

APPLICATION FOR LICENSE TO SELL FIREWORKS AT RETAIL

GENERAL INFORMATION:

The City of Wahoo enacted Ordinance 1780 on October 25, 2001, which changes the procedures, regulations and fees regarding sale of fireworks at retail. **This is intended as a reference guide for applicants. For complete information please see Ordinance No. 1780 as enclosed.**

- ✓ Apply at City Clerk's office between January 1 and April 1 of each year.
- ✓ Only one license per calendar year per person or organization. May not be assigned to others. A specific location address must be given on application.
- ✓ Furnish proof of valid License for Sale of Fireworks from the State of Nebraska.
- ✓ Complete application form.
- ✓ Submit a plot plan showing location of stand, address, legal description, setbacks from right-of-way, distance to buildings or structures, and occupancy of nearest structure. (Include area 100 feet around the area to be utilized, and nature of structures in area)
- ✓ Must pass inspection by personnel of the City to assure it meets City laws, standards, building codes and land use regulations. Applicant shall request inspection not later than June 23rd; inspection will be made within 24 hours after request or on the first working day after request.
- ✓ Submit a list of persons employed/in charge of the location, these must be over age 19.
- ✓ Pay application fee (see below for amount) plus occupation tax (\$60.00 per day).
- ✓ Pay cash bond of \$500, refundable if stand is removed and site is cleaned of debris and trash by July 7. If not done within allotted time, the bond is forfeited and is used to pay for removing the stand and cleaning the site.
- ✓ Indicate Zoning District where stand will be located.
- ✓ If in NRC, C-1, or C-2: Pay application fee of \$50.00. Clerk will issue a permit or denial within 15 days from date of filing.
- ✓ If in Ag, I-1, or I-2, application fee is \$100.00. Must follow provisions of Article 6 of Wahoo Zoning Regulations for obtaining Conditional Use Permits. (Complete application form; fee for Conditional Use Permit application is \$250, plus cost of publication of legal notice in newspaper for Planning Commission and City Council meetings. Application for Special Use Permit must be filed four weeks prior to Planning Commission meeting to allow for notice of meeting and ownership search. (Regular meetings on the first Thursday of each month.) Application then goes before the City Council. (Regular meetings on the second and fourth Thursday of each month) Council decision issued within 15 days after hearing.)

PHYSICAL REQUIREMENTS FOR FIREWORKS SALES LOCATIONS:

Please note these items on your plot plan:

- ✓ Address and legal description of the location.
- ✓ Setbacks. Must be at least 25 feet from the nearest right-of-way line of any public right-of-way, and be separated from any permanent building structure by a minimum of 15 feet.
- ✓ Distance from gasoline service station or automotive repair shop. Must be located at least 75 feet from any gasoline service station or automotive repair shop using flammable materials. (Distance measured from the closest point where fireworks are sold or stored to the closest point where gasoline or combustible material is dispensed or stored above ground.)
- ✓ Type of Structure. Sales are allowed within:
 1. A temporary building structure utilizing a booth or stand allowing for walkup sales;
 2. A temporary building structure which allows patrons to enter the structure; or
 3. A tent.
- ✓ Square footage of floor space and entryways/exits. No structure or tent shall exceed maximum floor space of 1,250 square feet. Must have a minimum of three entryways, each a minimum of three feet across. Tents used must be flame retardant and licensee is to keep proof of this on site.

Maintain at a minimum, a 10-pound Class A fire extinguisher on premises at all times.

Licenses shall be displayed at all times in place of business.

PENALTY FOR VIOLATIONS:

Subject to penalty as provided in Chapter 7, Article 4, Section 7-501 of Municipal Code, deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$100 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

REVOCAION OF LICENSE:

Upon a complaint filed with City Clerk, licensee will be notified in writing and a hearing before the City Council will be ordered not more than three days after filing of the complaint. The City Council shall conduct a special hearing to determine whether license shall be revoked and bond forfeited. Licensee to appear in person or by attorney. If Council revokes license and forfeits bond, no refund of any portion of application fee or occupation tax will be made, and business to immediately close.

STEP 1: INITIAL APPLICATION FOR FIREWORKS RETAIL PERMIT
due by April 1

(Corporation or Business Name)

(Contact Person)

(Address)

(City, State, Zip)

(Phone Number)

The above-named hereby make application to the City of Wahoo, Nebraska for a license to sell fireworks at retail at _____, Wahoo, Nebraska.

Zoning District of this location is _____. If zone is Agriculture, I-1 Industrial, or I-2 Industrial, I understand that a Conditional Use Permit must be applied for and approved prior to issuance of a fireworks sales license.

Necessary for initial application:

- Plot plan showing location of stand and surrounding area
- List of employees (must be over 19 years of age)
- Application fee (\$50 for location zoned NRC, C-1, or C-2, \$100 for location other than in NRC, C-1, or C-2)

I hereby agree to be bound by all ordinances of the City of Wahoo and to comply with all laws, regulations and rules of the State of Nebraska dealing with the sale and distribution of fireworks.

Signed: _____

-----**For office use only**-----

If Ag, I-1 or I-2 Zoning: Conditional Use Permit application heard by Planning Commission on ___/___/____. City Council hearing on ___/___/____. Application ___ approved ___ denied.

Applicant must be notified within 15 days of receipt of the INITIAL APPLICATION FOR FIREWORKS RETAIL PERMIT, or if a Conditional Use Permit is required, 15 days from the date of a decision by the City Council.

Notice was sent to above applicant on _____.

Dated: _____, City Clerk: _____

STEP 2: LICENSE ISSUANCE

The following items are necessary before a permit for retail fireworks sales will be issued by the City Clerk:

- Inspection by Building Inspector of the fireworks stand or place of sale to ensure conforms to all City laws, standards, building codes, and land use regulations. Must be made not later than June 23. Inspection must be completed within 24 hours of request by applicant.

Site inspection requested by Applicant ___/___/___.

Site approved by Building Inspector ___/___/___, Signed: _____

- Occupation Tax due as per Wahoo Municipal Code, \$60 per day for 10 days.

Receipt # _____, paid on ___/___/___

- Cash bond of \$500.00 (must be cashier's check or cash) (refundable provided all conditions of City of Wahoo regulations pertaining to sale of fireworks are met)
- Copy of License for Sale of Fireworks from State of Nebraska Fireworks (No. _____)

I, the undersigned, hereby consent to abide by all regulations imposed by the City of Wahoo pertaining to the sale of fireworks, as adopted by Ordinance No. 1780.

Date: _____ Signed: _____

Approved by City Clerk and license issued ___/___/___, _____