

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 9.44 of the Lincoln Municipal Code relating  
2 to Fireworks to prohibit the sale or use of sky lantern fireworks within the City of Lincoln by  
3 amending Section 9.44.010 to add a definition for sky lanterns, and adding a new section numbered  
4 9.44.075 to make it unlawful for any person to sell at retail, offer for sale at retail, discharge,  
5 explode, or use any of sky lantern fireworks within the city; and repealing Section 9.44.010 of the  
6 Lincoln Municipal Code as hitherto existing.

7 WHEREAS, the use of sky lantern fireworks has been the cause of a number of fires;  
8 and

9 WHEREAS, the Nebraska Legislature has considered but failed to adopt legislation  
10 that would prohibit the use of sky lanterns within the state; and

11 WHEREAS, the City of Lincoln believes that the continued use of sky lanterns  
12 constitutes an unnecessary risk to the lives and property of the citizens of Lincoln.

13 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

14 Section 1. That Section 9.44.010 of the Lincoln Municipal Code be amended to read  
15 as follows:

16 **9.44.010 Fireworks Regulation; Definitions.**

17 For the purpose of this chapter the following words shall have the following meanings:

18 **Fireworks** shall mean any combustible or explosive composition, or any substance or  
19 combination of substances, or articles prepared for the purpose of producing a visible or an audible  
20 effect by combustion, explosion, deflagration, or detonation.

21 **Permissible fireworks** shall mean any permissible or consumer firework authorized by the  
22 laws of the State of Nebraska as safe for general use.

1           **Retailer** shall mean any person engaged in the business of making sales ~~or~~of fireworks at  
2 retail.

3           **Sale** shall include barter, exchange, or gift, or offer therefor, and each such transaction made  
4 by any person, whether as principal, proprietor, agent, servant, or employee.

5           **Sky Lanterns** shall mean devices that require a flame which produces heated air trapped in  
6 a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air  
7 balloons used for transporting persons.

8           Section 2. That Chapter 9.44 of the Lincoln Municipal Code be amended by adding  
9 a new section numbered 9.44.075 to read as follows:

10 **9.44.075        Fireworks; Sale and Use of Sky Lanterns Prohibited; Unlawful Acts.**

11           Fireworks commonly known as sky lanterns shall not be permissible fireworks within the  
12 City of Lincoln, notwithstanding any action by the State Fire Marshal to the contrary, and it shall be  
13 unlawful for any person to sell at retail, offer for sale at retail, discharge, explode, or use any of said  
14 fireworks within the city.

15           Section 3. That Section 9.44.010 of the Lincoln Municipal Code as hitherto existing  
16 be and the same is hereby repealed.

17           Section 4. That this ordinance shall take effect and be in force from and after passage  
18 and publication in one issue of a daily or weekly newspaper of general circulation in the City,  
19 according to law.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2015:  _____ Mayor
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