

# CHAPTER 11

## LICENSES, PERMITS, AND BUSINESS REGULATIONS

### ARTICLE I BUSINESS LICENSES

#### Section 11-1. Business Licenses Required – Generally.

No person shall engage in any of the following occupations, trades, callings, professions, privileges or things or any of the following institutions or establishments without securing a license as set out in this chapter:

<u>Business or Occupation</u>	<u>License Fee</u>
Ambulance service, per vehicle.....	\$15.00
Apartment houses, having two or more rental units, per unit .....	3.00
Automobile dealers, automobile or motor vehicle companies Or dealers dealing in both new and used vehicles, and In tires, parts, accessories and repairs.....	10.00
Banks.....	25.00
Barbershops, per chair.....	2.50
Beauty parlors, per operator.....	2.50
Billiard parlors, pool rooms, per table.....	10.00
Business or commercial establishments not specifically mentioned herein.....	10.00
Brokers and brokerage companies.....	10.00
Circuses:	
One day.....	50.00
Each additional day.....	25.00
Clothes pressers and cleaners .....	10.00
Coin-operated vending machines, each machine.....	1.00
Contractor-General.....	25.00 (#1150
Distributors of coin-operated machines for records, television, pinball, target or other amusement machines or devices, each machine.....	1/8/01 effect 4/4/01) 5.00
Cold storage and locker plants.....	10.00
Contraceptive device vending machines, per machine.....	5.00
Drugs and drug sundries.....	10.00
Florists, greenhouses and plant nurseries.....	5.00
Flour and feed mills.....	20.00
Grain elevators.....	25.00

<u>Business or Occupation</u>	<u>License Fee</u>
Groceries and meat markets.....	\$ 20.00
Hardware stores.....	20.00
Hotels and motels	
For first unit.....	15.00
For each additional unit.....	1.00
Hucksters and hawkers, for each vehicle used.....	10.00
Insurance agent, agencies or broker.....	10.00
Laundries.....	10.00
Lumbar yards.....	25.00
Machine shops and machine service.....	5.00
Merchants not specifically listed herein.....	10.00
News agencies.....	10.00
Radio and television sales, service and repairs.....	5.00
Restaurants.....	10.00
Service stations.....	10.00
Soft Ice Cream.....	10.00
Solicitors.....	10.00
Storage houses and warehouses.....	25.00
Taxicabs, per vehicle.....	10.00
Theaters and moving picture houses.....	10.00
Trash and garbage haulers.....	10.00
Trailer parks.....	25.00
Undertakers.....	10.00
Veterinarians.....	15.00
Watch, clock and jewelry repair.....	5.00

**Section 11-2. Duration of Licenses; Proration of License Fees, Etc.**

The term of licenses issued pursuant to this chapter shall be for one (1) year, beginning January 1, and ending December 31, of the same year. If application is made after June 1 of any year, the amount to be paid therefore shall be three-fourths (3/4) of the annual fee provided for; if after the first day of September, the amount shall be one-half (1/2) of the annual fee. All license fees shall be paid in full and in advance.

**Section 11-3. Display of Licenses.**

All licenses issued under this chapter shall be displayed in a conspicuous place in the place of business authorized to be conducted and shall be removed after the expiration.

**Section 11-4. Separate License for Each Place of Business.**

A separate license shall be obtained for each place of business operated by a licensee under this chapter.

**Section 11-5. Engaging in More Than One Occupation at the Same Place of Business.**

Every person engaged in more than one occupation, where such occupations are operated as one business under the same management, and at the same location, shall pay an individual license for each part of such business.

**Section 11-6. Record of Licenses Issued.**

The City shall keep a complete record of all licenses issued under this chapter showing the name and address of the licensee, the nature of the license, and the dates of issue and expiration of such license.

**Section 11-7. Itinerant Merchants-License Required.**

No person shall exercise, carry on, or engage in selling, exchanging or trading personal property, goods, wares, or merchandise from a motor vehicle in the City without first having obtained a license therefore from the City.

