

Committee of the Whole
Monday, May 19, 2025 5:00 PM
Columbus Community Building/Community Room
2500 14 Street
Columbus, NE 68601

The Mayor and City Council reserve the right to go into closed session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at City Hall, 2500 14 Street, Columbus, Nebraska. For more information, call 402-562-4224 or visit our website at www.columbusne.us.

1. Statement of compliance with Open Meetings Act and roll call.

84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

Source: Laws 2004, LB 821, § 34.

84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

Source: Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

Annotations

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2; Laws 2021, LB83, § 11; Laws 2022, LB922, § 12.

Annotations

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- Although the Open Meetings Act does not define "subcommittee," a subcommittee is generally defined as a group within a committee to which the committee may refer business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- The Open Meetings Act does not require policymakers to remain ignorant of the issues they must decide until the moment the public is invited to comment on a proposed policy. By excluding nonquorum subgroups from the definition of a public body, the Legislature

has balanced the public's need to be heard on matters of public policy with a practical accommodation for a public body's need for information to conduct business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).

- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close

passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Source: Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

Annotations

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92

(1983).

- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; emergency meeting without notice; appearance before public body; applicability of section.

(1) Until January 1, 2025:

(a) Except as provided in subsection (10) of this section, each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee or the governing body of a rural or suburban fire protection district, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website; or

(B) Posting written notice in three conspicuous public places in such city, village, or district. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(iv) In case of refusal, neglect, or inability of the newspaper to timely publish the notice, the public body shall (A) post such notice on its website, if available, and (B) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours.

Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) Beginning January 1, 2025:

(a) Except as provided in subsection (10) of this section, each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (2)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committees, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(B)(I) Posting to the newspaper's website, if available, and (II) posting to a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper.

(ii) In the case of the governing body of a city of the second class or village, any advisory committee of such governing body, or the governing body of a rural or suburban fire protection district, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper;

(B)(I) Posting to the newspaper's website, if available, and (II) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(C) Posting written notice in three conspicuous public places in such city, village, or district. Such notice shall be posted by the public body in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (2)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(iv) In case of refusal, neglect, or inability of the newspaper to publish the notice, the public

body shall (A) post such notice on its website, if available, (B) submit a post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers, and (C) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(3)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (3)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsections (1) and (2) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be

provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision, subsection (1) of section 70-1014, subsection (2) of section 70-1014.02, or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of (A) an organization created under the Interlocal Cooperation Act that sells electricity or natural gas, (B) an organization created under the Municipal Cooperative Financing Act, (C) a governing body of a risk management pool and any advisory committee of such governing body, or (D) any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act, such organization, governing body, or committee may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing.

(4) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(5) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(6) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (5) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(7) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(8)(a) Notwithstanding subsections (3) and (6) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsections (1) and (2) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at

the meeting and record the meeting. Subsection (5) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsection (5) of section 84-1413.

(9) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (3)(a) of this section may hold a meeting by virtual conferencing if:

(a) The purpose of the virtual meeting is to discuss items that are scheduled to be discussed or acted upon at a subsequent non-virtual open meeting of the public body;

(b) No action is taken by the public body at the virtual meeting; and

(c) The public body complies with subdivisions (3)(b)(i) and (ii) of this section.

(10) This section does not apply to a meeting of the Nebraska Power Review Board or a public power district, a public power and irrigation district, an electric membership association, an electric cooperative company, a municipality having a generation and distribution system, or a registered group of municipalities if such meeting is subject to section 70-1034.

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12; Laws 2022, LB742, § 1; Laws 2022, LB908, § 1; Laws 2022, LB922, § 13; Laws 2024, LB287, § 74; Laws 2024, LB399, § 4; Laws 2024, LB1370, § 8.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB287, section 74, with LB399, section 4, and LB1370, section 8, to reflect all amendments.

Note: Changes made by LB287 became operative April 17, 2024. Changes made by LB399 became effective July 19, 2024. Changes made by LB1370 became operative July 19, 2024.

Cross References

- **Emergency Management Act**, see section 81-829.36.
- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.
- **Municipal Cooperative Financing Act**, see section 18-2401.
- **Opioid Prevention and Treatment Act**, see section 71-2485.

Annotations

- Under subsection (1) of this section, the Legislature has imposed only two conditions on

the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. Except for closed sessions called pursuant to section 84-1410, a public body shall allow members of the public an opportunity to speak at each meeting.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting.

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

Source: Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1; Laws 2021, LB83, § 13; Laws 2024, LB43, § 21.

Operative Date: July 19, 2024

Annotations

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written or kept as an electronic record and shall be available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing or keeping the minutes is absent due to a serious illness or emergency.

(6) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public website for at least six months.

Source: Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1; Laws 2021, LB83, § 14; Laws 2022, LB742, § 2.

Annotations

- Under prior law, if a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before

taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).

- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Source: Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

Annotations

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).
- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

2. Request from Legacy Youth Foundation to use a portion of Pawnee Park Memorial Stadium for Drive-In Movie Theater.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: May 14th, 2025
TO: Committee of the Whole
FROM: Tara Vasicek, City Administrator
RE: Legacy Youth Foundation Use of Memorial Stadium Parking lot for Drive-In Theatre

RECOMMENDATION:

Recommend approval of the agreement with the Legacy Youth Foundation.

DISCUSSION:

We have been working with the Legacy Youth Foundation group for about a year and a half on this project. We have negotiated the use and agreement based on their intended use and the City's typical requirements related to use of public space by a private entity.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

Betsy Eckhardt

Betsy Eckhardt, Director of Park and Rec.

