

ACCOUNT TITLE	LAST REPORT ON HAND	DISBURSED	RECEIVED	BALANCE
F MONEY MARKET - TEAM	382,008.65	.00	439.57	382,448.22
SEWER BANS 2008	51,623.70	.00	58.62	51,682.32
PRIME MONEY MARKET - FCSB	433,632.35	.00	498.19	434,130.54
CASH IN BANK - GENERAL	346,489.20	10,009.64	12,261.99	344,236.85
CASH IN BANK - STREETS	63,550.27	17,616.05	6,209.54	52,143.76
CASH IN BANK - POLICE	25,641.70	5,726.47	1,089.69	21,004.92
CASH IN BANK - BUILDING	179,138.42	.00	.00	179,138.42
CASH IN BANK - PARKS	8,325.43	445.66	.00	7,879.77
CASH IN BANK - WATER	28,511.04	10,893.35	8,575.03	26,192.72
CASH IN BANK - SEWER	335,285.29	21,017.63	17,146.28	331,413.94
CASH IN BANK - SEWER SINK FU	123,898.51	.00	.00	123,898.51
CASH IN BANK - ENHANCEMENT	8,145.63	200.00	.00	7,945.63
CASH IN BANK TOTAL	426,007.09	65,908.80	45,282.53	405,380.82
CERT OF DEPOSIT-SEWER SINKIN	.00	.00	.00	.00
CERT OF DEPOSIT - LOTTERY	58,387.10	.00	.00	58,387.10
CERTIFICATES OF DEPOSIT TOTA	58,387.10	.00	.00	58,387.10
MONEY MARKET - LOTTERY	230,008.32	.00	1,553.19	231,561.51
MONEY MARKET - BOND RETIREME	97,766.09	.00	2,081.88	99,847.97
MONEY MARKET ACCOUNT TOTAL	327,774.41	.00	3,635.07	331,409.48
MONEY MARKET - KP LOTTERY	.00	.00	.00	.00
MONEY MARKET - KP BOND	.00	.00	.00	.00
MONEY MARKET - KP TOTAL	.00	.00	.00	.00
TOTAL CASH	1,245,800.95	65,908.80	49,415.79	1,229,307.94

MARCH 2010
EXPENSES

Vendor	Total	General	Police	Street	Water	Sewer	Park	Enhancement
OPPD	3,192.28	115.14	26.18	1,989.82	238.57	651.16	171.41	
MUD	773.03	156.02	78.01	269.50	269.50			
Papio NRD	3,942.35				3,942.35			
Abe's	39.69	7.00	4.69	7.00	7.00	7.00	7.00	
Am. Broadband	378.21	208.67	51.01	37.05	44.43	37.05		
Blue Cross	1,811.60	321.36		829.40	234.72	426.12		
Bi-States	232.14			58.04	58.04	58.04	58.02	
Barco	684.20			455.60	114.30	114.30		
Calhoun Oil	985.70			616.07	154.03	154.03	61.57	
City of Blair	5,064.28					5,064.28		
D. Carlson	5,250.00	5,250.00						
Depository Trust	14,500.00			8,118.84	2,003.46	4,377.70		
Egr. James	956.25	956.25						
Enterprise	404.76	397.40					7.36	
GP Communication	14.95	14.95						
G.S. Visa	924.13	493.76		430.37				
G.S. Bank Loan	5,856.60			3,045.43	937.05	937.05	937.07	
HD Waterworks	196.80				196.80			
Joan Jones	400.00						400.00	
MARC	206.86			103.43			103.43	
Max I. Walkers	183.30			45.83	45.83	45.83	45.81	
Maid/USA	120.00	100.00	20.00					
National Safety	270.00	54.00		54.00	54.00	54.00	54.00	
NE Clerk Inst	130.00	130.00						
NE Dept Rev	100.00	100.00						
NE Dept Rev	1,202.48				410.83	791.65		
NMC Exchange	4,219.92			4,219.92				
PC Services	116.00	116.00						
Postmaster	131.08	30.00			50.54	50.54		
Quill	19.06	19.06						
Smithers	1,325.00			500.00			825.00	
Schemmers	7,930.41	1,680.00		575.48		5,674.93		
Solution One	49.40	49.40						
SimplexGrinnell	73.00	73.00						
Sprint/Nextel								
Wa. Co. Sheriff	5,534.27		5,534.27					
J. Ruma	492.41	492.41						
R. Carter	162.50	162.50						
D. Genoways	23.23	23.23						
Clyde's Rpr	95.00						95.00	
R. Gloden	720.00			720.00				
February Payroll	7,571.92	1,282.69		3,617.25	954.98	1,717.00		
Total	76,282.81	12,232.84	5,714.16	25,693.03	9,716.43	20,160.68	2,765.67	-

WASHINGTON COUNTY SHERIFF'S OFFICE

Contract Stats:

City of: Ft. Calhoun

Month: February Year: 2010

Average hours per day:

8 Hours 18 Minutes

Hours per week:

Feb. 1 to Feb. 7 64 Hours 30 Minutes

Feb. 8 to Feb. 14 58 Hours 25 Minutes

Feb. 15 to Feb. 21 50 Hours 50 Minutes

Feb. 22 to Feb. 28 58 Hours 55 Minutes

Total Weekly Hours:

58 Hours 6 Minutes

Total Monthly Hours:

