

ORDINANCE NO. 727

AN ORDINANCE AMENDING CHAPTER 8 OF THE MUNICIPAL CODE OF THE VILLAGE OF WATERLOO, NEBRASKA BY AMENDING SECTION 8-405 PERTAINING TO PERMIT APPLICATIONS AND SECTION 8-408 PERTAINING TO STAND REQUIREMENTS WITHIN THE CORPORATE LIMITS OF WATERLOO, NEBRASKA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECT DATE OF THIS ORDINANCE.

**BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF WATERLOO, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:
THAT CHAPTER 8, ARTICLE 4 OF THE MUNICIPAL CODE OF THE VILLAGE OF WATERLOO IS HEREBY AMENDED TO READ AS FOLLOWS:**

1. Chapter 8 of the Municipal Code of the Village of Waterloo is amended by amending Section 8-405 Permit Applications and providing that Section 8-405 shall read as follows:

SECTION 8-405: PERMIT APPLICATIONS

A. All applications and associated paperwork, along with payment of fees, for retail sales between June 24 and July 5 must be submitted at the village office by March 1 of the application year except for the insurance liability statement, which must be presented 30 days prior to the sale of fireworks.

B. All applications and associated paperwork, along with payment of fees, for retail sales between December 28 and January 1 must be submitted at the village office by October 1 of the application year, except for the insurance liability statement, which must be presented 30 days prior to the sale of fireworks.

C. Each applicant for a permit must possess a current retailer fireworks license issued by the State Fire Marshal and shall submit a retail fireworks sales application containing the following:

1. Applicant's name, address, phone number, and state sales tax number;
2. A scale drawing of the proposed fireworks site showing the location and dimensions of all temporary or permanent structures and all vehicles from which sales will take place; off-street parking to be provided; the number of vehicles which can be accommodated; and distances from streets and fire hydrants;
3. A schedule of the times when the applicant will provide traffic and parking control;

4. An indemnification agreement under which the applicant agrees to indemnify and hold the Village harmless from and against all claims arising out of applicant's operation of the fireworks stand;

5. Evidence of applicant's comprehensive general liability insurance coverage in the minimum amounts of \$300,000 each person, \$500,000 each occurrence, and \$100,000 property damage, naming the Village as an additional insured; and

6. ~~A copy of the Nebraska Sales and Use Tax Return (Form 10) for the previous sales year.~~

Non-profit applicants must provide proof that they are a legal non-profit (501(c) organization) and that their non-profit will use net proceeds from their sales for community betterment purposed within the Village of Waterloo

D. The application of every non-profit organization shall be signed by the organization's official sponsor and by the operator of the stand. Any agreement between the sponsor and the operator must be included with the application. The operator of each such stand shall provide the Village Board with an accounting of its sales, costs and net profit generated by the stand and a copy of the Form 10, Sales Tax Report, returned to the state and any other documentation requested by the board within ~~60~~ 30 days following the closing of the stand. (Am. by Ord. 646, 8/19/03; 665, 4/12/05; 672, 1/9/06; Res. No. 11-12-07-1)

2. Chapter 8 of the Municipal Code of the Village of Waterloo is amended by amending Section 8-408 Stand Requirements and providing that Section 8-408 shall read as follows:

SECTION 8-408: STAND REQUIREMENTS

Each fireworks stand permitted under this article shall comply with the following requirements:

A. A valid state Class C fireworks license and municipal permit must be posted in the stand.

B. During the times that fireworks are being sold, the stand must be manned by at least one adult who has in his/her possession a communication device capable of contacting the Sheriff's Department, the Waterloo Police Department, and the Waterloo Fire and Rescue Squad.

C. Fireworks stored at the stand may only be those expected to be sold at that location.

1. Storage containers for stands open in July may ~~begin~~ be brought in only after the issuance of a state license and municipal permit and not before the month of June. All fireworks must be removed from the stand by July 11.

Amend Firework regulations

2. Storage containers for stands open in December may ~~begin~~ be brought in only after the issuance of a state license and municipal permit and not before the month of December. All fireworks must be removed from the stand by January 7.
3. Sections 8-405 and 8-408 of the Municipal Code of Waterloo as heretofore existing is hereby repealed.
4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
5. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

APPROVED, PASSED AND ADOPTED this 22 day of January, 2013.

ATTEST:



Village of Waterloo

Nancy Hert
Nancy Hert, Village Clerk

(SEAL)

By: Stanley E. Benke, Jr.
Stanley E. Benke, Jr., Chairperson