AGREEMENT FOR USE OF MUNICIPAL PROPERTY FOR DRIVE-IN MOVIE THEATER

THIS AGREEMENT (hereinafter referred to as the “Agreement”) is hereby made and entered into by and between Legacy Youth Foundation, a non-profit corporation of the State of Nebraska (hereafter referred to as “Licensee”), and The City of Columbus, Nebraska, a Municipal Corporation of the State of Nebraska (hereafter referred to as “Licensor”).

RECITALS

- A. Licensor owns and operates Real Property commonly referred to as Memorial Stadium in Pawnee Park. Licensee desires to license a portion of said real property. The actual use areas contemplated include a parking lot outside of the stadium, and the concessions facilities and restrooms inside the stadium. A Site Map of the real property which delineates the desired and contemplated use areas is further described and/or shown on “Exhibit A”. The actual use areas of the real property to be leased and used by Licensee is hereafter referred to as the “Premises”.
- B. Licensee is involved in organizing recreational activities in the municipality in the form of “drive-in movie theater”.
- C. Licensee desires to utilize the Premises for its drive-in movie theater and is willing to enter into this Agreement in order to ensure that the operation and use of the real property during follows the current applicable rules for safe operation.
- D. Licensee acknowledges and agrees that the use of the Premises for drive-in movie theaters or other recreational activities and related activities, and the participation in those activities thereon, presents an inherent risk of harm both foreseeable and unforeseeable. By choosing to conduct and participate in activities on the Premises, Licensee, its employees, volunteers, agents, contractors, participants, and spectators are accepting that risk and wave any and all liability on the part of the Licensor to the extent permitted by law.
- E. Licensor desires to enter into this Agreement whereby Licensee shall license and manage the Premises for Licensor, subject to the following terms.

NOW THEREFORE, IT IS AGREED TO BY AND BETWEEN LICENSOR AND LICENSEE AS FOLLOWS:

1. Premises. Licensor desires to nonexclusively license the Premises or a portion thereof during set dates and times. Such areas include the parking lot outside of the stadium, and concessions facilities and restrooms inside the stadium (a Site Map of the Premises which delineates the contemplated use areas is further described and/or shown on “Exhibit A”). Licensor hereby non-exclusively licenses the Premises to Licensee, and Licensee hereby non-exclusively licenses the Premises from Licensor for its events during the License Term. Licensee agrees to pay the facility fee, if any, and to perform

all of Licensee's obligations described herein. The parties agree that Licensee shall have the non-exclusive right to use the Premises and such other portions of the real property as is necessary for Licensee to access and use the Premises. The parties agree that the use of the Premises is subject to such time and locations, and procedures and rules, as may be designated or set by Licensor's Parks Department.

2. Parties' Obligations. The Parties agree to be responsible for the following tasks at the Premises:

a. Licensee Obligations:

- Licensee shall continuously provide to Licensor's Park Department an up-to-date schedule of its desired events and movie showings at the Premises as soon as available and practicable.
- Licensee agrees that no food or drink is allowed on the Field Turf or Track at Memorial Field, and it shall actively enforce this during the entirety of each and every one of its events at the Premises.
- Licensee shall ensure the concession stand is maintained in a state of cleanliness for the duration of its use.
- Licensee shall thoroughly pick up all garbage and permanently dispose of garbage after each event.
- Licensee shall clean and return all Premises used for each event to its condition prior to each event.
- Licensee shall provide and install barricades for the areas which will be used by pedestrian in Pawnee Park and Memorial Stadium on the day of their events; Licensee shall work directly with Licensor to determine the location(s) and material(s) necessary for all such barricades.
- Licensee shall provide upon request a written report of its activities and the numbers of individuals participating in its' events whenever requested by Licensor and in any form that Licensor may desire or require.
- Licensee shall, prior to each use, inspect the Premise and report to the Licensor any conditions which appear to create a danger to either anyone.
- Licensee shall provide equal access to its events and shall not discriminate against any person on the basis of race, color, religion, sex, age, national origin or disability.

b. Licensor Obligations:

- Licensor will open and close the concession stands before and after use or provide a means for the Licensee to do so;
- Licensor will turn on the parking lots lights as it may deem necessary.
- Licensor will provide trash receptacles for use by the Licensee.

3. Management. The parties acknowledge and agree that Licensee shall be solely responsible for the operation, management, policing, and enforcing of the Premises during its events during the term of the Agreement when the Premises are being utilized for a drive-in movie theater and any related activities.