232 Hours 40 Minutes

Monthly Activities: Previous Month:

Warnings Issued:	<u>55</u>	<u>56</u>
Citations Issued:	<u>9</u>	<u>13</u>
Parking Complaints:	<u>0</u>	<u>2</u>
Arrests:	<u>3</u>	<u>2</u>
Accidents	<u>2</u>	<u>4</u>
Business Checks	<u>231</u>	<u>183</u>
Reports:	<u>10</u>	<u>9</u>
Civil Process:	<u>10</u>	<u>3</u>
Other Activity:	<u>26</u>	<u>15</u>

ORDINANCE NO. 636

AN ORDINANCE AMENDING ARTICLE 7 "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", SECTION 706 "ACCESSORY BUILDINGS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE REGULATIONS RELATED TO ACCESSORY BUILDINGS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA

Section 1. Article 7 "Supplemental Site Development Regulations", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to allow the following:

Article 706: Accessory Buildings

Section 706(b), includes the following language:

(b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line. Where the lot size is 1/2 acre or greater, the accessory building can be located in front of the front building line if maintaining a distance of twenty (20) feet beyond the front setback defined in table 4-3.

Remove Section 706(i)

Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed

Section 3. This ordinance 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 _____ day of _____, 2010.

CITY OF FORT CALHOUN,
WASHINGTON COUNTY, NEBRASKA

Paul L. Oestmann, Mayor

(SEAL)

ATTEST:

Linda Welsher, CMC, City Clerk

ORDINANCE NO. 637

AN ORDINANCE AMENDING ARTICLE 4 "ZONING DISTRICT REGULATIONS", TABLE 4-3 "SUMMARY OF SITE DEVELOPMENT REGULATIONS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE REGULATIONS RELATED TO SETBACKS IN THE "TA" DISTRICT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA

Section 1. Article 4 "Zoning District Regulations", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to read:

Table 4-3: Summary of Site Development Regulations

Minimum Yards (feet):

The Minimum Rear Yard in the TA District shall be 35 feet.

Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 3. This ordinance 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 _____ day of _____, 2010

CITY OF FORT CALHOUN,
WASHINGTON COUNTY, NEBRASKA

Paul L. Oestmann, Mayor

(SEAL)

Attest:

Linda Welsher, CMC, City Clerk

ORDINANCE NO. 638

AN ORDINANCE AMENDING ARTICLE 2 "DEFINITIONS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE "PRINCIPAL USE" AND "PRINCIPAL STRUCTURE" WITHIN THE REGULATIONS AND TO MODIFY THE DEFINITION OF ACCESSORY STRUCTURE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA

Section 1. Article 2 "Definitions" of the Fort Calhoun, Nebraska, Zoning Regulations is amended to include the following:

Principal Structure: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure, shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure when the two meet any yard requirement.

Principal Use: The main use of land or structures as distinguished from a subordinate or accessory use.

Section 2. Article 2 "Definitions" of the Fort Calhoun, Nebraska, Zoning Regulations is amended to modify the following definition:

Accessory Structure: A structure that is incidental to and customarily associated with a specific principal building on the same site.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed

Section 4. This ordinance 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 _____ day of _____, 2010

CITY OF FORT CALHOUN,
WASHINGTON COUNTY, NEBRASKA

Paul L. Oestmann, Mayor

(SEAL)

ATTEST:

Linda Welsher, CMC, City Clerk

ORDINANCE NO. 639

AN ORDINANCE AMENDING ARTICLE 3 "PROCEDURES AND ADMINISTRATION", OF THE FORT CALHOUN, NEBRASKA SUBDIVISION REGULATIONS TO INCLUDE REGULATIONS RELATED TO RE-PLATS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA

Section 1. Article 3 "PROCEDURES AND ADMINISTRATION", of the Fort Calhoun, Nebraska, Subdivision Regulations is amended to include the following:

304. RE-PLATS

a. Applicability

Whenever a re-subdivision of a parcel consists of three (3) or fewer lots, the City may waive the separate submission requirements for the preliminary and final plats to expedite the subdivision review process if, in the judgment of the City engineer or City planner, separate submission will not serve the public interest and will not conflict with the intent of this ordinance. Concurrent plats shall:

1. Be discussed with the City at a scheduled pre-application conference;
2. Be accompanied by the applications fees and completed application forms as required;
3. Follow the procedure set forth for herein and contain the required information preliminary and final plats;
4. Not require public improvements such as streets, sewers, or water;
5. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
 - a. Exception; drainage reports shall not be required for the following:
 1. Subdivision of existing tax lots that are primarily developed;
 2. Subdivision of a farmstead that creates not more than two (2) lots and allows for the split of the main residence from the remaining farmstead.
 3. Acreages where lots are not less than two (2) acres in size.
6. Changes required by the Planning Commission shall be made prior to submission to City Council. Final plats shall be submitted to the City at least fifteen (15) days prior to the next regular meeting of the City Council.
6. A final plat, in conformance with Section 303, shall be submitted to the City.