**Section 11-8. Same-Same-Fees.**

The license required by the foregoing section shall be issued by the City Clerk upon payment of a fee as follows:

- a. For a vehicle with a capacity of one-half ton or less..... \$10.00 per year  
or fraction
- b. For a vehicle with a capacity of one-half ton not exceeding  
one and one-half ton.....\$20.00 per year  
or fraction
- c. For a vehicle with a capacity of over one and one-half ton.....\$30.00 per year  
or fraction

**Section 11-9. Nonapplicability of Article to Agricultural or Horticultural Products, Etc.**

This article shall not apply to agricultural or horticultural products, grown or produced in the state, when the same are offered for sale or exchange by the producer thereof, nor to their agents or employees; nor shall this article apply to motor vehicles

used and operated by established merchants or by persons who have paid an ad valorem tax in the City for the current year, equal to or more than the prescribed privilege tax levied in this article; nor to those merchants of the City in delivering goods, wares or merchandise sold at their establishment or place of business within the limits of the City.

**Section 11-10. Collection and Accounting for Taxes Collected Under Article.**

The license taxes provided for in the foregoing sections shall be collected by the Finance Director and accounted for as other license taxes. The license required by said sections shall not be issued until the amount prescribed therefore shall have been paid to the Finance Director, and no license shall be assigned or transferred. All licenses shall be approved and signed by the City Clerk. (#1324 10/04)

**Section 11-11. Sales Tax Payment Required.**

Before a business license can be issued under this Chapter, the applicant for a business license must be current in the payment of all sales tax to the Director of Revenue. (1251 5/03)

**Section 11-12 Effect of Conviction or Finding of Guilt, Fault or Liability of Proscribed Activity.**

- A. For purposes of this section, the term “proscribed activity” shall include the following:
1. Those acts prohibited by RSMo 567.010—567.040 or 567.080;
  2. Those acts found to constitute violations of the provisions of RSMo, Section 285.525—285.550, Chapters 407 or 416, including but not limited to those acts and practices described in 15 CSR 60-8.010 through 15 CSR 60-8.090, inclusive, of the Missouri code of State Regulations; or
  3. Those acts found under other provisions of federal or state statutory or common law to constitute unfair pricing, fraudulent, unreasonable or unconscionable trade or sales practices, price gouging or price fixing with respect to the sale of goods, labor and/or services.
  4. Those acts found to constitute violations of the Criminal Code of the provisions of the statutes of the State of Missouri.
- B. Any person licensed pursuant to this Chapter who is convicted or found guilty with a suspended imposition of sentence for the commission of a proscribed activity, as defined in this section, by a court of competent jurisdiction, and who uses a city license in any way whatsoever as a means to assist the person to engage in a proscribed activity shall be subject to revocation or suspension of their city license in accordance with the procedure set forth in Section 11-13. Any

licensee who is licensed pursuant to this chapter who knowingly permits an employee, agent or other person associated with the suspension of his city license pursuant to the procedure set forth in Section 11-14 if the proscribed activity is associated with the licensed activity in any way whatsoever.

- C. Any person who has failed to secure such license shall be prohibited from securing the required license if the City Clerk determines that such person was convicted of a proscribed activity by a court of competent jurisdiction and did use the activity required to be licensed to assist the person to engage in a proscribed activity; except such person may, upon the license being denied, request a hearing pursuant to Section 11-13 and shall be entitled to a hearing in accordance with the procedures set out in this Chapter. (#1564 12/08)