4. Maintenance By Licensee. Licensee shall be responsible to maintain the Premises in accordance with the policies, procedures, and rules set forth by Licensor so that the Premises may be utilized for drive-in movie theater and related activities hereunder. Licensee shall ensure that the stadium amenities facilities are only utilized in accordance with the applicable rules set forth by Licensor and that any participants and spectators permitted to be in attendance at the Premises, act in accordance with said rules. Licensee shall be responsible for providing, purchasing, and utilizing the supplies (cleaning supplies, rope, etc.) necessary to follow all rules, policies, procedures, guidelines, and/or any directed health measures set forth by Licensor.
5. License Term. The License shall be for a term beginning June 1, 2025, and ending May 31, 2027, subject to any conditions found within this Agreement. Either party shall have the right to terminate this License by providing the other party with no less than thirty (30) days' prior written notice. Such notice shall specify the date that the License shall terminate. Notwithstanding the foregoing or any other provision herein, the parties acknowledge and agree that Licensor retains the right, at any time, to terminate this License by written notice to Licensee if such termination is required under the applicable rules set forth by Licensor or any amendment, replacement, or supplement thereto, or in the event Licensor determines, in Licensor's discretion, that Licensee has failed to manage and operate the Premises in accordance with the rules set forth by Licensor. Any such termination shall not relieve the Licensee of the obligations of Licensee hereunder that have occurred or accrued hereunder prior to the termination.
6. Specific Event Dates and Times. Licensee agrees that it must have each event date pre-approved in writing by Licensor's Park and Recreation Department, which approval is at the sole discretion of Licensor; and, that it may only begin site set up no earlier than three (3) hours prior to each event and that it must complete site tear down within three (3) hours after each event concludes.
7. Facility Fee. Licensee agrees to pay Licensor a license fee. This license fee has been set by resolution of the City Council of the Licensor and is listed on the Schedule of Fees of the Licensor. The Licensor's Schedule of Fees is subject to amendment and revision from time to time; therefore, Licensee acknowledges and agrees that the license fee of this Agreement may be amended and changed at the sole discretion of the Licensor. Licensee shall make all payments of the license fee and other expenses to Licensor at the Licensor's then current address or at such other address as Licensor may from time-to-time request in writing. Such payment shall be made within ten (10) days after demand.
8. Acceptance of Premises. By taking possession of and or using the Premises, Licensee accepts the Premises in its current condition. Licensee further agrees that Licensor has not provided Licensee with any warranty or representation as to the condition of the Premises and that Licensee has investigated the Premises and has determined to Licensee's satisfaction that the Premises is satisfactory for Licensee's proposed use. Licensee also acknowledges and agrees that Licensee is only utilizing a portion of the Real Property that is described herein as the Premises and that Licensor and other parties also shall have the right to use the Real Property during the License Term, subject to

the reasonable licensing discretion of Licensor.

9. Improvements and/or Alterations. Licensee shall not permit any permanent improvements, alterations, or additions to any part of the Premises which will affect or impair any structure that is on the Premises, or lessen the value of the Premises, or change the purposes of the Premises, except by the prior express written consent and permission of Licensor. Licensor reserves the right to withhold its consent for any improvements, alterations, or additions in Licensor's sole discretion. All permanent improvements, alterations, or additions made by Licensee to the Premises erected during the term of this agreement shall remain for the benefit of the Licensor and become part of Premises, unless otherwise agreed to in writing. Licensee may make temporary improvements, alterations, or additions, to the Premises of a non-structural nature with verbal consent from Licensor. Any permanent or temporary alterations, additions, repairs, and/or improvements performed by Licensee shall be performed in a satisfactory manner to Lessor. Licensee hereby indemnifies Licensor against any liens, costs, damages, and expenses with respect to any such permanent or temporary alterations, additions, repairs, and/or improvements.
10. Restoration of Property. If the construction, maintenance or operations outlined in this agreement requires excavation of earth, or removal of hard surface, grass, vegetation, landscaping, or any other disruption of the existing conditions of the city's property, Licensee shall restore such conditions to the same condition as it existed immediately prior to Licensee's work in the area.
11. Utilities. Licensor is responsible for utilities at the Premises.
12. Security at Events. Licensee shall be responsible for arranging and providing adequate security for all scheduled events involving its use of the Premises.
13. Insurance. During the term of the Agreement, Licensee shall, at its own cost and expense, procure and continue in force such insurance policies as are required by Licensor. Such insurance shall, at a minimum include commercial general liability insurance with a combined policy limit of at least \$1,000,000 per occurrence, \$2,000,000 general aggregate, or such other amount as is reasonably agreed to by the parties. Licensor shall be named as an additional insured on all such policies of insurance. A renewal policy shall be procured not less than ten (10) days prior to the expiration of any policy. Each original policy or a certified copy thereof, or a satisfactory certificate of the insurer evidencing insurance carried with proof of payment of the premium, shall be deposited with Licensor prior to the commencement date of the term hereof and within ten (10) days of each anniversary date thereafter. Licensee shall provide workers' compensation and employer liability coverage as may be required by the State of Nebraska.
14. Indemnification. Licensee agrees to indemnify and hold Licensor harmless from and against any and all claims, damages, or causes of action and all liability, cost or expense specifically including court costs and all reasonable attorney fees to the extent the same arise out of or in any way connected with Licensee's or Licensee's agents' use of the

Premises during the term hereof. Whether the same are raised during the term hereof or after. Without limiting the foregoing, the parties acknowledge and agree that the foregoing indemnification specifically includes any claims, damages, or causes of action and all liability, cost or expense specifically including court costs and all reasonable attorney fees for any pandemic, or related issues.