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

Section 4. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed

Passed and approved this _____ day of _____, 2010

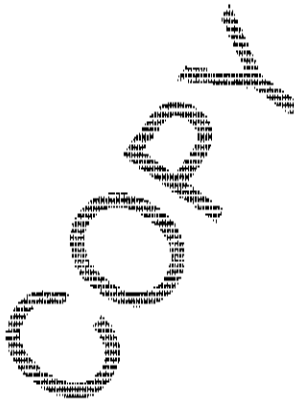
CITY OF FORT CALHOUN,
WASHINGTON COUNTY, NEBRASKA

Paul L. Oestmann, Mayor

(SEAL)

ATTEST:

Linda Welsher, CMC, City Clerk



ORDINANCE NO. 640

AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF FORT CALHOUN, NEBRASKA, ADOPTED BY REFERENCE WITHIN THE ZONING CHAPTER OF THE LAND DEVELOPMENT ORDINANCE OF FORT CALHOUN, (ORDINANCE NO. 577, May 21, 2007), BY CHANGING THE ZONING CLASSIFICATION FROM MULTIPLE-FAMILY RESIDENTIAL DISTRICT TO URBAN CORRIDOR DISTRICT, CC CALHOUN CO. ADD. LOTS 1 AND 2 (CALHOUN CAR WASH); BLK 56, AND CC CALHOUN CO. ADD. LOT 3 BLK 56, FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; ALL AS MORE SPECIFICALLY DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

WHEREAS, the Mayor and City Council (Governing Body) of the City of Fort Calhoun, Washington County, Nebraska, has found and determined it to be in the best interest of the City and of its inhabitants, residents and owners of property, within its zoning and subdivision jurisdiction, to amend the official Zoning District Map of Fort Calhoun in such fashion as to rezone the area specifically depicted and legally described upon the attached map, plat or survey which is identified as Exhibit "A" and by this reference made part of this Ordinance, and

WHEREAS, the Governing Body has further found and determined that no person, firm, corporation, or other entity has appeared in opposition to the proposed rezoning at public hearings of the Fort Calhoun Planning Commission which recommended passage of this rezoning Ordinance, or at the public hearing held before this Body, and

WHEREAS, the Governing Body has, accordingly, found and determined that all preliminary actions have been taken favorable to the rezoning of the described area, and that this Governing Body has full power, authority and jurisdiction to pass this Ordinance rezoning the described property and area from its present Agricultural Use classification to Transitional Agriculture Use classification; Now Therefore,

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

Section 1. That the official Zoning District Map of the City of Fort Calhoun, Washington County, Nebraska, which was adopted by reference in the Zoning Chapter of the Land Development Ordinance of this City, (Ordinance No. 577, passed and approved on May 21, 2007), be the same is hereby amended by changing the zoning classification of that area depicted and legally described upon the map, plat or survey attached hereto as Exhibit "A", by reference made part of the ordinance, from Agriculture Use to Transitional Agriculture use.

Section 2. If any provision of this Ordinance shall be held invalid, its invalidity shall not effect any other provision of the ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared severable.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That the Mayor and Municipal Clerk are hereby authorized and directed to take such further actions as may be necessary, convenient or desirable to accomplish the purpose and intent of this ordinance.

Section 5. This ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 15TH DAY OF MARCH 2010.

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

MEMO OF UNDERSTANDING

This Memo of Understanding is made by and between the CITY OF FORT CALHOUN, NEBRASKA, a Nebraska Municipal Corporation, hereinafter referenced as "City" and the FORT CALHOUN RURAL FIRE PROTECTION DISTRICT, WASHINGTON COUNTY, NEBRASKA, a Nebraska Political Subdivision, hereinafter referenced as "District".

WHEREAS, the City and the District executed a Merger Agreement May 3, 1999 in connection with the merger of the City with the District pursuant to Sections 35-530 thru 35-536 of the Revised Statutes of Nebraska as Amended; and,

WHEREAS, the City and the District executed a Memorandum of Understanding signed March 16, 2009 and March 12, 2009 respectively addressing Stevenson Street issues; and,

WHEREAS the following items of the aforesaid Merger Agreement have been completed, to-wit:

Items 1, 2, 3, 4, 9, 11, 12, 13, 14, 15, and 16

; and,

WHEREAS, the following changes of circumstances have occurred for the City and the District, to-wit:

- (A) The City has incurred certain bonded indebtedness to update its wastewater treatment system, which has required minimum sewer fees and water fees from all within the City's City Limits as conditions of said bonds (Items 5 and 6 of the said Merger Agreement).
- (B) The City does not have the manpower or equipment to address snow and ice removal of the Fire Station of the District because of the Fire Station Addition by the District. (Item 7 of the said Merger Agreement).
- (C) The District has built an addition to the Fire Station of the District.

; and,

WHEREAS, the City and District agree that the aforesaid Merger Agreement and Memo of Understanding have outlived their purposes because for the changes of circumstances unforeseen by the City and District; and,

WHEREAS, it is in the best interests of the City and District to update their understanding of their obligation to each other for the best interests of the Fort Calhoun community.

