

ORDINANCE NO. 2456

AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING SECTION 22-23 OF THE LEXINGTON CITY CODE, RELATING TO THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CORPORATE LIMITS; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

SECTION I. That Section 22-23 of the Lexington City Code, be amended to read as follows:

Sec. 22-23. – Fireworks.

- (a) *Possession and sale.* It shall be unlawful for any person to have possession of, for sale or for any other purpose, to offer for sale, or to use, within the city, any fireworks of any kind, except as defined as consumer fireworks by R.R.S. 1943, § 28-1241(6), and except as defined as display fireworks by R.R.S. 1943, § 28-1241(7). Such fireworks may be sold at retail, in the City of Lexington only on June 28 through and including July 4 of each year, and on December 29 through and including December 31 of each year, and by regulation of the state fire marshal.

- (b) *Permit for display fireworks; other use prohibited.*
 - (1) Any person desiring to have or to hold a fireworks display within the city shall file with the city clerk an application in writing for a permit therefor, which application shall set forth and specifically designate the place where such fireworks display is to be held, the kind and quantity of fireworks to be used, the time thereof and the person to have supervision thereof, and the city manager and city clerk may thereupon issue, or refuse to issue, a permit in writing for the holding of such fireworks display, excluding all firecrackers, at the time and place and under the supervision of the person as set forth in the application, and upon the issuance of any permit may require such additional supervision as shall be deemed necessary or proper, which requirement shall be stated in the permit.

 - (2) For any fireworks display permit issued pursuant to this section, the city manager shall have authority to designate an area for public observation of such fireworks display, and shall post reasonable notice of such observation area. During the time of such fireworks display, it shall be unlawful for any other person to have in his possession, to set off or otherwise cause to discharge or burn any fireworks within such area, or to discharge or throw fireworks into such area from any adjacent land or highway.

- (c) *Discharge of Fireworks.* Consumer and display fireworks shall only be discharged, exploded, or used in the City of Lexington on June 28 through and including July 4 of each year and December 31 to January 1; provided that on such days the discharge and explosion of fireworks shall be permitted during the following times:

June 28 through July 3—9:00 AM to 10:30 PM

July 4—9:00 AM to midnight

December 31—5:00 PM to 1:00 AM on January 1

The discharge of fireworks within the City of Lexington on any dates or times other than as set out in this section shall require approval from the City Manager.

SECTION II. That original Section 22-23 of the Lexington City Code, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION III. That this ordinance shall be published in electronic form and take effect as provided by law.

Passed and approved this ____ day of August, 2023.

John Fagot, Mayor

ATTEST:

Pamela Baruth, City Clerk