15. Entry by Licensor. Licensor, its agents, and employees shall have the right to enter the Premises at all reasonable times during Licensee's usage, for examination and to determine compliance on the part of the Licensee with the Agreement.
16. Waste, Nuisance, or Unlawful Use. From set up to tear down of its events, Licensee agrees that it will not commit waste upon the Premises, or maintain or promote the Premises to be used as a nuisance thereon, or permit the Premises to be used in an unlawful manner.
17. Photos and Videos of Events. Licensee gives Licensor and its agent's permission to take photos and record videos of its events, volunteers, agents, and participants and to later use them without payment or notice to promote the City of Columbus.
18. Assignment. Licensee shall not assign, sub-license, or otherwise transfer, by operation of law or otherwise, this License or any interest herein without the prior written consent of Licensor, which consent may be withheld in Licensor's sole discretion.
19. No Re-license. Licensor's consent to any assignment, encumbrance, sub- license, occupation, or other transfer shall not release Licensee from any of Licensee's obligations hereunder or be deemed to be a consent to any subsequent assignment, sub-license, or occupation unless Licensor agrees in writing. The collection or acceptance of the facility fee or other payment by Licensor from any person other than Licensee shall not be deemed the acceptance of any assignee or sub-licensee as the Licensee hereunder or a release of Licensee from any obligation under this License.
20. Events of Default. The occurrence of any one or more of the following events shall constitute an Event of Default: (i) the failure by Licensee to make any payment of the facility fee or any other payments required to be made by Licensee under this License when due; and (ii) the failure by Licensee to observe or perform any of the provisions of this Agreement to be observed or performed by the Licensee if such failure continues for a period of ten (10) days, or such other period if this License specifically provides a different period for a particular failure, after written notice by Licensor to Licensee of such failure; provided, however, that with respect to any failure which cannot reasonably be cured within ten (10) days, an Event of Default shall not be considered to have occurred if Licensee commences to cure such failure within such ten (10) day period and continues to proceed diligently with the cure of such failure.
21. Remedies. Should Licensor, in its sole discretion, determine at any time that any terms of the Agreement and/or this Agreement are in default or are not being strictly followed by Licensee, Licensor has the absolute right to immediately cause the event to be suspended until the violations is corrected or to declare the same terminated; to

cancel any remaining events for that day; to suspend the Licensee's use of the Premises until further notice; and/or, to declare the License at an end and terminate the Agreement outright. In the event of a default, Licensor may sue Licensee for any damages sustained by Licensor. The remedies of Licensor set forth in this provision, or elsewhere in this Agreement, shall not be exclusive, but shall be cumulative and in addition to all rights and remedies now or hereafter provided or allowed by law or equity, including, but not limited to, the right of Licensor to seek and obtain an injunction and the right of Licensor to seek damages in addition to those specified herein.

22. Notices. Any notices required or permitted to be given under this License shall be in writing and may be delivered personally or by certified mail to the other party at the address set forth below. Any notice given by mail shall be deemed received two (2) business days following the date such notice is mailed as provided in this Section. Any notice given by electronic mail or personally delivered shall be effective upon receipt. Either party may change its address for purposes of this Section by giving the other party written notice of the new address in the manner set forth above.

a. Licensor's Address: City of Columbus
 Attn: City Administrator
 2500 14 Street, Suite 3
 Columbus, NE 68601

b. Licensee's Address: Legacy Youth Foundation
 Attn:

 Columbus, NE 68601

23. Partial Invalidity. If any term or provision of the terms of the Agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
24. Non-Waiver. No waiver by Licensor of any default, breach or violation of the Agreement or the application thereof, to any person or circumstances, shall operate as a waiver of any other default or of the same default on a future occasion.
25. Applicable Laws. This License shall be governed by and construed in accordance with the laws of the State of Nebraska.
26. Modification. This License contains all of the terms and conditions agreed upon by the Licensor and Licensee with respect to the Premises. All prior negotiations, correspondence, and agreements are superseded by this License and any other contemporaneous documents. This License may not be modified or changed except by written instrument signed by Licensor and Licensee.

27. Relationship of Parties. The Parties acknowledge that Licensor is a separate, independent, and standalone legal entity from Licensee and that each party has no say or control over its management or day to day operations of the other. Nothing contained herein shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership, or of joint venture by the parties hereto, it being understood and agreed that no provision contained in this Agreement nor any acts of the parties hereto shall be deemed to create any relationship other than the relationship of Licensee and Licensor.
28. Waiver. The acceptance of the facility fee or other payments by Licensor, or the endorsement or statement on any check or any letter accompanying any check for the facility fee or other payment shall not be deemed an accord or satisfaction or a waiver of any obligation of Licensee regardless of whether Licensor had knowledge of any breach of such obligation. Failure to insist on compliance with any of the terms, covenants, or conditions hereof shall not be deemed a waiver of such terms, covenants, or conditions, nor shall any waiver or relinquishment of any right or power hereunder, at any one time or more times, be deemed a waiver or relinquishment of such rights and powers at any other time or times or under any other circumstance(s).
29. Interpretations. Any uncertainty or ambiguity existing herein shall not be interpreted against either party because such party prepared any portion of this License, but shall be interpreted according to the application of rules of interpretation of contracts generally.
30. Memorandum of License. Licensee shall not be permitted to file a memorandum of the License or other documents in the real estate records of the County including the Premises.
31. Binding Effect. This License shall be binding upon and shall inure to the benefit of Licensor, Licensee, and their respective successors and assignees.
32. Counterparts. This Agreement may be executed in two or more counterparts, all of which shall, in the aggregate, be considered one and the same instrument.
33. Terms. Any capitalized terms used herein and not otherwise defined in this Agreement shall have their plain and ordinary meaning. Whenever required by the context, the singular shall include the plural, the plural the singular, and one gender shall include all genders. When not inconsistent with the context, words used in the present tense include the future. The words “shall” and “will” are mandatory, and the word “may” is permissive.
34. Caption Headings. Caption Headings in this Agreement are for convenience only and are not to be used to interpret or define the provisions of the Agreement.
35. Understanding of the Parties. The Parties understand and represent that they have both read and understand the foregoing and that the instrument contains all the agreements and understandings between the parties as it relates to this Agreement. The undersigned

represents that neither relied upon any promise, inducements, covenants, oral statements, or agreements of any kind or nature which are not expressly set forth herein.