**Section 11-13 Revocation or Denial of License.**

- A. All business licenses issued pursuant to this Chapter shall be issued by the City Clerk upon the condition that the licensee complies with this section. No licensee shall cause, maintain or permit a nuisance as prohibited by Chapter 13 in the conduct of the business for which the license is issued or on land where the business is licensed, nor shall any licensee operate the business in violation of any provision of this Code that applies to the operation of that business. Any person who operates a business licensed pursuant to this chapter in violation of any provision of this Code that applies to the operation of the business, or who maintains, causes or permits a nuisance prohibited by Chapter 13 in the conduct of the business, or on land where the business is licensed shall be subject to having the business license revoked or not renewed by the City Clerk in accordance with procedures set forth in this Chapter. The City Clerk shall not issue a business license when the City Clerk has reason to believe that the issuance of the license will result in the operation of the business in violation of this Code or that the operation of the business will cause or result in a nuisance or that a nuisance is on the land where the business is to be licensed. Upon the City Clerk's making a determination that there may be a violation of this section, the City Clerk shall notify the applicant in writing that the City Clerk will not issue the license, that the City Clerk will not renew the license, or that the City Clerk is revoking the license, stating the reasons for the City Clerk's decision.
- B. If the city clerk determines that the application for a license is not to be granted or if City Clerk determines not to renew the license, then the notice to the person requesting the license or renewal thereof shall give the applicant at least five days notice to request an informal meeting with the City Clerk. The City Clerk shall, if a hearing is requested within that time, hold an informal meeting with the applicant, informing the applicant of the basis upon which the decision was made, and shall attempt to informally resolve the matter, After such informal meeting, the City Clerk may reverse their decision or may reaffirm their decision in writing. Thereafter, the applicant may request a public hearing by filing a written

- request with the City Clerk within 15 days of the date of the City Clerk's decision. At the public hearing, a hearing officer appointed by the City Administrator shall hear evidence, determine the facts upon the evidence presented at the hearing, and render a decision.
- C. If the City Clerk takes action to revoke a license, they shall provide the licensee with notice in writing concerning the basis upon which the revocation is made, setting forth a date for an informal meeting with the licensee, giving the licensee at least five days notice. If the licensee does not appear at the informal meeting or if the licensee appears and the matter is not resolved, the City Clerk shall set a public hearing by giving the licensee at least ten days written notice of the public hearing. At the public hearing, a hearing officer appointed by the City Administrator shall hear evidence, determine the facts based upon the evidence presented at the hearing, and render a decision.
- D. The hearing officer shall have all the powers set forth in section 11-14 and shall conduct the hearing in accordance with the procedures set forth in that section. The hearing officer shall determine whether or not there is a basis for not issuing the license, not renewing the license or revoking the license. The decision of the hearing officer and the right to appeal his decision shall be in accordance with section 11-15. All notices for the purpose of this section shall be deemed to occur two days after the date the notice is placed in the United States mail, postage prepaid.
- E. After the decision of the City Clerk or the hearing examiner becomes final, the penalty under Chapter 11 for operating a business without a license shall be a fine up to \$500.00 per day of each day the person operates the business without a license. The City may, in addition to the penalties set forth in this section, seek civil penalties in a court of competent jurisdiction of \$500.00 per day for each day a person operates a business without a business license. (#1564 12/08)

### **Section 11-14 Hearing.**

If a person requests a hearing under the provisions of Section 11-13, the City Clerk shall set a date for such hearing, giving the person at least seven days' written notice of the hearing. The hearing officer appointed by the City Administrator shall hear the case and make a determination in accordance with the provisions of RSMo Chapter 536. The City Attorney, on behalf of the City, or any party to the proceeding may request the City Clerk issue subpoenas for witnesses or subpoenas duces tecum to be issued for any book, paper, record or memorandum, which records shall be produced at such hearing. The administrative hearing officer shall cause a record of the case to be kept and copies shall be made available to any interested person upon the payment of a fee. Decisions of the hearing officer shall be binding and shall be subject to appeal by either party, including the City. Such hearing need not be conducted according to the rules of evidence. Any relevant matter may be admitted and considered by the hearing officer if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious

affairs. Objections to evidence shall be noted and the hearing officer shall rule on such objection. (#1564 12-08)

**Section 11-15 Decisions to be in Writing: Appeals**

The decision of the hearing officer under this division shall be in writing and shall be subject to appeal under RSMo Chapter 536. All decisions of the hearing officer shall be final decisions 30 days after the mailing or personal service of the decision. (#1564 12-64)

Sections 11-16 through 11-25 reserved.