NOW, therefore it is agreed by the City and District as follows:

- (1) The Memo of Understanding signed March 12 and March 16, 2009 respectively by the District and City is now null and void and neither party has further obligations thereunder.
- (2) The District will pay to the City effective with the January, 2010 billings a minimum base water fee per month and a minimum base sewer fee per month (General Commercial sewer user: 25,000 gallons or less per month, but not for consumption) as exists from time to time as amended by the City. Further, firefighting and training usage will not add to the minimum amount billed.
- (3) The District will provide for and pay its own snow and ice removal for the Fire Station.
- (4) The City will continue to be responsible for the maintenance of its water distribution system within its Corporate City Limits that include but not necessarily limited to hydrants, mains, appurtenances, associated record keeping. (Item 8 of the May 3, 1999 Merger Agreement)
- (5) The City will continue to submit plans related to the development of subdivisions; commercial structures, and multi-family dwellings to the District's Fire Chief or designate for review prior to the City approving the same. (Item 10 of the May 3, 1999 Merger Agreement).
- (6) The District's Volunteer Fire Department in the use of fire apparatus will be EXEMPT from the tonnage requirement on Stevenson Street within the City's limits because of the nature of the fire equipment apparatus.
- (7) All other items of the May 3, 1999 Merger Agreement that have been completed as above referenced or are inconsistent within the above referenced changes will be inapplicable.

- (8) This Memo of Understanding upon execution supercedes the above . referenced Merger Agreement dated May 3, 1999 and Memo of Understanding signed by the City and District March 16, 2009 and March 12, 2009 respectively.
- (9) This Memo of Understanding will be binding on the heirs, successors, and assigns of the City and District.

CITY OF FORT CALHOUN, NEBRASKA, FORT CALHOUN RURAL FIRE PROTECTION
A Nebraska Municipal Corporation DISTRICT, WASHINGTON COUNTY,
NEBRASKA

By: _____
Paul L. Oestman, Mayor

By: _____
Monte Tjelneland, President

Attest:

Attest:

Linda Welsher, CMC
City Clerk-Treasurer

Secretary/Treasurer

CITY OF FORT CALHOUN
110 SOUTH 14TH STREET
FORT CALHOUN, NE 68023
PHONE: 402-468-5303 FAX: 402-468-5399
ftcalhouncityhall@huntel.net
www.fortcalhoun.org

March 15, 2010

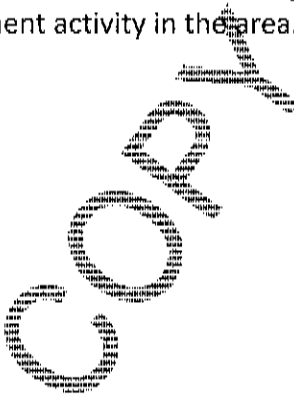
To Whom it May Concern:

The Gateway Development Corporation is the lead economic development agency for the City of Fort Calhoun and Washington County.

Paula Hazelwood is the Executive Director of the organization and would be the local contact for economic development activity in the area.

Sincerely,

Paul L. Oestmann
Mayor



ORDINANCE NO. 635 (REVISION OF ARTICLE III FIREWORKS)

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO AMEND AND COMPLETELY REVISE ARTICLE III FIREWORKS; REGULATING THE POSSESSION, STORAGE, DISTRIBUTION, SALE, USE OR DISCHARGE OF ANY FIREWORKS WITHIN THE CITY OF FORT CALHOUN, NEBRASKA; ADDING PERMISSIBLE FIREWORKS DESIGNATION; ADDING FIREWORKS EXCEPTIONS; ADDING FIREWORKS RESTRICTIONS; ADDING GENERAL REQUIREMENTS FOR STANDS, BOOTHS OR OTHER PLACES OF SALE; ADDING PROVISION FOR FIRE EXTINGUISHER; COMPLIANCE WITH STATE LAW; TO REQUIRE RETAIL LICENSING OF ALL RETAIL SELLERS OF FIREWORKS; TO LIMIT ONE LOCATION PER LICENSE; TO PROVIDE AN APPLICATION FOR LICENSE; HEARING REQUIREMENT; WAIVER OF HEARING; IMPOSE AN ANNUAL LICENSE FEE; ESTABLISH A CONSENT FOR BOND; BOND FORFEITURE AND RETURN; TO REQUIRE LIABILITY INSURANCE UPON ON SUCH LICENSEES; DEFINE PLACE OF BUSINESS; REQUIRE INSPECTIONS; REQUIRE DISPLAY OF LICENSE; DURATION OF LICENSE; ESTABLISH AGE OF MANAGER ON PREMISES; AND TO PROVIDE PROVISIONS FOR VIOLATIONS AND PROVIDE FOR PENALTIES; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO ESTABLISH WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

SECTION 1: SECTION 7, ARTICLE 3 – FIREWORKS of the Fort Calhoun Municipal Code is hereby amended to read as follows:

Section 7-301 FIREWORKS: PERMISSIBLE FIREWORKS DESIGNATED. Permissible fireworks shall mean any fireworks approved under the laws of the State of Nebraska. (*Ref. Neb. Rev. Stat. 17-556, 28-1241, 28-1244, 28-1245*)

Section 7-302 FIREWORKS: EXCEPTION. The provisions of this article shall not apply to the discharge of any fireworks for purposes or under the auspices of any governmental subdivision. (*Ref. Rev. Neb. Stat. 28-1241*)

Section 7-303 FIREWORKS: FIREWORKS RESTRICTED. No person shall possess, sell, offer for sale, bring into the City or discharge any pyrotechnics, commonly known as fireworks, other than permissible fireworks.