36. Effective Date. This Agreement shall be effective as of the signature date of each Party.

[Execution Pages to Follow]

IN WITNESS WHEREOF, the parties hereto hereby execute this Agreement:

Executed on the ____ day of _____, 2025, by the
Legacy Youth Foundation:

Printed Name: _____

Position/Title: _____

Executed on the ____ day of _____, 2025, by the
City of Columbus, Nebraska:

James Bulkley, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



SCALE IN FEET
0 30



Pawnee Park Drive-In

The Legacy Youth Foundation



Who is Legacy?

- Student led non-profit, founded in the summer of 2023
- Juniors and seniors from SCC, LHS, & CHS
- Hosted events, represented Columbus at conferences, and created internships for members
- Our mission: Bring the youth back to Columbus

Why a drive-in?

- Seen the success of other drive-ins
 - Brings people of all ages and backgrounds together
 - Provides an affordable activity for the town
-

Overview

- Amenities: Memorial Stadium concessions and restrooms
- Cost per car:
- Running dates: May-August, Thurs-Sat
 - Special shows for Halloween and prom
- Next steps: Meet with an electrician and structural engineer

3. Amend city code sections 133.03 through 133.05 regarding fireworks discharge dates, discharge times, and sale dates.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: May 14th, 2025
TO: Committee of the Whole
FROM: Tara Vasicek, City Administrator
RE: Request to change fireworks discharge allowable days

DISCUSSION:

Deb Potter and Council Members Jablonski and Bahr made a request to change the city code related to the allowed days for firework discharge within the city.

Current Dates:

Discharge:

June/July

June 25th – July 3rd, 8:00 AM – 11:00 PM

July 4th, 8:00 AM – Midnight

December

December 29th – 30th, 8:00 AM – 10:00 PM

December 31st 8:00 AM – January 1st 1:00 AM

Sales:

June 25th – July 4th, 8:00 AM – 10:00 PM

December 29th – 31st, 8:00 AM – 10:00 PM

Requested Dates:

June 28th – July 2nd, 8:00 AM – 10:00 PM

July 3rd & 4th, 8:00 AM – Midnight

June 28th – July 4th, 8:00 AM – 10:00 PM

No December Discharge.

The attached ordinance reflects the requested changes and changes to the dates sales would be allowed.

ALTERNATIVE:

Many alternatives including different days or keeping the ordinance the same.

DRAFT

ORDINANCE NO. 25-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING SECTION 133.03, SECTION 133.04, AND SECTION 133.05 OF CHAPTER 133 OF TITLE XIII OF ORDINANCE NO. 24-01 (COLUMBUS CITY CODE) AMENDING FIREWORKS DISCHARGE DATES, DISCHARGE TIMES, AND SALE DATES; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, the Committee of Whole has recommended that the Columbus City Code be amended to change the allowable fireworks discharge days to encompass June 28th through July 4th, change times when fireworks may be discharged, and to remove the current allowable discharge days of December 29th through December 31st; and

WHEREAS, the Committee of the Whole has also recommended the dates that fireworks may be sold and the required signage at all sales locations be changed to coincide with the amended discharge days and times.

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

Section 1. That Section 133.03 of Chapter 133 of Title XIII of the Columbus City Code be amended and revised to read as follows:

§ 133.03 SALE AND USE OF FIREWORKS.

(A)

(1) It shall be unlawful for any persons to possess, sell, offer for sale or discharge any pyrotechnics, commonly known as consumer fireworks, of any description whatsoever within the corporate limits of the city, except those fireworks which comply with the State Fire Marshall's rules and regulations, as adopted at the time of the effective date hereof, and which may be amended from time to time.

(2) Such consumer fireworks shall be sold only by a person who holds a permit from the city to do so in accordance with the provisions of § 133.04 of this code, and the consumer fireworks shall be sold only from June 28 through July 4 between the hours of 8:00 a.m. and 10:00 p.m. This subchapter does not apply to novelty items such as toy cap and toy cap pistols which may be sold, possessed or discharged at any time. This subchapter shall apply to pyrotechnic exhibitions and display when duly authorized and permitted by the

State Fire Marshal pursuant to the laws of the state. All applicants for such displays within the corporate limits of the city shall make application to the City Clerk 45 days prior to discharging. This subchapter shall not apply to the sale, storage or use of railroad track torpedoes or their signaling devices used by railroads, nor to the sale, storage or use of flashlight composition by photographers or dealers of photographic supplies

- (B) Any person who shall sell or offer for sale consumer fireworks in the city, or any person employed by another to sell or offer for sale such fireworks, must be at least 18 years of age, except those persons who are 14 through 18 inclusive may, when working in the direct presence and supervision of an adult 21 years or older, sell or offer for sale the fireworks. During the hours of sale, the attendants shall restrict smoking to 50 feet or further from the structure and shall restrict the discharge of fireworks at least 300 feet or further from the structure. No matches shall be sold or given away from said structure.

Section 2. That Section 133.04 of Chapter 133 of Title XIII of the Columbus City Code be amended and revised to read as follows

§ 133.04 PERMIT REQUIRED FOR SALE OF FIREWORKS.