**ARTICLE II.**  
**FIREWORKS SALES PERMIT**

**Section 11-26. Fireworks Regulations.**

It shall be unlawful for any person within the City of Nixa, Missouri to discharge or cause to be discharged, ignited, fired, or otherwise set in action within the City Limits of the City of Nixa, Missouri, any fireworks, firecrackers, bottle rockets, sparklers, torpedoes, roman candles, fire balloons, squibs, snakes, spit-devils or other fireworks or substances of any combination whatsoever designed or intended for pyrotechnical use, as defined by pertinent state statutes, as considered class “C” or “B: explosives by the regulation of the United States Department of Transportation (USDT), except as provided in Section 11-27 of this chapter. The manufacture of class “C” or “B” explosives as defined by the USDT within the City Limits of Nixa Missouri, is prohibited. (1057 7/98)

Fireworks may be sold within the City of Nixa, Missouri in accordance with the following regulations.

Temporary fireworks stands may be located in any commercial or manufacturing districts as long as the applicant meets the required conditions for a building permit. A temporary fireworks stand may be located within any other zoning district with a conditional use permit approved by the Planning and Zoning Commission and Board of Aldermen.

Required conditions to receive a building permit from the City of Nixa Development Department:

1. Proof of fireworks tax having been paid to State Department of Revenue.

2. The stand must be located in an area zoned for commercial or manufacturing use, or must have a conditional use permit.
3. A site plan must accompany all applications and must include;
  - a. A legal description of the property where the proposed stand is to be located.
  - b. The dimensions of the lot.
  - c. The location of existing buildings and distances from property lines.
  - d. The location of the proposed fireworks stand and the setbacks from the property lines.
  - e. The location of both the off-street parking area provided (1 space for every 200 sq. ft. of stand area) and the City of Nixa or State Highway department approved access drive.
  - f. The zoning of the parcel where the stand is to be located.
4. All applications must be submitted to the City of Nixa Development Department five (5) working days prior to issuance of any building permits. Conditional use permit applications must be submitted no later than April 18 for the May Planning and Zoning Commission Hearing.

#### Setback Requirements:

1. Fireworks stands are required to have a fifty (50) foot front setback, a twenty-five (25) foot side setback unless adjoining a commercial or less restrictive district, then zero (0); a twenty-five (25) foot rear setback unless adjoining a commercial or less restrictive district, then ten (10) feet.
2. The stand must be a minimum of thirty (30) feet from any other building on the same or adjoining lot.
3. Fireworks stands must be at least ten (10) feet from any overhead electric line.
4. All tents and fireworks stands must be a minimum of one hundred (100) feet from any use involving sale or storage of gasoline, L-P gas or any combustible product.

#### Fireworks stand requirements:

1. Fireworks in open stock may be kept in showcases or counters out of the reach of the public without an attendant being on duty. Signs reading "FIREWORKS FOR SALE-NO SMOKING ALLOWED" shall be displayed in the section of the store set aside for the sale of fireworks.
2. All the area within and adjacent to tents or stands shall be maintained clear of grass, shavings or any combustible materials.

3. Minimum aisle width of thirty-six (36) inches, kept free and unobstructed at all times.
4. Minimum exit way of forty-four (44) inches, a minimum of three (3) exits are required.
5. Portable fire extinguishing equipment must be kept on premises at all times.
6. Electrical cords from the meter to the tent must be 12-2 with ground exterior wire.
7. All circuits entering the stand shall be protected by a GFI breaker.
8. Inspection will be required by the Development Department and the Nixa Fire Protection District prior to any fireworks stand opening for business. Notification for inspection should be made by calling 725-5850 for Development and 725-4025 for Fire during regular business hours.
9. Hours of operation shall be June 20-July 2, 8:00 a.m. to 11:00 p.m., July 3-4, 6:00 a.m. to 12 midnight.

(1032 11/97)

**Section 11-27. Permits for Public Displays.**

(a) The Board of Aldermen shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Board of Aldermen and shall be of such character and so located, discharged or fired so as, in the opinion of the Board of Aldermen after proper investigation, not to be hazardous to property or endanger any person.

