



**Issue:** Discharge of Fireworks  
**Date:** 06/23/2022  
**Submitted By:** Jimmy Liles, City Administrator

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### Background

Since July 4<sup>th</sup> falls on a Monday this year, staff was asked to research the possibility of allowing fireworks to be discharged during the weekend. City Ordinance 16-200 currently states that unless a fire ban is in effect, the discharge of fireworks by the general public is permitted inside the city limits on July 4<sup>th</sup> between the hours of 2:00 pm and 11:00pm and on December 31<sup>st</sup> from the hours of 2:00 pm through January 1 to 12:30am.

### Analysis

To allow fireworks to be displayed on any other day or time than is described in ordinance 16-200, Council would need to adopt an ordinance changing the days and/or times. Staff has prepared an ordinance for Council's consideration that would allow for fireworks to be discharged on July 2, 2022, July 3, 2022, and July 4, 2022, between the hours of 2:00pm and 11:00pm. This ordinance would address fireworks during the prescribed days in 2022 only. Council would then have additional time to discuss more permanent options for future dates.

### Recommendation

Staff's recommendation would be for Council to consider the ordinance allowing fireworks to be discharged on July 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> of 2022.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING SECTION 16-200 OF THE NIXA CITY CODE TO AUTHORIZE THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS FOR JULY 2<sup>nd</sup> and 3<sup>rd</sup> 2022.**

**WHEREAS** current City Code authorized the public to discharge fireworks within the City limits on certain days; and

**WHEREAS** the Council desires to allow for the discharge of fireworks for the July 2022, Fourth of July weekend; and

**WHEREAS** the City Council, after considering the amendments contained herein, desires to approve and adopt this Council Bill.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:**

**SECTION 1:** Chapter 16, Article IV, Division 4, Section 16-200 of the Nixa City Code is hereby amended by repealing said section in its entirety and adopting in lieu thereof a new Section 16-200, which said section shall read as follows:

(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

Sec. 16-200. Public discharge of fireworks; when permitted.

(a) Unless a burn ban is in effect, the discharge of fireworks by the general public is permitted inside the city limits for the following dates:

(1) July 4 between the hours of 2:00 p.m. and 11:00 p.m. Notwithstanding this subsection (1), the discharge of fireworks between the hours of 2:00 p.m. and 11:00 p.m. by the general public is permitted inside the city limits for July 2, 2022, July 3, 2022, and July 4, 2022.

(2) December 31 from 2:00 p.m. through January 1 to 12:30 a.m.

(b) However, the discharge of fireworks must be done safely, and any complaint that details hazardous activities, malicious conduct or any act in conflict with city ordinances, state or federal laws may result in the seizure of fireworks and/or prosecution in accordance with applicable law. Additionally, anyone under the age of 17 must be supervised by a parent or adult when handling, discharging, or assisting in the discharge of fireworks. The city fire department will be authorized to assist in regulating and confiscating fireworks.

**SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different

47 internal citation references than those provided herein when such section numbers,  
48 subsection numbers, or internal citation references are in error or are contrary to the intent  
49 of this Ordinance.

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51 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to  
52 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
53 incurred nor any cause or causes of action occurred or existing, under any act or  
54 ordinance repealed hereby.

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56 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or  
57 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect  
58 the validity of the remaining portions of this Ordinance. The Council hereby declares that  
59 it would have adopted the Ordinance and each section, subsection, sentence, clause, or  
60 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
61 sentences, clauses, or phrases be declared invalid.

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63 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final  
64 passage by the City Council and after its approval by the Mayor, subject to the provisions  
65 of section 3.11(g) of the City Charter.

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68 **ADOPTED BY THE COUNCIL THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.**

69  
70 ATTEST:  
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72 \_\_\_\_\_  
73 PRESIDING OFFICER CITY CLERK

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76 **APPROVED BY THE MAYOR THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.**

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78 ATTEST:  
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81 MAYOR CITY CLERK

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84 APPROVED AS TO FORM:

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86 \_\_\_\_\_  
87 CITY ATTORNEY