- (A) Any person desiring to sell any consumer fireworks as set forth in § 133.03 shall make application on a form prepared by the Fire Chief or designee. The application for a permit to sell consumer fireworks shall be filed with the City Clerk. The application shall provide the following information.
- (1) The name and address of the applicant;
 - (2) Location of the premises for which the permit is sought;
 - (3) The legal description of the premises;
 - (4) Description of temporary structure to be used (type and size)
 - (5) A site plan showing the location of the structure on the premises, and the listing of minimum separation distances from other structures, roadways, and property lines.
 - (6) Where inventory will be stored;
 - (7) When inventory will arrive;
 - (8) Where inventory will be stored during the off season;
 - (9) Certificate of insurance in the amount to be set by resolution and naming the City of Columbus as an additional insured; and
 - (10) Copy of your State Fire Marshal license for retail sales of fireworks.
- (B) Application period. The applicant for a permit shall pay a fee as set by resolution to the City Clerk at the time of submitting the application for each of the premises from which the fireworks are to be sold and shall

otherwise comply with all regulations and conditions as set forth herein providing this application is received in the Clerk's office by 5:00 p.m. on June 10 of the year for which the application is being made. From June 11 through June 18, there will be a late fee charge as set by resolution, plus the original fee; from June 19 through June 28, a late fee as set by resolution, plus the original fee and the first late fee. If the submission deadline falls on a weekend, the deadline would be the following Monday by 5:00 p.m.

- (C) In accord with the provisions of Neb. RS 28-1249, a permit to sell consumer fireworks will be valid for a period between June 28 – July 4 of the year in which a permit is issued. Upon payment of the permit fees, as set by resolution, and approval of the premises by the Fire Chief, the permit shall be issued by the City to the applicant. All application fees are non-refundable.
- (D) The following regulations apply to the premises from which said fireworks shall be sold:
 - (1) All structures used for the commercial sales of fireworks shall comply with all applicable rules and regulations set forth by National Fire Protection Association (NFPA) 1124, 2006 edition.
 - (2) Only temporary structures may be used for the retail sales of fireworks, including structures such as stands, trailers, and tents. No permanent building shall be used for the sale of fireworks to the general public.
 - (3) The structure shall be in place and ready for inspection prior to commencing firework sales. Arrangements for inspection shall be made with the Columbus Fire Department;
 - (4) Temporary stands and trailers shall not exceed 424 square feet;
 - (5) Tents shall not exceed 2,400 square feet;
 - (6) Premises from which fireworks are to be sold must be in commercially zoned areas and conform with all city zoning regulations;
 - (7) Temporary stands and trailers must be equipped with (1) two and one-half gallon pressurized water fire extinguisher and (1) ten-pound Class A fire extinguisher. Tents must be equipped with (1) ten-pound Class A fire extinguisher and (1) two and one-half gallon pressurized water fire extinguisher for every 600 square feet of retail space;
 - (8) In addition to all other requirements and regulations of the City, all fireworks stands or places of sale of fireworks, shall be located and set back at least 25 feet from the nearest curb line of any public right-of-way, or in the alternative, the selling windows of the fireworks stand must face away from the curb lines or any public right-of-way, which are within 25 feet of said selling window; stands shall not be located within the public right-of-way;

- (9) The following commercially made signs, with at least four inches high by one-half inch wide block lettering of permanent design of black against white background shall be installed on all four sides of the structure from which fireworks are to be sold. Said signs shall state:
- (a) FIREWORKS-NO SMOKING WITHIN 50 FEET;
 - (b) NO FIREWORKS DISCHARGED WITHIN 300 FEET;
 - (c) NO PARKING WITHIN 12 FEET;
 - (d) FIREWORK DISCHARGE IS ONLY PERMITTED IN THE CITY FROM: JUNE 28 – JULY 2 8:00 A.M. – 10:00 P.M. AND JULY 3 AND JULY 4 8:00 A.M. – 12:00 A.M. MIDNIGHT.
 - (e) LA DESCARGA DE FUEGOS ARTIFICIALES SON SOLAMENTE PERMITIDOS EN LA CIUDAD: DEL 28 DE JUNIO AL 2 DE JULIO, DE 8:00 A.M. A 10:00 P.M. Y EL 3 DE JULIO Y 4 DE JULIO DE 8:00 A.M. A 12:00 A.M. (MEDIANOCHE).
- (10) The address of the stand, name of licensee, name of manager and the telephone number of the licensee/manager shall be displayed on a sign with lettering no less than two and one-half inches high by one-half inch wide block lettering of permanent design of black against white background (no paper signs will be accepted). The sign shall be firmly attached to the structure so that the sign may be visible from the fronting street or avenue;
- (E)
- (1) Consumer fireworks to be sold from tents may be stored on site during the time period for which a permit is valid. The permit holder shall maintain sufficient security personnel on the site of the sales facility at all times when fireworks are stored on the site while the sales facility is closed. Any violation of this section will result in the immediate revocation of the permit to sell fireworks. Violations include:
- (a) Failure to have security personnel on site;
 - (b) Security personnel on site observed to be smoking or with alcohol or other dereliction of duty to secure the site.
- (2) Observation of these violations can be made and reported by any sworn police officer or sworn firefighter of the City of Columbus.
- (F)
- (1) Penalties for non-compliance with any part of the code section, are as follows:
- (a) Warning for first offense;
 - (b) Eight hours closed (8:00 a.m. - 4:00 p.m.) with no sales for second offense;
 - (c) Permit will be revoked for the remainder of the current selling season and there will be no exceptions for third offense.

- (2) If the violation occurs the last day of sales then it will be carried over to the next season that the applicant receives a permit for.
- (3) Should the applicant have his/her/its permit revoked for a second time at any point during the 5 years, said applicant will be banned from receiving a future permit for itself, or any entity of which it is an owner of member of, for a period of 5 years

Section 3. That Section 133.05 of Chapter 133 of Title XIII of the Columbus City Code be amended and revised to read as follows:

§ 133.05 DISCHARGING FIREWORKS.