(b) Applications for permits shall be made in writing at least 30 days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

**Section 11-28. Bond for Fireworks Display Required.**

The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the Board of Aldermen for the payment of all damages which may be caused whether to persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors.

**Section 11-29. Penalties.**

(a) The penalty for the violation of any part of this ordinance is a fine of not more than \$500 dollars or a term in jail of not more than ninety (90) days, or both such fine and jail sentence.

(b) The Chief of Police shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

Sections 11-30 through 11-31 reserved.

**ARTICLE III.**  
**GARAGE SALES**

**Section 11-32. Written Notice of Sale Required.**

No person shall advertise, conduct, carry on or permit any garage, patio, yard or other similar sale upon the grounds of or within any dwelling or accessory structure to a dwelling located in a residential district without first submitting to the City Clerk in writing the name of the person holding or conducting such sale, the location of such sale, and the dates when such sale is to be held.

**Section 11-33. Limit on Number of Sales.**

No person shall conduct or permit more than two (2) sales of the type required to be registered by Section 11-32 on the same premises within any twelve (12) month period, nor shall any such sale continue for more than three (3) days.

Sections 11-34 through 11-49 Reserved

**ARTICLE IV**  
**SPECIAL EVENT PERMITS**

**Section 11-50. Definitions.**

Special Event: Any event involving the extraordinary use of public property, such property including without limitation, the public right-of-way, public parks, public buildings or other City facilities; or events or act on public or private property. Extraordinary use includes amplified sound, closing of streets

electrical or plumbing hookups to City utility connections, fireworks, firearm salutes by military guards, the use of off-premise vendors, and noise generating events that continue past 11:00 PM.

Sponsor: To conduct, stage, present or organize a special event. A “sponsor” under this definition must be in charge of the special event, or have primary control of its conduct, staging, presentation or organizing.

Person: Any individual, association, partnership, limited liability company, corporation or entity.

**Section 11-51. Penalty.**

Any person found guilty or pleading guilty in municipal court for any violation of the provisions of this Article shall be punishable by a fine not to exceed five hundred dollars (\$500.00). However, said penalty shall not be the exclusive remedy available to the City of Nixa for enforcement of the provisions of this Article.

**Section 11-52. Permit Required.**

It shall be unlawful for any person to sponsor or knowingly participate in any special event without a special event permit issued by the Development Department to the special event sponsor.

**Section 11-53. Application.**

1. The application form for a special event permit shall be available in the Development Department. Applications requesting a special event permit shall be filed with the Development Department at least ten (10) business days prior to the proposed start date of the special event, unless the ten (10) business day time period is waived by the City Administrator for good cause.
2. The application for an event permit shall include:
  - a. The name, address and telephone and facsimile number of the applicant, and for any persons acting as sponsors of the special event who will be responsible for its conduct, staging, presentation or organizing. If the applicant is a company, corporation or civic organization, then the name of the company, corporation or civic organization, and names and addresses of its directors and officers shall also be included.
  - b. The purpose or description of the special event, the estimated number of participants or those attending, and a plan or description for the use of any off-premise advertising or off-premise vendors for the event.

- c. The date or dates the special event is to be held, and the time it is to commence and terminate, including set-up and shutdown times.
- d. The location of the special event, including a drawing or plan showing the entire location to be utilized by the event in relation to existing building locations within the tract or lot, drive areas, layout of parking areas, and the amount of space available for off-street parking.
- e. The specific street or streets, or portions thereof, to be closed, if any, for the special event.
- f. Whether alcoholic beverages will be allowed, provided or sold by vendors during the special event, and the plan or description for such allowance or provision for the purpose of assessing police, fire, health and finance department responses. (See 11-62 for additional requirements.)
- g. A plan or description for the use of lighting, music, loud speakers, a live band, or sound system, if any, during the special event, and the type and location of speakers and other audio and lighting equipment.
- h. The name and address of the security company, if any, engaged for the special event, and a description of the duties to be performed. The City of Nixa Police Department shall not provide the private security services for a special event.
- i. A plan or description for fire protection for the special event, including a map specifying the location of 18 foot fire lanes, water supply for fire control and the use of tents.
- j. A plan or description for emergency medical services for the special event.
- k. A plan or description for compliance with applicable health codes of the Christian County Health Department
- l. A plan or description for the use or allowance of animals during or as a part of the special event.
- m. A plan for the disposal of sanitary waste and sewage for the special event, including toilet facilities, and the disposal of garbage, trash, and refuse.
- n. Compliance with the Nixa Municipal Code relating to merchant licenses for the special event.

