

ORDINANCE 20-04

AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, ESTABLISHING RULES AND REGULATIONS TO GOVERN FIREWORKS IN THE VILLAGE, TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA:

SECTION 1: The Village of Manley Board of Trustees is hereby recognized as the Village authority and authorized to set forth laws, rules and regulations regarding the Village of Manley, Cass County, Nebraska.

SECTION 2: The Village Board of Trustees recognizes a need for the guidance to Village residents regarding the allowable fireworks in the Village of Manley.

SECTION 3: The Village Board of Trustees sets forth a permit requirement to sell any and all fireworks in the Village and will only allow sales of fireworks in the Village from 8AM to 8PM on July 1, July 2, July 3, July 4, Dec 28, Dec 29, Dec 30, Dec 31, and Jan 1 of each year, except if July 5 and/or Jan 2 falls on a Saturday, that day will be allowed also. Permits must be applied for with the Village Clerk on or before June 1st or December 1st. Handmade or homemade fireworks are immediately denied. The Village Board of Trustees will set the Permit fee at \$100.00 that may be changed by a Resolution. Permits must follow the State of Nebraska laws. Permits will be voted upon at the June and December Board Meetings only.

SECTION 4: The Village Board of Trustees sets forth the following Ordinance for public display fireworks discharged by residents:

- a) Only fireworks bought in the State of Nebraska from a Nebraska Fire Marshal approved vendor may be brought into the Village of Manley.
- b) The local Fire Chief may, at his/her discretion, order a cease of all fireworks due to weather and safety conditions.
- c) Fireworks may not be set off from a vehicle, house, public street/sidewalk, other apparatus or within 25 feet of such or at another person, structure, vehicle or animal.
- d) Parachutes traveling over 25 feet in height and Flying Lanterns, along with other State Fire Marshal listed items, are hereby outlawed in the Village of Manley.
- e) Fireworks may only be discharged on
 - July 2, July 3, December 29, December 30, January 1
Sunday thru Thursday 12 PM to 10 PM
 - Friday and Saturday 12 PM to 12 AM
 - July 4 and December 31
Sunday thru Saturday 12 PM to 12 AM
 - July 5 and January 2 (if allowable under State Law)
Friday or Saturday only 12 PM to 12 AM
- f) Each property owner is required to clean up debris within 12 hours of discharge.

- g) Fireworks handlers under the age of 19 must have an adult, aged 19 or above, outside in immediate view, showing responsibility at all times of discharge.
- h) Fireworks handlers are responsible financially for any damages to public or private structures, streets, grass, automobiles, etc.
- i) No handmade or homemade fireworks will be allowed
- j) Additional State and County laws not listed above may or may not be in effect.

SECTION 5: The Village of Manley Board of Trustees sets forth the following fines and fees for failure to adhere to the Ordinance:

- a) One (1) warning may be issued by a Village Board Trustee but a warning is not required.
- b) A fine of not more than \$100 per incident may be imposed by the Board of Trustees for failure to adhere to Section 4.
- c) A fine of not more than \$1,000 per incident may be imposed by the Board of Trustees for failure to adhere to Section 3.
- d) Failure to pay the fine or subsequent fines or failure to adhere to the Ordinance or State laws may include criminal charges and/or civil fines set forth by the Board of Trustees, at the discretion of law enforcement and/or the Board of Trustees.
- e) An additional fine for public nuisance/noise may be imposed by the Village Board of Trustees.

SECTION 6: Any other Ordinance passed and approved prior to this passage, approval and publication of the Ordinance and in conflict with these provisions, is hereby repealed.

SECTION 7: The Ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED THIS 8th DAY OF October , 2020.

Denise Swenson, Chairman

ATTEST:

Jolene Dalton, Village Clerk

(SEAL)