Section 7-304 FIREWORKS: SALE(S). **(A)** It shall be unlawful for any person to sell, hold for sale, or offer for sale as distributor, jobber, or retailer any fireworks in this municipality unless such person has first obtained a license as a distributor, jobber or retailer from the State of Nebraska. Application for each such license shall be made to the State Fire Marshall on forms and in the manner prescribed by him or her. **(B)** Only permissible fireworks may be offered for sale in this municipality. The State Fire Marshal's Office maintains a list of permissible fireworks. Only items on this list may be sold at retail during the firework season. This list is updated annually. The current list is available under lists/publications on the State Fire Marshalls website or by contacting the State Fire Marshalls Office. **(C)** Permissible fireworks may only be sold at retail from June 25 through July 4 of each year. The hours for sale of fireworks shall be from 8:00 a.m. to 10:00 p.m. (*Ref. Neb. Rev. Stat. 28-1249*)

Section 7-305 FIREWORKS: GENERAL. **(A)** In addition to all other requirements and regulations of the City, all fireworks stands, booths or other places

ORDINANCE NO. 635 (REVISION OF ARTICLE III FIREWORKS)

of sale of fireworks shall conform to all rules and regulations promulgated by the Nebraska State Fire Marshal's Office. (B) Fireworks may only be sold from within:

(1) A temporary building structure, utilizing a booth or stand allowing for walk-up sales.

(2) A Temporary building structure that allows patrons to enter the structure.

(3) A tent (provided, however, no structure or tent used for the sale of fireworks shall exceed a maximum floor space for sale and storage area of 3,600 square feet); and, shall be flame retardant. *(Ref. NFPA 102)*

(4) A building or structure that complies with the regulations of the Nebraska State Fire Marshal's Office guidelines. *(Ref. NFPA 1124)*

Section 7-306 FIREWORKS: PROXIMITY TO CERTAIN BUSINESS. Each licensed location offering permissible fireworks for sale must meet the minimum requirements as set forth by the Nebraska State Fire Marshal regarding the minimum set backs from certain business with flammable materials, i.e. a gasoline service station or other establishment selling, storing or using gasoline, kerosene, or other flammable or explosive liquids, gases or other combustible materials. Such distance shall be measured from the closest point where combustible material is dispensed or stored above ground. These distances are dependent on and determined by the type of structure and the fire rating of the structures building material. The distance for temporary structures is 300' but the distances in the State Fire Marshal's regulations govern so those regulations should be reviewed each year to determine if the distance requirement for temporary structures will need to be greater than the 300' list herein and the 20' separation distances from each other. *(Ref. NFPA 1124 Table 7.7.2)*

Section 7-307 FIREWORKS: FIRE EXTINGUISHER. Each licensed location offering permissible fireworks for sale must meet the minimum requirements for fire extinguishers as set forth by the Nebraska State Fire Marshal. The number of, size and type of fire extinguishers required are dependent on the size, and type of structure at the location.

Section 7-308 FIREWORKS: COMPLIANCE WITH STATE LAW. In addition to all requirements and regulations of the City, all sellers of fireworks shall comply with all laws, regulations and rules of the State of Nebraska dealing with the sale and distribution of fireworks. *(Ref. Neb. Rev. Stat. 28-1241 to 28-1252)*

Section 7-309 FIREWORKS: RETAIL LICENSE FROM THE CITY REQUIRED. No person shall sell, hold for sale, or offer for sale any fireworks in the City unless such person has first obtained a license as a retailer from the City. Such license is valid for one fireworks season only and the issuance of a license for any particular season or combination of seasons does not create any expectation of a proprietary interest in the issuance of a license for another season.

Section 7-310 FIREWORKS: LICENSE PERSONAL TO APPLICANT; ONE LOCATION PER LICENSE. No organization or individual may receive more than one

(1) license during any one (1) calendar year. Each license granted shall be for one (1) specific location identified by address or suitable area description on the application. A license shall be considered personal to the applicant and shall not be assignable or transferable in any manner.

Section 7-311 FIREWORKS: APPLICATION FOR LICENSE. Application for a license required under the provisions of this article shall be made in the office of the City Clerk only between January 1st and May 1st of each year in which the license, if issued, would be valid. The City Clerk will provide the application form. Upon submission of a fully completed application form accompanied by any applicable fees and/or subsidiary information, including a copy of the State License, the City Clerk will provide notice of the date and time of the hearing for licenses. Applicants are expected to appear at the hearing either in person or by representative. At the time of an application, an applicant shall furnish to the City the name and address of the fireworks stand manager. The person designated as manager must be at least twenty-one (21) years of age. It shall be incumbent upon the applicant to keep this list current so that the names of the employees having management responsibilities will always be on file in the office of the City Clerk. Each applicant shall provide a plat plan showing the location of the stand, address, setback from the street right-of-way, access to the site, the area for and how parking will be handled, the distance to the surrounding building(s) or structure(s) and occupancy of the surrounding building(s). In addition, any and all other information required to show the location meets all the safety and set back requirements as promulgated by the Nebraska State Fire Marshal for a site of this dimension and the type of structure planned.

Section 7-312 FIREWORKS: HEARING ON GRANT OF LICENSE. At the regular meeting in May, the City Council will hold a hearing on the applications for licenses. The City Council shall take testimony regarding the reputation and experience of the applicants, receive and review reports, which may include back ground or criminal checks on the applicant and/or his manager, assessments from the Mayor and/or his designee regarding site suitability and compliance with all City and State fireworks safety and sale regulations and comments from the local Fire and Law Enforcement Departments. If the City Council finds that an applicant has satisfactorily met all the established criteria for operating a fireworks stand, the license shall be granted upon payment of the bond.