- o. For events to be located upon or require the closing or blocking of any street, alley, or road, or the use of any city-owned property or right-of-way areas, submission of a liability insurance policy in the amount of one million dollars (\$1,000,000.00) for any injury to any person, including death, arising out of one incident, one million dollars (\$1,000,000.00) for any damage to property, and one million dollars (\$1,000,000.00) automobile liability insurance for any injury to any person, including death, arising out of one incident. The City of Nixa shall be an additional named insured for each of the above-referenced policies, and the special event sponsor(s) shall execute a hold harmless agreement indemnifying the City of Nixa.
- p. Any additional information which the Development Department shall find reasonably necessary to a fair determination as to whether a permit should be issued.

**Section 11-54. Issuance of Permit by Development Department.**

- 1. Special event permits shall be granted or denied by the Development Department and shall contain terms and conditions as may be deemed necessary to assure a neat, safe and orderly event in accordance with the terms of this Section. Such terms may include specific locations in which possession and consumption of alcoholic beverages will be confined, and regulations concerning prohibited noises.
- 2. Special event permits are not transferable, and shall expire at the close of the last date of the event for which it has been issued. Failure of the sponsors of the event to comply with the terms and conditions of a special event permit, and the applicable ordinances of the City of Nixa and laws of the State of Missouri shall immediately void the permit.
- 3. Standards for issuance. The Development Department shall issue a special event permit as provided for hereunder when, from a consideration of the application, upon the approval of the applicable City department, including without limitation Police and Finance, the Nixa Fire Protection District, and the Christian County Health Department, and from such other information as may otherwise be obtained, they find that:
  - a. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location unless approved by the Chief of Police
  - b. The conduct of the special event will not require the diversion of so great a number of police officers of the City to properly police the event and the areas contiguous thereto as to prevent police protection to the City unless approved by the Chief of Police.

- c. The concentration of persons, animals and vehicles at the location of the special event will not unduly interfere with proper fire and police protection or ambulance and emergency medical services to the area of the special event and the areas contiguous thereto unless approved by the Police Chief and the Nixa Fire Protection District Chief.
- d. The conduct of such special event will not interfere with the movement of firefighting equipment in route to a fire unless approved by the Nixa Fire Protection District Chief.
- e. The conduct of the special event, as provided for by the submitted application and plans, it not reasonably likely to cause or create any significant public health risks unless approved by the Christian County Health Department.
- f. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance beyond the capacity of the Police Department to protect the general public or those participating in the special event.
- g. Verification that the information contained in the permit application by the event sponsor is true and does not omit any material detail for the consideration of the above factors; and
- h. Verification that the event sponsors do not have any outstanding or unpaid fees, taxes, fines, or monies owed to the City of Nixa unless approved by the Finance Director.
- i. For not-for-profit corporations, a copy of the Internal Revenue Service or Missouri Department of Revenue tax-exempt certificate.

**Section 11-55. Notice of denial of permit; Appeal Procedure.**

1. The Development Department shall act upon the application for special event permit within five (5) business days after the date filed. If the Development Department disapproves the application, they shall mail the applicant within five (5) business days after the date upon which the application was filed, a notice of the action, and stating the reasons for the denial of the permit
2. Any disapproval of a special event application must first be reviewed by the City Administrator.

3. Any person aggrieved by the decision of the Development Department shall have the right to appeal the denial of a special event permit to the Board of Aldermen. The appeal shall be filed with the City Clerk no later than thirty (30) days after the date of the notice issued by the Development Department. The Board of Aldermen shall hear the appeal of the applicant as an agenda item at the next regularly scheduled Board of Aldermen meeting after its receipt by the City Clerk.