- (A) Consumer fireworks may be discharged from June 28 through July 2 between the hours of 8:00 a.m. and 10:00 p.m. and July 3 through July 4 between the hours of 8:00 a.m. and 12:00 a.m. (midnight).
- (B) It shall be unlawful to discharge fireworks from 12:00 a.m. (midnight) on July 4 to 8:00 a.m. on June 28 of the following year.

Section 4. This Ordinance shall repeal all Ordinances or portions thereof and conflict herewith.

Section 5. This Ordinance shall be in full force and effect on the _____ day of _____, 2025, and after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City office.

INTRODUCED BY COUNCIL MEMBER _____

PASSED ND ADOPTED THIS ____ DAY OF _____, 2025.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

§ 133.03 SALE AND USE OF FIREWORKS.

(A) (1) It shall be unlawful for any persons to possess, sell, offer for sale or discharge any pyrotechnics, commonly known as consumer fireworks, of any description whatsoever within the corporate limits of the city, except those fireworks which comply with the State Fire Marshall's rules and regulations, as adopted at the time of the effective date hereof, and which may be amended from time to time.

(2) Such consumer fireworks shall be sold only by a person who holds a permit from the city to do so in accordance with the provisions of § [133.04](#) of this code, and the consumer fireworks shall be sold only from June ~~28~~ ²⁵ through July 4 between the hours of 8:00 a.m. and 10:00 p.m. ~~Consumer fireworks may also be sold from December 29 through December 31 from 8:00 a.m. until 10:00 p.m.~~ This subchapter does not apply to novelty items such as toy cap and toy cap pistols which may be sold, possessed or discharged at any time. This subchapter shall apply to pyrotechnic exhibitions and display when duly authorized and permitted by the State Fire Marshal pursuant to the laws of the state. All applicants for such displays within the corporate limits of the city shall make application to the City Clerk 45 days prior to discharging. This subchapter shall not apply to the sale, storage or use of railroad track torpedoes or their signaling devices used by railroads, nor to the sale, storage or use of flashlight composition by photographers or dealers of photographic supplies.

(B) Any person who shall sell or offer for sale consumer fireworks in the city, or any person employed by another to sell or offer for sale such fireworks, must be at least 18 years of age, except those persons who are 14 through 18 inclusive may, when working in the direct presence and supervision of an adult 21 years or older, sell or offer for sale the fireworks. During the hours of sale, the attendants shall restrict smoking to 50 feet or further from the structure and shall restrict the discharge of fireworks at least 300 feet or further from the structure. No matches shall be sold or given away from said structure.

(Prior Code, § 130.052) (Ord. 99-15, passed 4-19-1999; Ord. 02-59, passed 11-4-2002; Ord. 06-09, passed 2-21-2006; Ord. 11-08, passed 3-21-2011) Penalty, see § [133.99](#)

§ 133.04 PERMIT REQUIRED FOR SALE OF FIREWORKS.

(A) Any person desiring to sell any consumer fireworks as set forth in § 133.03 shall make application on a form prepared by the Fire Chief or designee. The application for a permit to sell consumer fireworks shall be filed with the City Clerk. The application shall provide the following information.

- (1) The name and address of the applicant;
- (2) Location of the premises for which the permit is sought;
- (3) The legal description of the premises;
- (4) Description of temporary structure to be used (type and size)
- (5) A site plan showing the location of the structure on the premises, and the listing of minimum separation distances from other structures, roadways, and property lines.
- (6) Where inventory will be stored;
- (7) When inventory will arrive;
- (8) Where inventory will be stored during the off season;

- (9) Certificate of insurance in the amount to be set by resolution and naming the City of Columbus as an additional insured; and
- (10) Copy of your State Fire Marshal license for retail sales of fireworks.

(B) Application period. The applicant for a permit shall pay a fee as set by resolution to the City Clerk at the time of submitting the application for each of the premises from which the fireworks are to be sold and shall otherwise comply with all regulations and conditions as set forth herein providing this application is received in the Clerk's office by 5:00 p.m. on June 10 of the year for which the application is being made. From June 11 through June 18, there will be a late fee charge as set by resolution, plus the original fee; from June 19 through June ~~25~~28, a late fee as set by resolution, plus the original fee and the first late fee. ~~Applications for New Year's Eve firework sales must be received by the City Clerk's office by 5:00 p.m. on December 19 of the year for which the application is being made. If any of the above dates falls~~ on a weekend, the deadline would be the following Monday by 5:00 p.m.

(C) In accord with the provisions of Neb. RS 28-1249, a permit to sell consumer fireworks will be valid for a period between June ~~25~~28 – July 4 ~~and between December 29 – December 31~~, of the year in which a permit is issued. Upon payment of the permit fees, as set by resolution, and approval of the premises by the Fire Chief, the permit shall be issued by the City to the applicant. All application fees are non-refundable.

