF THE VILLAGE OF MURRAY, NEBRASKA CODE OF ORDINANCES BY DELETING THE SAME IN ITS ENTIRETY AND SUBSTITUTING THE FOLLOWING AS THE SAME RELATES TO USE AND SALE OF FIREWORKS; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MURRAY, NEBRASKA:

Section 1. Title VIII General Offenses, Chapter 130, Section 130.01 of the Village of Murray, Nebraska Code of Ordinances, entitled Fireworks is amended by deleting the same in its entirety and substituting the following:

§ 130.01 Fireworks

(A) Fireworks, as defined as it is in *Neb. Rev. Stat. § 28-1241*, shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of consumer or special fireworks set forth by the United States Department of Transportation in Title 49 of the Code of Federal Regulations.

(B) It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, and lady fingers, not exceeding 7/8 inch in length or 1/8 inch in diameter, and which do not contain more than 50 milligrams each in weight of explosive material.

(C) It shall be unlawful to light, ignite, or discharge any fireworks except (i) from June 25 through July 5 and December 29 through January 1 and (ii) other than as provided herein, between the hours of 8:00 am and 10:00 pm (iii) provided that on the dates of July 4 and December 31 fireworks may be discharged from 8:00 am through 12:00 midnight.

(D) It shall be unlawful for any person to possess or light, ignite, or discharge any fireworks on, within, or onto any village recreational facility or park at any time, except professional fireworks shows authorized under a permit from the State Fire Marshal and approved by the Village Board of Trustees.

(E) It shall be unlawful for any person to sell fireworks of any description whatsoever, or to erect or maintain a fireworks retail sales location inside the Murray village corporate limits without application and approval by the Village Board of Trustees.

(1) Application must be filed with the village clerk upon forms supplied

by the village and must include information deemed necessary by the village. Including application fee in accordance with the fee schedule resolution; proof of liability insurance; the permit issued by the State Fire Marshal; hours and dates of operation, which dates must be within the allowable sales dates as provided in this section 130.01; type of structure and location, and name of owner of the location;

(a) Applications for the sales period from June 24 through July 5 must be submitted to the Village Clerk not later than 4:00 p.m. on May 31 for consideration by the Board of Trustees at its June meeting.

(b) Applications for the sales period from December 28 through January 1 must be submitted to the Village Clerk not later than 4:00 p.m. on November 30 for consideration by the Board of Trustees at its December meeting.

(c) An application, together with the fee, must be submitted for each location and a separate license is required for each location.

Section 2. All other ordinances approved prior to the passage, approval, and publication or posting of this ordinance which conflict with these provisions are repealed.

Section 3. This ordinance is adopted and published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 11th day of APRIL 2023



Jeff Anderson, Chairman

ATTEST:



Shelli S. Hayes, Village Clerk

Publication Date: APRIL 14, 2023

ORDINANCE RECORD

ORDINANCE # 676

1 READING

Chairman Anderson introduced and read by title Ordinance # 676.

TRUSTEE BLESSING moved, seconded by TRUSTEE ANDERSON that the statutory rule requiring reading on three different days be suspended so that Ordinance # 676 be introduced, read by title, and adopted (3/4 vote required).

The following BOARD OF TRUSTEES voted: AYES:

BLESSING, FLAK, STRONG, BROWN,
ANDERSON; MOTION CARRIED.

Chairman Anderson raised the question "Shall Ordinance # 676 be adopted as read by title?" TRUSTEE FLAK moved, seconded by TRUSTEE ANDERSON that said Ordinance #676 be adopted, published, or posted as required by law.

The following BOARD OF TRUSTEES voted: AYES:

BLESSING, FLAK, STRONG, BROWN,
ANDERSON; MOTION CARRIED.

Upon passage and adoption having been concurred in by majority vote of the Board of Trustees, the Chairperson declared the Ordinance adopted. A true and correct copy of the Ordinance is attached.

DATED THIS 11TH DAY OF APRIL, 2023.


CHAIRMAN
VILLAGE OF MURRAY

ATTEST:


VILLAGE CLERK

(SEAL)

CERTIFICATION OF PASSAGE

ORDINANCE #676

STATE OF NEBRASKA
COUNTY OF CASS
VILLAGE OF MURRAY

I, Shelli S. Hayes, Village Clerk of the Village Of Murray, Cass County Nebraska, hereby certify that a true and exact copy Ordinance #676 as attached herewith, was passed and approved on the 11TH day of APRIL, 2023, and has been published in a legal newspaper, the Omaha World Herald as per the attached **affidavit of publication**, OR posting as required by law. Posting sites: Cornerstone Bank, Murray Post Office, Murray Municipal Building.

Posted this 13TH day of APRIL, 20 23.


Shelli S. Hayes, Village Clerk

(SEAL)