**Section 11-56. Alternative Permit.**

The Development Department in denying an application for a special event permit, may issue an alternative special event permit for the conduct of the event on a date, at a time, at a place or in a manner different from that named by the applicant. Any applicant desiring to accept an alternate permit shall, within five (5) business days after notice of the action of the Development Department, file a written notice of acceptance with the Development Department. An alternative special event permit shall conform to the requirements of and shall have the effect of a special event permit under this Article.

**Section 11-57. Modification or Rescission of Special Event Permit.**

1. The Development Department may modify or rescind any special event permit for good cause, including, but not limited to:
  - a. A determination that any representation or statements by the event sponsor contained in the event permit application are false or misleading in any material detail.
  - b. A determination of noncompliance by the event sponsor of any terms or conditions of the permit.
  - c. A determination that the event as applied for and described upon the submitted plans may pose an immediate threat to public health, welfare or safety due to reasons including, but not limited to weather conditions, overcrowding, traffic considerations, or violations of the Nixa Code of Ordinances or the laws of the State of Missouri by the event sponsor.
  - d. A determination that the event sponsor is in violation of any ordinance of the Nixa Municipal Code.
2. The appeal from the decision to modify or rescind a special event permit by the Development Department shall proceed in accordance with Section 11-55 relating to the issuance of notifications, times and procedures to be followed.

**Section 11-58. Responsibility for Expenses.**

The special event sponsors, and any other individuals or organizations named in the permit, shall be responsible for any expenses incurred by the City of Nixa as a result of the sponsored special event for stolen or damaged City property, cost of materials and

utilities for the event by the City of Nixa, including but not limited to, water, sewer, electric, and solid waste disposal, and for City of Nixa employee overtime wages for the event. Any permit or consent issued by the Parks and Recreation Superintendent for the use of any park or community center facility shall be considered a special event permit for the purposes of this section.

**Section 11-59. Period of Operation and Duration.**

A special event shall take place only between the hours of 8:00 AM and 11:00 PM, Sunday through Thursday, and 8:00 AM and 12:00 Midnight Friday and Saturday; and shall not operate for a duration greater than ten (10) days in length, unless these days and times are otherwise extended by the Development Department for good cause.

**Section 11-60. Duty to Restore Event Location.**

Special event sponsors shall be responsible for the cleaning and restoration of the location or locations the event occupies and/or causes debris or litter within forty-eight (48) hours of the conclusion of the event, or at such other time as may be set forth in the permit, to the condition which existed prior to the event and shall provide waste disposal receptacles and toilet facilities for use of those attending the event.

**Section 11-61. Exempt Events.**

Any event sponsored by the City of Nixa as well as any emergency services program, military exercise simulation, or training drill, or any governmental agency acting within the scope of its functions, shall be exempt from complying with the requirements of this Article.

(#1293 4/04)

**Section 11-62. Requirements for Permit for Beer and Wine Sales at Special Events.**

The Board of Aldermen of the City of Nixa may authorize a permit to an organization that wishes to sell or distribute fermented malt beverages or wine at a Special Event according to the following conditions:

1. The applicant needs to obtain the appropriate permit from the Missouri Department of Liquor Control.
2. The applicant shall obtain a Special Event Permit from the Development Department and resubmit the application in a timely enough manner that

provides to the Board of Aldermen reasonable time to hold a public hearing to consider the request.

3. The person(s) whose name is on the application shall be present at the Special Event throughout the Special Event
  4. A designated, fenced area shall be provided with one entrance and one exit. The applicant shall man the facility with adult security personnel who will be responsible for verifying, with proper identification, patron's legal drinking age.
  5. No person who is under or appears to be under the influence of alcohol consumption shall be sold or provided with additional beer or wine.
  6. The organizer of the event shall provide enhanced security (auxiliary police, contracted security, or of like-kind personnel) at the expense of the organizer during the event. The application shall identify security personnel when it is submitted for review.
  7. Beer or wine shall not be distributed or sold after 10:30 p.m. Upon closure of the event, no alcohol shall be left on the premises.
  8. The designated area, along with all distribution equipment used for the sale and distribution of beer or wine shall be removed from the facility by 12:00 p.m. the day following the event.
  9. All organizations selling or distributing beer and wine shall follow these rules at all times. Failure to adhere to these rules may result in the denial of any future request for a Special Event Permit.
- (#1340 3/05)