(D) The following regulations apply to the premises from which said fireworks shall be sold:

- (1) All structures used for the commercial sales of fireworks shall comply with all applicable rules and regulations set forth by National Fire Protection Association (NFPA) 1124, 2006 edition.
- (2) Only temporary structures may be used for the retail sales of fireworks, including structures such as stands, trailers, and tents. No permanent building shall be used for the sale of fireworks to the general public.
- (3) The structure shall be in place and ready for inspection prior to commencing firework sales. Arrangements for inspection shall be made with the Columbus Fire Department;
- (4) Temporary stands and trailers shall not exceed 424 square feet;
- (5) Tents shall not exceed 2,400 square feet;
- (6) Premises from which fireworks are to be sold must be in commercially zoned areas and conform with all city zoning regulations;
- (7) Temporary stands and trailers must be equipped with (1) two and one-half gallon pressurized water fire extinguisher and (1) ten-pound Class A fire extinguisher. Tents must be equipped with (1) ten-pound Class A fire extinguisher and (1) two and one-half gallon pressurized water fire extinguisher for every 600 square feet of retail space;
- (8) In addition to all other requirements and regulations of the City, all fireworks stands or places of sale of fireworks, shall be located and set back at least 25 feet from the nearest curb line of any public right-of-way, or in the alternative, the selling windows of the fireworks stand must face away from the curb lines or any public right-of-way, which

are within 25 feet of said selling window; stands shall not be located within the public right-of-way;

(9) The following commercially made signs, with at least four inches high by one-half inch wide block lettering of permanent design of black against white background shall be installed on all four sides of the structure from which fireworks are to be sold. Said signs shall state:

(a) FIREWORKS-NO SMOKING WITHIN 50 FEET;

(b) NO FIREWORKS DISCHARGED WITHIN 300 FEET;

(c) NO PARKING WITHIN 12 FEET;

(d) FIREWORK DISCHARGE IS ONLY PERMITTED IN THE CITY FROM: JUNE ~~25~~ 28 – JULY ~~3~~ 2 8:00 A.M. – ~~11~~ 10:00 P.M. AND JULY 3 and July 4 8:00 A.M. – 12:00 A.M. MIDNIGHT; ~~DECEMBER 29 – DECEMBER 30 8:00 A.M. – 10:00 P.M. AND DECEMBER 31 8:00 A.M. – JANUARY 1 1:00 A.M.;~~

(e) LA DESCARGA DE FUEGOS ARTIFICIALES SON SOLAMENTE PERMITIDOS EN LA CIUDAD: DEL ~~25~~ 28 DE JUNIO AL 2 3 DE JULIO, DE 8:00 A.M. A ~~11~~ 10:00 P.M. Y EL 3 DE JULIO Y 4 DE JULIO DE 8:00 A.M. A 12:00 A.M. (MEDIANOCHE); ~~DEL 29 AL 30 DE DICIEMBRE DE 8:00 A.M. A 10:00 P.M. Y DEL 31 DE DICIEMBRE DE 8:00 A.M. AL PRIMERO DE ENERO A LA 1:00 A.M.~~

(10) The address of the stand, name of licensee, name of manager and the telephone number of the licensee/manager shall be displayed on a sign with lettering no less than two and one-half inches high by one-half inch wide block lettering of permanent design of black against white background (no paper signs will be accepted). The sign shall be firmly attached to the structure so that the sign may be visible from the fronting street or avenue;

(E) (1) Consumer fireworks to be sold from tents may be stored on site during the time period for which a permit is valid. The permit holder shall maintain sufficient security personnel on the site of the sales facility at all times when fireworks are stored on the site while the sales facility is closed. Any violation of this section will result in the immediate revocation of the permit to sell fireworks. Violations include:

(a) Failure to have security personnel on site;

(b) Security personnel on site observed to be smoking or with alcohol or other dereliction of duty to secure the site.

(2) Observation of these violations can be made and reported by any sworn police officer or sworn firefighter of the City of Columbus.

(F) (1) Penalties for non-compliance with any part of the code section, are as follows:

(a) Warning for first offense;

(b) Eight hours closed (8:00 a.m. - 4:00 p.m.) with no sales for second offense;

(c) Permit will be revoked for the remainder of the current selling season and there will be no exceptions for third offense.

(2) If the violation occurs the last day of sales then it will be carried over to the next season that the applicant receives a permit for.

(3) Should the applicant have his/her/its permit revoked for a second time at any point during the 5 years, said applicant will be banned from receiving a future

permit for itself, or any entity of which it is an owner or member of, for a period of 5 years.

(Prior Code, § 130.053) (Ord. 99-15, passed 4-19-1999; Ord. 02-59, passed 11-4-2002; Ord. 06-09, passed 2-21-2006; Ord. 11-08, passed 3-21-2011; Ord. 17-04, passed 3-6-2017; Ord. 18-28, passed 9-4-2018; Ord. 25-06, passed 5-7-2025) Penalty, see § [133.99](#)

§ 133.05 DISCHARGING FIREWORKS.

(A) Consumer fireworks may be discharged from June ~~25~~28 through July ~~3~~2 between the hours of 8:00 a.m. and ~~11~~10:00 p.m. and ~~July 3 through on~~ July 4 between the hours of 8:00 a.m. and 12:00 a.m. (midnight). ~~and for the period of December 29 through December 30 from 8:00 a.m. to 10:00 p.m. and on December 31 from 8:00 a.m. to 1:00 a.m. on January 1.~~

(B) It shall be unlawful to discharge fireworks from 12:00 a.m. (midnight) on July 4 to 8:00 a.m. on ~~June 28~~December 29 of that ~~following~~ year. ~~and from 1:00 a.m. on January 1 of the following year to 8:00 a.m. on June 25 of that year.~~

(Prior Code, § 130.054) (Ord. 99-15, passed 4-19-1999; Ord. 02-59, passed 11-4-2002; Ord. 06-09, passed 2-21-2006; Ord. 11-08, passed 3-21-2011; Ord. 18-28, passed 9-4-2018) Penalty, see § [133.99](#)

4. Adjournment.