If, prior to the public hearing required by this section, the Mayor determines that an applicant has held a City fireworks license and no complaints have been received pertaining to the applicant, the Mayor may waive the requirement that the applicant attend the public hearing.

Section 7-313 FIREWORKS: FEES. Each application for a license shall be accompanied by a one thousand dollar (\$1,000.00) license fee. If the license is granted, the fee shall be retained by the City, if the license is denied, the fee shall be returned to the applicant.

Section 7-314 FIREWORKS: CONSENT FOR BOND REQUIRED. Before the issuance of a fireworks license, the applicant shall execute a consent form agreeing to abide by any regulations imposed by the City pertaining to the sale of fireworks and shall furnish to the City a cash bond in the amount of five hundred dollars

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(\$500.00) conditioned that the licensee shall abide by any and all regulations proposed by the City pertaining to the sale of fireworks, and that the licensee shall clean the area in and around any stand where fireworks are sold, such work to be done by July 7 of that year. Any portable stand or tent shall be removed from its temporary location by July 12 of that year.

Section 7-315 FIREWORKS: BOND FORFEITURE OR RETURN. Cash bonds as provided in Section 7-312 shall be returned to the licensee when the Mayor or his designated representative shall have certified that the conditions of the bond have been satisfied. In the event any portable stand is not removed from its temporary location within the allotted time or the sale area is not cleaned and the debris and trash not removed therefrom, then the cash bond shall be forfeited and the proceeds used by the City to clean the area and remove the stand.

Section 7-316 FIREWORKS: INSURANCE. Each applicant must attach to its application a copy of a certificate of public liability insurance with minimum amounts of three million dollars (\$3,000,000) general aggregate and five hundred thousand dollars (\$500,000) per occurrence.

Section 7-317 FIREWORKS: PLACE OF BUSINESS. A license issued under the provisions of this article shall be conditioned upon the licensee providing an acceptable fireworks stand or place of business.

Section 7-318 FIREWORKS: INSPECTION REQUIRED. The license may be obtained at the office of the City Clerk only after an inspection by the Mayor or his designated representative of the fireworks stand or place of sale to determine if the stand or place of sale conforms to all City standards, building codes, land use regulations and NFPA 1124 guidelines. Plus, that the site and structure conform and comply with all the rules established by the Nebraska State Fire Marshal for the retail sale of permissible fireworks.

Section 7-319 FIREWORKS: DUTY OF LICENSEE TO REQUEST INSPECTION. The applicant for a license required by the provisions of this article shall request the City to make such inspections not later than June 23rd of each calendar year, and such inspection shall be made by the City within forty-eight (48) hours after the request. In the event of any violations, the license may not be picked up at the City Hall until the violation is corrected.

Section 7-320 FIREWORKS: DISPLAY OF LICENSE. Licenses issued under the provisions of this article shall be displayed at all times at the place of business of the licensee.

Section 7-321 FIREWORKS: DURATION OF LICENSE. Licenses issued under the provisions of this article shall be valid only for the calendar year in which issued. (*Ref. Rev. Neb. Stat. 28-1246*)

Section 7-322 FIREWORKS: AGE OF MANAGER TO BE ON PREMISES. During all hours of operation of the fireworks stand a manager shall be on premises, which is at least twenty-one (21) years of age.

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Section 7-323 FIREWORKS: UNLAWFUL ACTS; THROWING. It shall be unlawful for any person to throw any firecracker or any object which explodes upon contact with another object from or into a motor vehicle; onto any street, highway or sidewalk; at or near any person; into any building; or into or at any group of persons.

Section 7-324 FIREWORKS: APPLICABLE CODE. Except as otherwise exempted or permitted by this ordinance, the location, placement and use of all licensed outlets shall be governed by applicable zoning, building and subdivision codes which have been, or may in the future be adopted by the City.

Section 7-325 FIREWORKS: VIOLATIONS. Any person or licensee who violates any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. And, in addition to any fine, any person who is licensed shall be subject to the revocation of such license. Upon complaint being filed with the City Clerk, the City Clerk shall notify the licensee in writing and shall order a hearing before the City Council to show cause why said license should be revoked. The hearing shall be not less than seven (7) days after the filing of the complaint. The City Council shall conduct a special hearing for purposes of determining whether such license shall be revoked, The licensee shall appear in person or by his attorney and upon revocation no refund of any portion of the license fee shall be made to the licensee and he shall immediately close all businesses at all places under such license. (*Ref. Neb. Rev. Stat. 28-1252*)

SECTION 2: All conflicting provisions of other Ordinances or parts thereof are hereby repealed.

SECTION 3: This 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 _____ day of MARCH 2010

CITY OF FORT CALHOUN,
WASHINGTON COUNTY, NEBRASKA

Paul L. Oestmann, Mayor

(SEAL)

ATTEST:

Linda Welsher, City Clerk

RULES FOR RETAIL SALES OF CONSUMER FIREWORKS

The State Fire Marshal's Office adopted the 2003 edition of NFPA 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*. The new code contains a new chapter that details the sale of consumer (Class C) fireworks. The highlights of the requirements are listed in this memo.