**Section 11-63. Procedure for Moving a Structure.**

1. Submit a plan that sets forth the following:
  - a. A plot plan showing the proposed location of the structure or building with its certified legal description; and
  - b. The structure components of the foundation, beams, and piers, upon which the structure or building will rest; and
  - c. An itemized description and cost estimate of the work which will be necessary to meet provisions of Chapter 36, Article V, Building Code; and

- d. The manner in which the outside of the building or structure will be painted and otherwise brought into a state of good repair; and
    - e. A schedule setting forth the time that each phase of the work will commence and the time for its completion; and
    - f. Proof that applicant has liquid assets or loan commitments sufficient to complete the project set forth in the plan, within the schedule set forth therein.
2. Request an inspection of the structure to be moved and the area of relocation
  - a. This inspection is necessary to determine if the structure can be moved, and if it meets the regulations of the building codes. If the structure does not meet code, then certain changes and/or additions must be agreed upon to be completed in order to move the structure.
3. After the plan has been submitted and the structure inspected, the Chief Building Inspector will review and approve the plan, if he finds:
  - a. That the structure or building will comply with Chapter 36, Article V, Building Code; and
  - b. That the proof of financial capability or other financial assurances demonstrates that applicant has liquid assets or loan commitments sufficient to complete the project set forth in the plan, within the schedule set forth therein.
4. After receiving approval of moving, the following shall be done before a moving permit can be issued:
  - a. Cutoff and remove all existing utilities. Cap or terminate utility lines as per City of Nixa utilities.
  - b. A sewer plug/septic tank crush permit will have to be issued to a certified plumber.
5. The moving permit will then be issued:
  - a. Only after a foundation and repair inspection has been issued.
  - b. Only to a licensed, bonded, and insured house mover who, when applying for a moving permit and has a current business license if applicable, and current "cab card" issued from the State of Missouri and states in writing the:
    - i. Location of existing structure.
    - ii. New location of structure.
    - iii. Length, width, and height of structure after loaded on truck.

- c. Only after a route approval from the Public Works Director has been obtained.
  - d. Only after confirmation from the City of Nixa utilities that all utilities to the structure have been disconnected.
  - e. Only after the building or structure has been loaded and attached to the vehicle which will transport it to its new location, the Chief Building official or his designee shall inspect the same.
6. Permits require:
- a. Single family building, which shall address all applicable utility hookups.
  - b. Other, if necessary, to be discussed at time of moving permit.
7. Plans required for commercial buildings:
- a. Plot plan to scale of new location
  - b. Legal description certified.
  - c. A complete set of plans by a registered architect or engineer is required if the structure is to be used for anything other than a “One of Two Family” residence, which is to include footing/foundation wall showing pier placement and sizes.
8. Regulations for moving structures:
- a. No structure over 1,600 square feet in area can be moved without approval from the City Administrator
  - b. No structure exceeding 20’ in height after loaded on a truck can be moved without special written approval from the Director of Building Development Services and the Director of Public Works. The 20’ is measured from the ground to the top of structure.
  - c. Work involved in moving a structure must begin within five days from issuance of a moving permit pursued diligently and continuously until structure is relocated. A delay of 14 days with no substantial work may be cause to declare the structure dangerous.
  - d. Once the structure is relocated, all work to meet the building, plumbing electrical, and mechanical codes shall be completed as per approved schedule.
  - e. No structure after being relocated shall be occupied, used sold, leased or rented until such structure meets all regulations of building, plumbing, electrical, and mechanical codes.
  - f. No permanent utilities shall be connected until structure meets all codes.
  - g. Nothing can be done to the structure to cause it be become dangerous to the public preparing it for the move or during moving.

(1402 4/06)

Section 11-64 through 11-100 reserved.