Fireworks Buildings

- Applies to new and existing buildings, structures and facilities (7.1.1)
 - Permanent stores
 - Tents
 - Stands
- Does not apply when the quantity of pyrotechnic composition does not exceed 125 pounds, or 25% of the gross weight of all fireworks, including packaging. (7.1.3.1)
- Consumer fireworks sales are permitted only in mercantile occupancies as defined in the Life Safety Code. (Not permitted in Business, Assembly, Storage, etc. occupancies) (7.1.5)
- Tents shall be flame-retardant per NFPA 102. (7.4.1 (a))
- When fireworks sales are conducted in multi-tenant buildings, all other tenants shall be separated from the fireworks sales tenant by 2-hour fire rated construction. (1 hour fire rating if 100% sprinkler protected) (7.4.3.1)
- Storage rooms for fireworks in new, permanent sales facilities shall be fire sprinkler protected, or one hour fire rated. (7.4.4)
- Permanent fireworks sales buildings over 6,000 square feet in area shall be protected throughout by a fire sprinkler system. (7.5.1.1)
- Portable fire extinguishers shall be provided. (7.5.2.1)
 - Must have a 2A rating.
 - Permanent buildings shall have 2 extinguishers, one of which shall be a pressurized water type.
 - Temporary stands must have at least one extinguisher. Must be dry chemical type, if electrical power is provided to the stand.
 - Maximum distance to an extinguisher in a permanent building is 75 feet, 35 feet in a temporary stand.
- ✗ A smoke control system shall be provided in new permanent fireworks sales buildings when the ceiling is less than 10 feet in height and the travel distance to an exit exceeds 25 feet. (7.5.4.1)
- Fire Department apparatus access shall be provided to within 150 feet of any portion of the exterior of a fireworks sales facility. (7.6.1)
- The area around a fireworks sales facility shall be kept clear of dry grass, brush and combustible debris for a distance of at least 30 feet. (7.6.2)
- A vehicle or trailer used for fireworks storage shall be parked at least 10 feet from a fireworks sales facility. (7.6.3)
- Signage having 4-inch high letters stating NO FIREWORKS DISCHARGE WITHIN 300 FEET shall be posted outside the fireworks sales facility. (7.6.4)
- Smoking is prohibited within 50 feet of a fireworks sales area. Signage stating FIREWORKS ~ NO SMOKING in 2-inch high letters shall be provided at each entrance or aisle of a fireworks sales facility. (7.6.5)
- Separation Distances (7.7)

- New permanent fireworks sales buildings shall comply with Table 7.7.1.1

Table 7.7.1.1 Separation Distances Between New Permanent Buildings and Structures

Separation Distances		Exterior Wall Fire Resistance Rating (hr)	Exterior Wall Opening Protection Rating (hr)
m	ft		
< 3.05	< 10	2	1½
≥ 3.05 to < 18.3	≥ 10 to < 60	1	¾
≥ 18.3	≥ 60	0	0

- Existing fireworks sales buildings shall be separated from adjacent permanent buildings by 10 feet, or one hour fire rated construction.
- A distance of at least 50 feet shall be maintained from:
 - Motor vehicle fuel dispensers
 - Retail propane dispensers
 - Aboveground tanks for flammable or combustible liquids, flammable gases, or flammable liquefied gases (propane)
- Temporary sales facilities (stands) shall meet the separation distances of Table 7.7.2

Table 7.7.2 Temporary Consumer Fireworks Retail Sales Facilities

	Minimum Separation Distances										Storage of Consumer Fireworks	
	Buildings		Combustibles ^a		Tents ^b		Vehicle Parking		Stands ^c			
	m	ft	m	ft	m	ft	m	ft	m	ft	m	ft
Tents^b	6.1	20	6.1	20	6.1	20	3.05	10	6.1	20	6.1	10
Stands^c	6.1	20	3.05	10	6.1	20	3.05	10	1.5 ^d	5 ^d	6.1	10

^a The required clearances to combustibles shall also comply with 7.6.2.

^b *Tents* refers to temporary consumer fireworks retail sales in tents, canopies, and membrane structures.

^c *Stands* refers to temporary consumer fireworks retail sales stands.

^d Where stands are separated from each other by less than 6.1 m (20 ft), the aggregate area of such stands shall not exceed 74 m² (800 ft²).

- A distance of at least 300 feet shall be maintained from:
 - Bulk flammable or combustible liquid, flammable gas or flammable liquefied gas (propane) tanks or dispensers
- All fireworks sales facilities (except temporary stands) shall have a fire safety and evacuation plan posted in a public location. The plan shall be approved by the Authority Having Jurisdiction. (7.8.2)
- Fireworks sales tents or sales buildings shall have at least 3 approved exits, except as noted below. (7.8.3)
 - Class C mercantile stores (<3,000 square feet of sales) and temporary stands shall have not less than 2 approved exits.
- Travel distance to an exit shall not exceed: (7.8.4)
 - 75 feet in tents and permanent fireworks sales facilities.
 - 35 feet in stands.

- Aisles used by the public shall have an unobstructed width of at least 48 inches. (7.8.5)
- Aisles not used by the public shall have an unobstructed width of at least 28 inches.
- Dead end aisles are prohibited (7.8.5.3.4)
- Where egress doors are provided for the public, they shall be side-hinged and swing in the direction of egress travel, shall be at least 36 inches in width and shall have panic hardware provided. (7.8.6)
- Egress openings in tents shall be at least 44 inches in width.
- Doors in temporary stands not used by the public do not require panic hardware and shall be at least 28 inches in width.
- Illuminated exit signs and emergency lighting shall be provided unless the fireworks sales facility is not open after dusk or in temporary stands not occupied by the public. (7.9)

Retail Sales Displays (7.10)

- Shelving and merchandise along exterior walls shall be no higher than 12 feet above the floor, 6 feet for interior placed items and 8 feet for stands not occupied by the public. (7.10.2)
- **Flame Breaks (7.10.3)**
 - As shown below, flame breaks shall be provided for shelving or displays of unpackaged fireworks exceeding 16 feet in length.
 - Not required when fire sprinkler protected.
 - Not required when a 44 inch aisle, or 8 feet of packaged fireworks or open space is provided. The total length without flame breaks cannot exceed 32 feet.
 - Where display fixtures are back-to-back, a flame break shall be provided the length of the display.
 - Freestanding display racks, pallets, tables or bins containing packaged fireworks do not require flame breaks when the display dimensions do not exceed 4 feet in width, 8 feet in length and 6 feet in height and is separated from other displays by 4 feet.
 - Shelving used for fireworks display can have openings of not more than 10% of the area of the entire shelf, unless a flame break is provided, the fireworks are suspended or fixed to the shelving or packaged materials are used.
 - Flame breaks are not required in stands not occupied by the public.

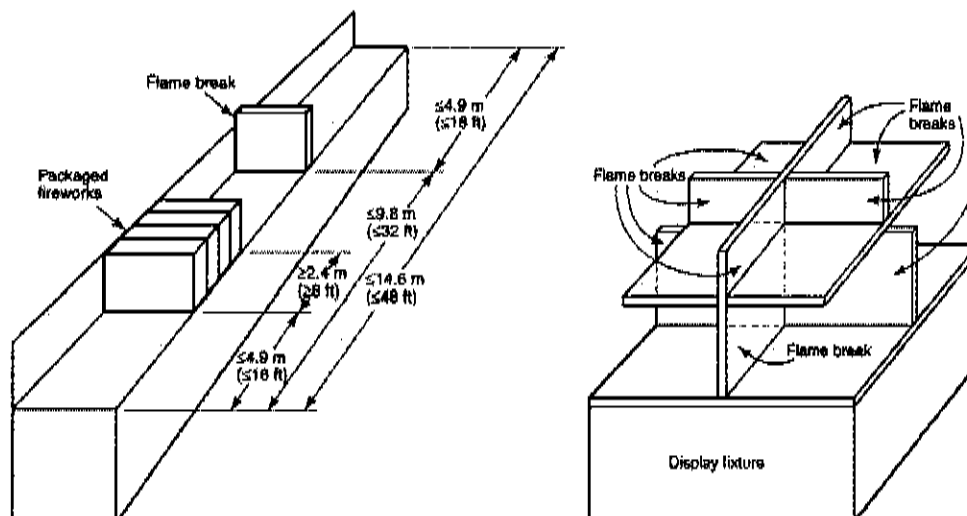


FIGURE A.7.10.3.4 Packaged Fireworks Merchandise and Flame Break Requirements.

Retail Fireworks Sales

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- All fireworks shall have covered fuses so that the fuse cannot be touched by a person without unwrapping, tearing or puncturing the package. This does not apply to stands not occupied by the public. (7.10.4)
- Fireworks sold in stores (mercantile occupancies) are permitted when:
 - The fireworks are under visual supervision by a store employee
 - The fireworks are packaged and are displayed in a manner that will limit the travel if accidental ignition occurs.
 - Combustible materials and other merchandise shall not be stored directly above fireworks unless a horizontal barrier is provided. (7.10.5)
- Electrical wiring and equipment shall meet NFPA 70. This includes physical protection of temporary wiring from pedestrian or vehicle traffic (7.11)
- Portable generators shall be placed at least 20 feet from fireworks sales.
 - Fuel for generators shall be limited to 5 gallons for diesel and 2 gallons for gasoline.
 - Fuel storage shall be at least 20 feet from fireworks sales. (7.11.3)
- Cooking equipment of any type not permitted within 20 feet of tents or canopies used for fireworks sales.
 - Open flame cooking equipment is not permitted within 50 feet of tents or canopies used for fireworks sales. (7.11.4)
- The means of egress (doors, aisles) shall be kept clear at all times. (7.12.1.1)
- Fireworks shall not be displayed within 5 feet of a public entrance or within 2 feet of a public exit or private entrance of an enclosed building. (7.12.2)
- At least 50% of available sales floor area of fireworks sales facilities shall be open space used for aisles and cross-aisles.
- Fireworks sales displays shall not exceed 40% of the floor area used for sales in permanent fireworks sales buildings. (7.12.4)
- Housekeeping
 - Sales and storage areas shall be free of debris and rubbish.
 - All loose pyrotechnic composition shall be removed immediately.
 - Vacuums, shop-vacs or other mechanical cleaning devices are not permitted.
 - Brooms, dustpans and brushes shall be of non-sparking materials.
 - Damaged fireworks devices shall be removed immediately and returned to the dealer, or destroyed. (7.12.5)
- All employees handling fireworks shall be safety trained. (7.12.6)
- Any person selling fireworks shall not knowingly sell to a person under the influence of drugs or alcohol (7.12.7)
- Fireworks inventory records shall be kept at the premises and shall be available to the Authority Having Jurisdiction upon request. (7.13)

